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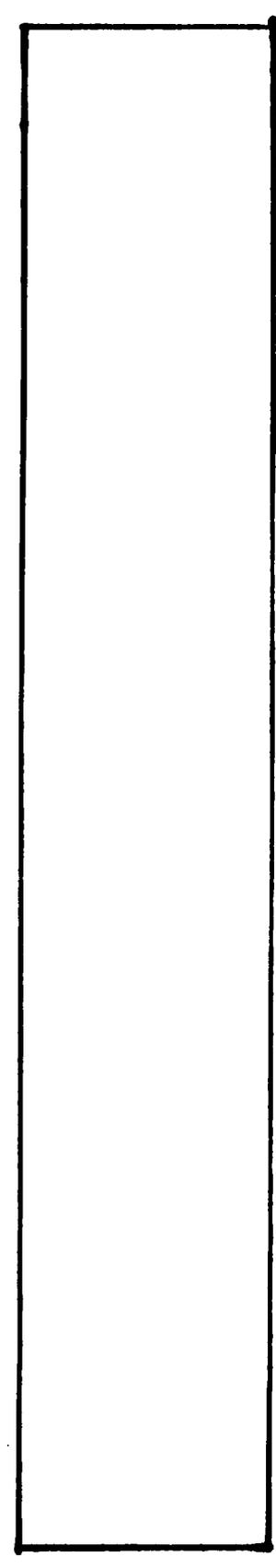
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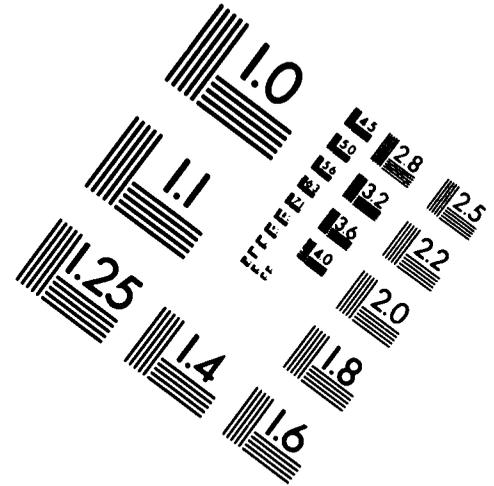
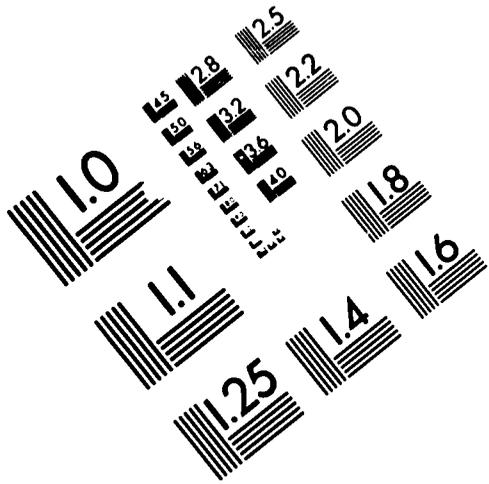
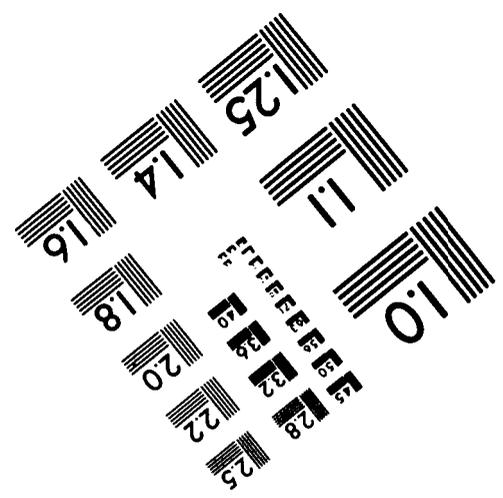
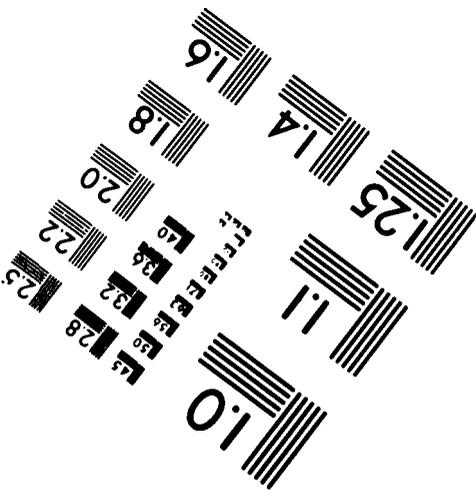
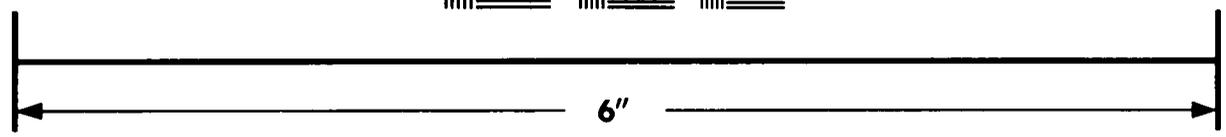
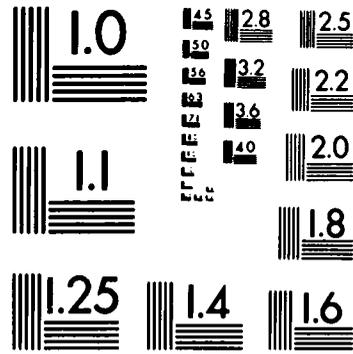


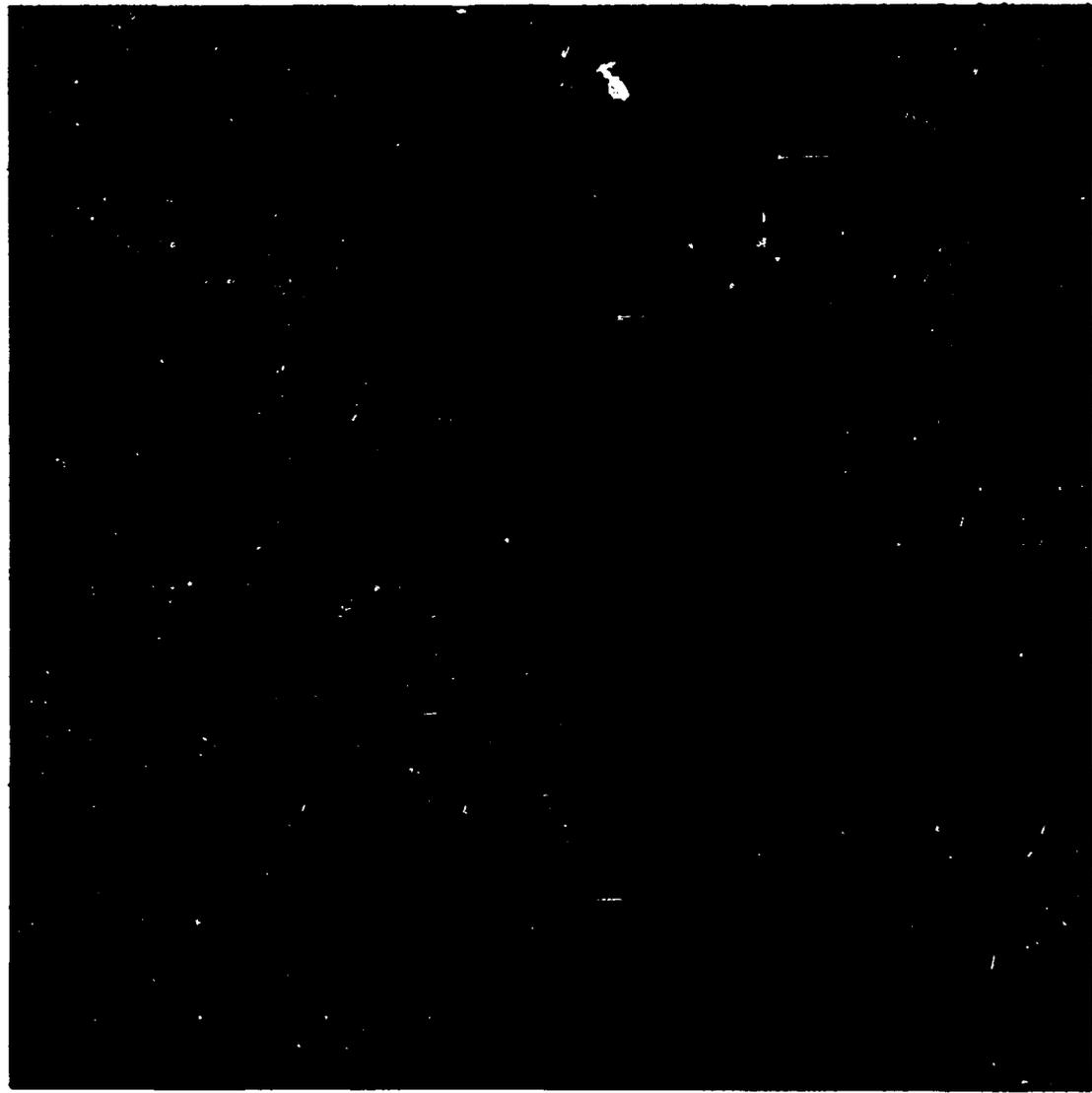
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REDUCTION

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28405 * The accused stated that it was his view that the entry into Jehol was done under the Japan-Manchukuo Pact of September 15, 1932. It was not true that it had been decided as early as December, 1931, that Jehol was to be included in the area of operations.

28406 * Since no one would know who the opponent was to be in the Chinese Army, no one could tell how far the Army would be able to go. Therefore, since the one responsible for the unsettled affairs in Manchuria was Chiang Hsueh-liang, accounts had to be settled with him. The problem came up as to how far Chiang's authority extended. Since it extended to Jehol, that was what they decided on. Their real desire was not in the use of armed force, but the INUKAI Cabinet wished to settle things peacefully and quickly. That was the main outline of the INUKAI Cabinet's policy. (Reference was made to exhibit 3162. in connection with that answer).

28407 The accused stated it was not true that operations against Jehol actually began in July 1932 and continued through August 1932. * At the time he heard nothing whatsoever concerning atrocities at Nanking. He first heard of it when testimony was given before the Tribunal. Cabinet advisers were not shown reports coming from the Consul-General at Nanking. He did not know that military were sent to Nanking to investigate the matter.

28408 * He had never seen an account in Japanese newspapers concerning the massacre of Chinese. He knew that MATSUI was replaced in February, 1938, but didn't know the circumstances nor did he inquire into the reasons. He knew that on 16 January 1938, the KONOYE Cabinet decided to have no further negotiations with Chiang Kai-shek. At the time of this announcement, all cabinet advisers gave strong opinions concerning the phrase "No further dealings with the Chiang Regime". The phrase was ambiguous and the wording not of the best. No one could predict what the effect of such a statement would be.

28409 * When asked if the decision was not to fight to a finish with China, he stated that Cabinet advisers hardly heard anything of such a nature. The Cabinet issued the statement, and the accused felt it was very kind of it to show the statement at all before it was published. * The
28410 opinion of practically all cabinet councillors was that although the wording was ambiguous, it meant that all negotiations with the Chiang Regime would be cut off.

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He did not know what was discussed at the Cabinet meeting, but did know that the statement to the effect that Japan would not deal with the Chiang Regime was issued without alterations.

28411

When asked why in May, 1938, he joined the government which had rejected his advice on all vital questions of policy, he stated that he felt it was still * too early for him to go completely into retirement, and he should make one more effort for his country. He also accepted partly because of KONOYE's urgent pleas. When the accused met KONOYE later and asked him about the statement, KONOYE said that he did not issue it with the thought that negotiations with the Chiang regime would be cut off. If that regime re-considered, they were willing to take up the negotiations again. He did not remember that the statement was repeated in December, 1938, or that steps were taken by the Cabinet to establish Wang Ching-wei as a rival government.

28412

When asked why he remained a member of the Cabinet which continued to act in opposition to his policies, the accused stated that he still felt there was * some way his hopes could be realized. He bent all efforts to that end, but because of his Cabinet position he had no means of knowing about the policies nor of those matters. His advice was not sought. He did not even know when Wang Ching-wei came to Japan.

28413

The accused stated that during the time he was in the first KONOYE and HIRANUMA Cabinets, matters were decided by the 5 Minister's Conference, and he was not consulted. He was asked if it were not the truth that no decision taken by the 5 Minister's Conference could be put into effect until it had cabinet approval. He stated that would be so if a policy was actually carried out after being decided upon, but at that time hardly any important policies were decided. He was not sure whether he was present on 10 June, 1939, when the HIRANUMA Cabinet decided to establish the Wang Ching-wei regime. * He did not even know that Wang had been brought to Japan at that time.

He did not recall making a speech on the first anniversary of the China Incident, in which he stated that Japan would not lay down arms until anti-Japanese China was completely crushed. He believed such a speech must have been taken from the Monbu Ji Hyo, or another document referred to before.

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28414 The Education Ministry review (Monbu Ji Hyo) was published by the Ministry, and there was a section which handled it. Somebody must have written that statement, and perhaps he had glanced through it. There was nothing more than that. He remembered that when he was shown one of those monthlies, he did remember it. That was the extent to which the matter went. * If the whole document were looked at, it would be found that the real import of the article did not include such an idea. (Exhibit 2281).

REDIRECT EXAMINATION BY MR. McMANUS.

28415 * The accused stated that he had been interrogated 20 odd times. The three interpreters who had appeared in the court were not the only ones which appeared before him at Sugamo. There were others.

28418 * The accused was handed a document which was a statement from Commander SHIRAKAWA regarding the cessation of hostilities in the Shanghai Incident. He was asked if he were personally responsible for the statement. He stated that previous to SHIRAKAWA's departure, he instructed him as he had instructed Commander UEDA that the ideas of the government and the military were the same as those subsequently embodied in his statement. He believed that the statement was issued in accordance with his intentions, that the matters should be solved without recourse to arms.

28419 * The accused stated that the policy of non-expansion was not restricted to China Proper, but applied everywhere. * He was asked if he knew anything about the Japanese plan OTSU. The accused stated that he believed the OUSU plan was an operational plan. He did not know about it.

28421 * The accused stated that on 11 May, 1932, he made a statement concerning the withdrawal of troops from Shanghai. * On October 30, 1933, he had suggested an Asiatic Peace Conference for all countries concerned to participate for the promotion of world peace.

28424 The accused * identified a document handed to him as a report written down by a newspaper man who came to see him concerning the proposal he had made for the holding of an Asia Pacific Conference. He did not know anything, however, regarding the latter part of the document.

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- 28425 * When asked if he did make such a suggestion, he stated that his affidavit showed the efforts he made toward the realization of the conference after the Tangku truce.
- 28429 * Exhibit 3166, a letter dated 20 January 1934, from ARAKI to Premier SAITO concerning basic suggestions for the emergency, was received in evidence.
- 28432 * Exhibit 3163-A, a statement by General UEDA to the Commander of the 19th Route Army, dated 18 February 1932, stated that the Chinese Army was to stop fighting at once and complete withdrawal from the present front at 0700 February 20. Withdrawal must be completed by 1700 February 20 from a described area. Furthermore, fortresses and other military facilities within this area must be withdrawn and not re-established. The Japanese Army would not shell, bomb, nor pursue after the Chinese Army commences to withdraw. However, reconnaissance planes will not be restricted. * After withdrawal, the Japanese will hold only the area in the Hung Kiu vicinity. After withdrawal, the Japanese will send investigators to the zone to ascertain execution. The Chinese Army must thoroughly protect the lives and property of Japanese nationals in the Shanghai area. If protection is not complete, appropriate steps would be taken. Effective measures were also to be taken against guerrillas. Separate negotiations concerning the protection of foreigners in the Shanghai area would be made.
- 28433

- 28434 As for prohibiting anti-Japanese movements, the promise Mayor WU made to Consul-General MURAI on 28 January must be carried out strictly. Japanese diplomats would principally negotiate separately about this item. * If these items are not carried out, the Army would be compelled to take free actions against the Chinese Army. All the responsibility arising as a result would be borne by the Commander of the 19th Route Army.

- 28435 From exhibit 3163-B, the statement of Commander SHIRAKAWA, dated 1 March, 1932, to the Ninth Division, stated that he had just arrived to take command of the Shanghai Army, to protect Japanese there in cooperation with the Navy. However, Japan had made every effort to settle the matter peacefully, it had been in vain. Now that the Ninth Division had taken to arms, * the Chinese were going to resist with heavier preparations and a larger force. Japan was thus obliged to increase her forces.

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They did not, however, want to fight and complicate the matter. If the Chinese accepted their demands and evacuated, they would not hesitate to cease military action. They would be faithful neighbors with the Chinese people and maintain harmony with all countries. He intended to do his best not to enlarge the incident and to limit it and settle it quickly to protect the Japanese people fully and restore order to East Asia.

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* Exhibit 3167, a report by ARAKI to the House of Peers on 23 March 1932, stated that the anti-Japanese movement in China, which has been a great hindrance to peace in the Orient, had precipitately enlivened its activities lately. The rights of Japan had been ignored by Manchurian authorities and pressure placed on Japanese and Koreans. Their insolence has resulted in the slaughter of these people. * This situation culminated in the murder of Japanese army officers. They had tolerated these outrages with patience. The state of things had grown worse, and challenged by the violence of Chinese soldiers near Mukden, the Japanese have been forced to rise against their will, in self-defense.

Since then, the army had faced with minor forces an enemy which outnumbered them, with continuous operations night and day under difficulties. An encouraging resolution had just been received, and they had met with enthusiastic support, borne of public wrath. Thus unified, the people had gone through many international crises.

28439

At present, the Japanese force in Manchuria * numbered less than 30,000, and were stationed in a vast area two and a half times as large as the Empire. They were directly charged with protecting the lives and property of one million Japanese and Koreans, and indirectly with the preservation of peace and welfare of thirty million. The soldiers had fulfilled their duty and took their stand in the lifeline of national defense and safeguarded security.

28440

At the outbreak of the Incident the Japanese force consisted of only 10,400. The force around Mukden was only 4,000 strong at the time of the Incident. The Chinese army approximated 220,000, with 14,000 stationed near Mukden. At the outbreak of the conflict, a brigade was sent from Korea, and other troops have been sent to meet the requirements. * In this manner, minor forces have stripped Manchuria of the menace near the Liaohsi and swept away disturbances in North Manchuria.

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Bandits had been suppressed and pacified with few casualties on the part of the Japanese. However, the circumstances deemed of no optimism, and the authorities were engaged in measures to cope with the situation. They hoped for eternal peace in Manchuria and her development even from the standpoint of Japanese national defense. This condition necessitates the existence of the present forces and more if possible.

28441 Concerning affairs in the Shanghai vicinity, the army saw the necessity of taking deliberate measures, judging from its character which was different from Manchuria, at the end of February the Cabinet council decided to send * reinforcements. The authorities wished for an immediate solution without bloodshed and repeatedly negotiated with the Chinese, who showed no sincerity and replied with bombardment. It was a matter of regret that Japan was compelled to exchange fire.

28442 The Chinese army was reinforced with guards under Chiang Kai-shek, in addition to the 19th Route Army. The total strength was six divisions, who threatened to take the offensive. Therefore, two Japanese divisions and adjunct troops were dispatched, and early that month, with one blow, they defeated the main body of the enemy. At present, Japanese forces were assembled in a limited area in a state of suspension of hostilities, with a view to restoring peace. In harmony with the fundamental government policies and in cooperation with the navy, the army * had succeeded in attaining its object and avoiding a full-scale conflict. The object in sending troops to Shanghai was to protect Japanese residents and preserve peace in the International Settlement. So long as China did not menace with a large-scale offensive, the authorities had decided to withdraw the forces on their own accord. The middle of the month, a division and a brigade had been instructed for evacuation, and were then under transportation.

28443 In view of present conditions, a careful examination of the incident showed that it was not one incomparable in its gravity with the Siberian expedition or the Manchuria Incident, but might be said to rival even the Russo-Japanese war in importance. It was natural that the morale of the soldiers and the nation had been enhanced. It was their earnest desire to safeguard the nation's security and the * peace and welfare of the people by virtue of their loyalty, devotion, and thus see a glorious conclusion.

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28444 Army and navy cooperation as demonstrated during the latest operations, was unrivaled and were of special attention. With the virtue of His Majesty and the devotion and loyalty of the soldiers, it had been clarified that the army deserved the high regard of the world, and it can take a resolute stand with the unanimous support of the people. The new dawning light of peace was being noticed in the Orient. The authorities concerned were determined to tide over the crisis by united efforts, to secure national defense, exalt prestige abroad, extend national virtues at home, and to abide by the Imperial Way. They were determined to make a contribution toward perfect peace in the Empire, and redoubled efforts * for the fulfillment of their heavy responsibility in guarding and maintaining the Imperial Throne.

28446 * From exhibit 3166, a letter dated 20 January, 1934, from ARAKI to Premier SAITO, it was stated that the present situation might appear different when looked at from different angles, but he firmly believed that it was not an emergency situation, but a critical juncture, at which the Empire's fate was at stake. Opinions seemed to differ as to whether or not a crisis in Japan would result, but really important affairs are apt to arise without a days notice. His opinion was that a nation must be ready at all times to avoid trouble and secure a * basis for further development. He was not inclined to believe they could take a rose-colored view of things. Potential danger was often made actual when people avoided tackling difficult problems and sought to comfort themselves by taking a light view.

28447 He didn't believe it far-fetched or intentional pessimism if unforeseen difficulties in the immediate future were forecast. This was the moment when national unity was required to bring about the Empire's prosperity. He had already expressed his views on various occasions, including that of the Five-Minister Conference, to cope with the situation. He took the liberty of making further suggestions, and he solicited the Premier's consideration over the future of Japan and asked that it be put into practice.

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28448 * it had not entirely slipped his notice that some people had misgivings concerning the military attitude toward international problems. He would state that this attitude had been consistent and rigid in the past, and would remain so, vis-a-vis those whose ideology and views were not reconciled with the national character. He had been exerting what service he could toward promoting Japan's position among the powers, and their confidence in Japan. He explained to them wherever possible the principle of the Empire's foundation in connection with national policies and principles of the present. His intention in doing so had been to seek efforts among the powers so that the Empire would not be entirely isolated. He hoped the Premier would render his assistance in realizing closer relations between the foreign and military authorities, with whose cooperation Japan might maintain her superior position in the international community, and that her

28449 * rightful claim might be duly complied with.

It was an urgent matter to inspire the people with the moral sense of the Empire and to reveal the essential qualities of its culture by perfecting national power based on nation-wide harmony, and moreover, to strengthen recognition of the national structure, further peace and security, and expedite the establishment of peace in East Asia and the Pacific.

28450 * Because of international crises in 1935 and the tendency toward renovation among jurisdictional courts and other circles, unfavorable social trends were expected to be revealed, which were liable to produce unrest among the people, and world communities in particular. Combined with the disturbance in educational circles and the labor field, conditions would be aggravated, and some, if not all military personnel, might be influenced and led into restlessness. The present situation seemed to be apparent tranquility, but it was not his opinion that it would be impossible for the government to tide over the difficult situation unless means were devised to dispel prevailing unrest. These tendencies refused to be driven away by ordinary or mediocre measures. The affairs in Japan should be a matter of religious service.

The fundamental aims should enable the people to live in peace and contentment, by observing such virtues as worship of gods, intimacy between the sovereign and his subjects, and perfect harmony between high and low. They should act in observance of virtues peculiar to the Empire and reject both Communism and Fascism.

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28451 A tendency should be adjusted after it is taken into consideration, and then directed to a proper course.
* Natural tendencies do not always take reasonable courses. Those who govern must devote themselves to assisting in the Emperor's rule, in conformity with nature, and by transcending reason to bring about the development of national power and let the people live peacefully.

28452 Since these tendencies had gathered strength and the crisis was impending, they must be prompt in judging where the trend would lead. They must sacrifice themselves to render allegiance and assistance to the Emperor. Since appeal to the Emperor and then to transgress the Imperial Way would constitute an act deserving death, they must petition the Emperor to grant amnesty for past crimes. Thus, they could purify life and drive the offenders to devote themselves to a new way of living in expiation of their sin. This could effect a complete change of public feeling,
* and they must carry out large-scale reforms in government. For this purpose they should have to request Imperial decision so the people might be informed on the plan, and should have to adjust this tendency. By thus establishing the basis of national power, they must discharge their great duty of assisting the Throne.

28453 * From exhibit 3166, letter dated 20 January, 1934, from ARAKI to Premier SAITO, it was stated that by judging the international situation, they could determine policies, especially those toward the Soviet, U. S., and China. Certain policies must be decided on while preparations were being made for a peace conference to establish a basis for peace in East Asia and the Pacific.

28454 The policy toward the Soviet should mainly concern international relations. Toward China, U. S. and the League, it concerned mainly with Manchurian problems.
* Policies toward Britain and the U. S. mainly concerned the London Disarmament Conference, and toward Britain, U. S. and China concerned international economic relations.

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Page DIRECT EXAMINATION OF MASAKI, Jinsaburo
BY MR. SUGAWARA

28455 * The witness identified Exhibit 3168 and verified
28456 it. The affidavit stated * that the witness was Vice Chief
of Staff from January 1932 to 19 June 1933, a War Councillor,
Inspector General from January 1934 to 16 July 1934, a War
28457 Councillor again and transferred to the reserve in March
1936. When he became Vice Chief of Staff * the Chief of
Staff was Prince KAN-IN and the War Minister was the ac-
cused ARAKI. When he assumed his post, ARAKI explained
to the witness that the state of affairs was quite alarm-
ing. There had been many internal incidents and relations
with the League were not satisfactory.

The situation in Manchuria had become more aggra-
vated. There was every danger it would develop into a
regular war, and they must leave no stone unturned to
immediately safe the situation.

28458 ARAKI told the witness that when he was appointed
War Minister, the Chinchou District was in a critical con-
dition. Unless they saved it, residents and troops would
be in danger. Diplomatic negotiations were at a stand-
still. The situation was aggravated and the Kwantung
Army was in difficulty. Therefore, the government was
obliged to decide to liquidate * the district for self-
defense and to protect residents. The General Staff
ordered the Kwantung Army to that effect. ARAKI told
the witness that the Liquidation Campaign had just been
finished and he thought there would be no need of further
operations unless the army was challenged. They would
try to cease hostilities within the smallest possible
scope and on principle the government was still dealing
with Chang Hsueh-liang who was still disturbing peace
and order. Therefore the scope of operations was limit-
ed to Chang's sphere of influence. ARAKI told the wit-
ness to bear this in mind and control the army strictly.

When the witness assumed the post as Vice Chief
of Staff, he met INUKAI, who explained political affairs
and made remarks similar to those of ARAKI. He did not
in any way suggest that he intended to petition for an
Imperial Order to withdraw troops from Manchuria and
the witness never heard from any one that Premier INUKAI
had any such intention.

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* The witness reported to the Chief of Staff, Prince KAN-IN, what he had heard from INUKAI and ARAKI and with his approval, conducted matters in accordance with those policies. While doing so, it was decided by the Ministry to send troops to Shanghai which had been requested by the Navy as reinforcements to protect the Japanese there. The witness took every precaution to observe ARAKI's principle so that the troops sent would not exceed the scope of their primary object. Divisional Commander UEDA also followed this principle and tried to settle the situation without bloodshed. The witness remembered UEDA made a proclamation requesting reconsideration by the enemy of their action. Contrary to his expectation, the Chinese increased preparations to fight. There were signs that an overall clash was inevitable.

28460

* Under such circumstances, further reinforcement was decided on to solve the situation. When the second reinforcement landed at Chiilaikou, the 19th Route Army began a retreat and as it was driven beyond the expected line, attack ceased, ending in three days with almost negligible casualties. An agreement was later signed to ensure future safety.

28461

* This agreement gave Japan the right to station troops there, but in view of ARAKI's principle, they decided to evacuate all troops from China and withdrawal was made within a month after signing the agreement. The Jehol and Hulunpeirh campaigns and the task of the Kwantung Army under the Japan-Manchukuo Protocol, and because of constant disturbances around Jehol and in Hulunpierh, it became necessary for the Japanese and Manchukuo forces to resort to action under the Protocol. It took place after recognition of Manchukuo and as precautions were taken throughout the campaign not to divert from the principle of bringing about law and order the operation was extremely difficult. As to Hulunpeirh, their object was achieved through the good offices of the Soviet and as to Jehol, efforts were made to limit action within the Great Wall. Observance of this policy was sternly requested to the troops at the risk of operational inconveniences. There was an occasion when troops advanced beyond this limit * but they were immediately ordered to return and further action

28462

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Page was stopped. Hostilities were finally settled by the Tangku Agreement.

The witness believed that ARAKI was one who was most seriously worried about the Manchurian Incident. Because of his worry, he made a firm determination to settle it, which finally led to the Tangku Agreement. After the agreement was signed, ARAKI strove to settle the overall situation by adjusting foreign and domestic affairs. ARAKI often told the witness that he was devoting his efforts to letting the people live up to Japan's original teachings, enhancing the Emperor's virtue of benevolence and improving aggravated international relations by realizing the advocated international peace conference.

The natives' wishes for Manchukuo's independence were ardent when the witness was appointed Vice-Chief of Staff. The General Staff did not interfere on principles as it was a political problem. ARAKI assumed the most prudent attitude toward it and he was in accord with the officers.

28464 * ARAKI also exerted efforts to calm the minds of young officers who were indignant at the current situation and had caused considerable trouble. He did his best to develop their spirit so they might devote attention to their duty. He also let subordinates spare no time in teaching and guiding younger officers. In due course, they showed signs of composure and no army officer was a participant in the May 15th Incident.

CROSS-EXAMINATION BY MR. COMYNS CARR

28465 Reference was made to the witness' affidavit where he had said that the natives' wishes for Manchukuo's independence were ardent, that the General Staff did not interfere with it, and that ARAKI assumed the most prudent attitude toward it. When asked if he remembered being interrogated in Sugamo, * the witness stated he did not. He recalled an interrogation in which he had said that he had something to do with setting up Manchuria as an independent state, but the meaning was entirely contrary. In regard to his statement on interrogation that there was an opinion in the Army to take over Manchuria

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MASAKI - Cross

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Page entirely but he thought they did not clear up the mess, and advised the Emperor and Premier SAITO to set up an independent state, he explained that when he went to Manchuria he found Japanese officials in all quarters. Under such a state of affairs, it would appear as if Japan had occupied Manchuria. Therefore, the witness stated emphatically that under such a situation, Manchuria could not be properly governed and administered. Administration must be left entirely in Manchurian hands. When asked if he had said on interrogation that he felt any occupation of Manchuria by Japan violated the Nine-Power Treaty, he stated * that with regard to treaties he was a complete layman, but he did feel that would be a violation.

28466

When asked on interrogation if he stated that while Vice-Chief of Staff he went to receive the Emperor's permission to different matters, and especially recalled that he went to get this permission at the time the 14th Division was sent to Shanghai, and that the Emperor said he could see no reason for sending them, the witness stated that the Emperor did not say he saw no reason. The Emperor stated to the effect that it would be all right if it were necessary to send more troops. He made inquiry to that effect. * He had not said that the Emperor felt that with the situation coming back to normal in Shanghai it was not necessary to send the division there. He did not know that before even the Naval party landed in Shanghai the Chinese Mayor had accepted all terms demanded by the Japanese Consul-General. He said it wasn't the case that he said on interrogation that he told the Emperor that they were already on the move and if they were not to be used in Shanghai, they were needed in Manchuria and he finally reluctantly agreed. The witness stated that there was a war going on in Shanghai and it was doubted whether troops were needed there and so they took precautions. Half the troops were at sea and half on the move and they couldn't stop them. It was carried out on the plan that if they went to Shanghai and were not needed there, they should be transferred to Manchuria where they were needed.

28468

28469 * The witness did not know whether he had said that troops were sent three times to Shanghai, but it was true that they were sent three times. He did not

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Page say that matters like the sovereignty of China or treaties guaranteeing it did not enter their heads at that time. Troops of the various powers were stationed in North China and Shanghai and at that time ideas pertaining to sovereignty were superficial and they hardly thought about it. When he said it never entered their heads, he did not refer to anyone in particular insofar as diplomatic affairs were concerned. He was following the directions of the government.

28470 When he said that the question of sovereignty did not enter their heads,* he did not include ARAKI because he of all persons placed great emphasis and importance on international treaties. ARAKI did not tell the witness that this was a breach of them.

With regard to the despatch of forces, ARAKI agreed because it was a cabinet decision. In regard to the statement in his affidavit where he stated that ARAKI's opinion toward the League was quite clear, that he fully explained his opinion at the cabinet meeting and induced the decision that Japan would not withdraw from the League, the witness stated that he was not present at the meeting but he had frequently heard this from ARAKI.

He did not know that the truth was that ARAKI expressed the opposite opinion at the Cabinet meeting. He placed implicit trust in what ARAKI told him but he did not know for himself what took place in the meeting.

28472 * From Exhibit 2177, the minutes of the third trial of OKAWA, in answer to a question whether MASAKI and ARAKI were involved in the March Incident or the October Incident, the answer was no.

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ARITA - Direct

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* DIRECT EXAMINATION OF ARITA, Hachiro
By Mr. McManus

The witness identified Exhibit 3169 as his affidavit and verified it.

28486

* The affidavit stated that when ARAKI was War Minister, the witness was Vice-Minister of Foreign Affairs and at the time of the first Konoe and Hiranuma Cabinets, he was Foreign Minister when ARAKI was Education Minister. When ARAKI was Cabinet Councillor the witness was Foreign Minister. After that time, they met often at private parties. The first Konoe Cabinet held Five-Minister Conferences consisting of Prime, War, Naval, Foreign and Finance Ministers to debate on important affairs.

28487

* The problem of reinforcing the Anti-Comintern Pact was discussed at one of these conferences but ARAKI did not attend because he was Education Minister. ARAKI was chairman of the committee of the General Spiritual Mobilization because his official position as Education Minister was closely connected with that field. As far as the witness could remember, he was appointed in the same way as ex officio. In regard to ARAKI's connection with the Japan-German Cultural Agreement, Japan had entered into it with Germany and Italy and it was intended to be concluded with as many others as possible. Cultural agreements were entered into with Hungary, Brazil, Siam, and Japan carried out culture exchanges with Poland, Portugal, Argentine and Belgium.

28488

As for the U.S., a Japanese fine arts exhibition was held in San Francisco. These agreements were cultural problems aiming at culture exchange in the world. As to the conclusion of such agreements, and its enforcement, the Foreign Office always conferred with the Education Ministry.

ARAKI insisted on an exchange of culture throughout the world, emphasizing that it should not be limited to Germany and Italy. The Foreign Office agreed. The witness heard many times that ARAKI

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Page disagreed to the Tripartite Alliance and various kinds of control.

At the resignation of the HIRANUMA cabinet due to Tripartite Alliance issue, ARAKI was considered to head the following cabinet. One of the principal reasons he was considered was that he had such an opinion regarding the Tripartite Alliance.

28489 * CROSS-EXAMINATION BY MR. COMYNS CARR

The witness said that to carry into effect any decisions of the Five-Minister Conference they would have to be weighed by the entire cabinet.

28490 When asked if it were not true that the negotiations with Germany and Italy in 1938 and 1939 were not known to the other cabinet ministers, including ARAKI, the witness stated * that if the other ministers were aware or familiar with the discussions held at the Five-Minister Conferences they could not have heard it officially but only informally. Asked why ARAKI was considered a possible successor because he was opposed to negotiations for the Tripartite Alliance if he did not know about such negotiations, the witness stated that he did not think ARAKI was familiar with all the details discussed at the Five-Minister Conference, but with regard to the proposed Tripartite Alliance, it was widely discussed in public. Not once was there an official or unofficial discussion of it at a cabinet meeting.

28491 * A matter such as the compromise in May or June 1939 on whether the proposed alliance should commit Japan to military action to support Germany and Italy against countries with whom they might be at war, other than Russia, was discussed at the Five-Ministers' Conference.

28492 * Never had a discussion of the Five-Ministers' Conference been reported to the Cabinet and there debated. When asked that if ARAKI had told them in his interrogation (Exhibit 2218) that questions of foreign policy were reported from the conferences to the Cabinet and there decided upon, if ARAKI were wrong, the witness stated that he recalled no decision which was so reported to the Cabinet. No such decision was ever made by the Cabinet that Japan should enter into a treaty with Germany and Italy by which she was bound to give military support if they became involved in a war with Russia.

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Page When asked if that decision was made by the Five-Ministers Conference, the witness stated it was difficult for him to speak of the problem which was discussed very simply, inasmuch as * the question was discussed on many occasions by the Five-Ministers Conference. He hesitated to make a definite reply, because he might make a mistake. He said he hardly expected the details of the Tripartite Alliance to be discussed.

28493

He knew the late Baron HARADA well. He never reported to Prince SAIONJI himself, but on many occasions gave information to HARADA which he might use on reporting on diplomatic and political developments to SAIONJI.

28494 * He did not recall the exact phraseology used but generally he thought that the point in dispute was whether the treaty should include an undertaking to give military support to Germany and Italy if they became involved in a war with a country other than Russia.

When asked if it were not true that HIRANUMA, ITAGAKI and OSHIMA were in favor of giving such support and it was opposed by YONAI and himself, the witness stated that it was a fact that he and YONAI were opposed.

28496 * When asked if there was not a compromise arrangement arrived at that in the event of Germany or Italy being at war with a country other than Russia, Japan would give political and economic support and military aid if possible, but that it should be explained that it would not be possible to give effective military aid, the witness stated there were compromise plans on at least two occasions and was not limited to one only. Since he had made no preparations to discuss details of these discussions, he could not state accurately if this compromise was adopted about 4 May 1939. He did not think that the compromise was made known to all cabinet members and the Chief Secretary.

Since the decision of the Five-Ministers Conference was not reported to the Cabinet as a whole, there could not have been a possibility of the cabinet approving it.

28497 * He could not say whether the draft plan just read to him was sent just as it was to Germany but it was a matter of course that a compromise plan somewhat

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to that effect was communicated to the representative in the field. To every extent the discussion of this subject was limited to the Five-Ministers Conference. It was in the preparatory state and only after arrangement was reached between Japan and Germany or the other party that the matter was to be submitted to the cabinet for approval. Only thereafter would the treaty be formally signed.

28498

The witness was asked whether he discussed matters with HARADA because he knew that HARADA was the channel through which SAIONJI gave advice to the Emperor. He stated he did not know whether SAIONJI ever expressed * opinions on diplomatic questions directly to the Emperor, but when any cabinet changes took place it was SAIONJI's responsibility to recommend a successor and it was necessary for SAIONJI to have correct information with regard to political and diplomatic movements.

He did not know whether that was the reason all various ministers and others were anxious to let HARADA know their views. When asked if that was his reason, he stated he had not one iota of thought to try to better his own position. When asked if the draft on the question of the Alliance which was drawn up as result of the compromise was rejected by the Germans because they had an alternative draft, he stated that he did not know whether they actually rejected the Japanese offer. An alternate plan was, however, submitted by the Germans.

28499

* When asked if a new agreement was reached on 5 June, he stated he did not remember the date exactly but the German draft was discussed at the Five-Ministers Conference.

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Page DIRECT EXAMINATION OF ISHIWATA, Sotaro
BY MR. McMANUS

28504 * The witness identified and verified Exhibit 3170 as his affidavit.

28505 * The affidavit stated that the witness was from January to August 1939 and from February 1944 to February 1945 Minister of Finance, from January to July 1940 and from February to April 1945 Chief Cabinet Secretary, from April to October 1941 Chief of the General Affairs in the IRAA, and from June 1945 to January 1946 Minister of the Imperial Household.

In July 1941 while he was Chief of the General Affairs of IRAA, he was requested by the Kokumin Press to have a table talk with a person who would be most suitable.

28506 * He replied that ARAKI was the best one to talk with if he would accept, because he knew him to have an intention of non-expansion of the China Incident and knew he did not agree to the Tripartite Alliance. These intentions ARAKI had expressed to the witness many times. Their idea was to make the talk a feature, with ARAKI's opinion inserted at several points. ARAKI, the witness, and press representatives met together and the talk lasted two hours. ARAKI gave his reminiscences of the Siberian Expedition. The witness was interested in what ARAKI said, but the journalists were puzzled because the conversation could not make an intended article. Later the journalists asked the witness to agree to their making an article of their own composition out of the talk.

28507 * The witness replied that it might be inevitable to alter the talk, but they must be careful not to create a story from it lest it cause trouble. The article (Exhibit 667) published in the paper was far different from the talk. The witness' words were increased much more and ARAKI's was omitted more than half. Besides, the dictation was poor and many parts of the article were not clear to the witness.

ARAKI, during the talk, had compared the situation at the time of the Siberian Expedition with the current time (1941) and he deplored the government in having no definite policy to unify the army and navy and he

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Page worried over the nation's future.

28508

The gist of ARAKI's opinion was that the government should act under principles of justice and make final decision in carrying out schemes planned by the army and navy without their interference, but an article could not appear in the newspapers stating ill of the army, navy * and government. Therefore, any opinion conflicting with them was struck out or shaded by editors. Consequently, the article was incoherent.

The witness observed that after ARAKI resigned from the HIRANUMA Cabinet in 1939, he refrained from facing the public and was noted as a recluse from current affairs. Army authorities were opposed to him. At the time when ARAKI and the witness were colleagues in the HIRANUMA Cabinet, the Five-Ministers Conference discussed current problems and made decisions. ARAKI did not participate at all. As to the Nomohan Incident, even the witness was not informed after its occurrence.

When the YONAI Cabinet was formed, the witness appealed to ARAKI to become Home Affairs Minister. ARAKI declined on the grounds he could render no service as the currents of the time were against him.

28509

* As the situation at the time of the table talk was more critical than the time when the YONAI Cabinet was formed, ARAKI's gravest anxiety was why the government did not establish a strong policy to support the army and navy and work out a plan for the nation's security. His anxiety was manifested on the pretext of his old story of the Siberian Expedition as far as the witness could recollect. The article that appeared in the paper was much distorted and confusing and did not depict what ARAKI's talk actually was.

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28526

* Exhibit 2378, the affidavit of IWAMATSU, Goro, who was recalled and part of whose affidavit had been read before, stated that before ARAKI became Education Minister there was an attempt to promote an exchange of good will between Germany and Japan. Young men were sent to Germany and young Germans would be sent to Japan. When ARAKI became Education Minister the Japanese youths had returned from Germany. He stated to the witness that he regretted that they had returned home with Nazi principles. He did not like this. If the program was to continue in the future, it would be his suggestion that the young men visit not only Germany, but England and France as well.

28527

When the German-Japanese culture agreement was signed, ARAKI wanted the witness to devise some means to conclude the agreement with other nations. * On one occasion ARAKI stated to the witness that if a nation became a first class country because of the strength of her armed forces, it would not last long. To become a first class nation, it had to do so by virtue of culture. He encouraged science study, and negotiated with the Finance Minister to obtain an extra three million yen annually for the study of basic science in colleges and universities. He respected technical education, and listened to the opinions of business men. He desired to carry out vocational education.

During the China Incident, ARAKI was opposed to the suggestion that the art exhibition and the teaching of English in schools should be abolished, although there was public clamor for this. He said that the culture of a nation is not the kind to be temporarily stopped.

28528

Concerning the abolition of English teaching, he thought it might have originated from an anti-foreign principle, and * ARAKI quoted to the witness one of Emperor MEIJI's oaths, that Japan should not indulge in a superior complex, nor flatter itself that it was superior. The Japanese must become admired, loved, and respected by all. The study of English should not only not be abolished, but should be encouraged, and students should learn more languages. He brought to the attention of the students that the U. S. and Britain were studious enough to study Japanese, and Japan must follow suit.

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28529 While ARAKI was Education Minister, he advocated Emperor MEIJI's policies, that Japan should not be a nation of Fascism, but to apply itself to the study of western civilization. The people should nourish unbiased judgement and attain the culture which had been in existence 2600 years. * He encouraged the education of the deaf and blind, and was an ardent champion of loyalty.

The witness remembered that a group of Niseis visited him and requested his opinion as to the action they could take in the event of a future struggle between Japan and other countries. He advised them that their first duty was to the country of their birth, but he further stated that if they were reluctant to engage in conflict with the country of their ancestors, they should do all they possibly could to prevent any such unfortunate happening and try to iron out misunderstandings.

CROSS-EXAMINATION BY MR. BROWN.

28530 * The witness stated that he had brought the document which he undertook to produce the last time he had appeared and handed it to a Japanese defense counsel. (Defense counsel interposed, and stated they had the document, which was not then available, but would be submitted at the first opportunity.)

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DIRECT EXAMINATION OF YOKOMIZO, MITSUTERU,
by Mr. Sugawara.

28533 * The witness identified exhibit No. 3171 as his
affidavit and verified it. The affidavit stated that he
was Chief of General Affairs of the Cabinet Secretariat in
28537 the INUKAI and SAITO Cabinets, * in which ARAKI was War
Minister. He was responsible for keeping a record of
documents discussed at cabinet meetings, and passing them
to the Secretariat. Cabinet meeting decisions were not
necessarily recorded on documents, but considerable part
of it was done verbally. Many documents on which decisions
had been made were not given to the Secretariat. It was
not customary to make a record of cabinet meetings.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

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28545 * DIRECT EXAMINATION OF TOMITA, KENJI,
by Mr. Sugawara.

28546 The witness identified and verified exhibit 3172
as his affidavit. * The affidavit stated that the witness
was Chief Cabinet Secretary in the second and third KONOYE
Cabinets. In the summer of 1940 he went to ARAKI by order
of KONOYE and asked him to be a Cabinet Councillor, but he
declined because he opposed the establishment of the IRAA
and the conclusion of the Tripartite Alliance. ARAKI
opposed the IRAA because the prevailing political partisans'
attitude could not always be approved, but the IRAA was said
to aim at establishing one party for the whole nation,
28547 * and rejected the co-existence of different political
parties. Probably it would lead to despotic autocracy,
depriving everyone of freedom of opinion. It would be
against the spirit of the constitution and Emperor MEIJI's
intentions. It would be a system contrary to the structure
of the state and the Emperor's will. Later, it was clar-
ified that IRAA was not a political, but a public association,
but at that time this was not clear.

28548 ARAKI opposed the Tripartite Alliance because of
his ideological standpoint that most Japanese leaders not
only over-estimated Germany's strength, but also confounded
the idea of the Imperial Way with German totalitarianism;
therefore, the Alliance was misleading in clarification of
Japan's real standpoint. ARAKI opposed it from his pro-
fessional military standpoint, because it would lead to
aggravating the feelings of the U. S. and Britain toward
Japan with a resultant difficulty of settling the China
Incident, * so much so that it might become inevitable
for Japan to wage war against the U. S. and Britain.

28549 * ARAKI stated that the IRAA as a domestic prob-
lem and the Tripartite Alliance as an international problem
were both extremely important. Conferences for settling
these problems ought to be conducted with prudence, but
since they had already decided his opinion could affect
them no longer. Therefore, he said the post of Cabinet
Councillor was meaningless.

The witness told ARAKI that KONOYE's opinion was
the same. However, there were some who wanted to found
IRAA on Nazi totalitarianism, but KONOYE rejected it
because it might revive the Shogunate. To settle the
China Incident, not existing political parties but a
nation-wide organization was necessary to suppress the
Army. This is what IRAA aimed at.

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28550 The witness told ARAKI that KONOYE was far from considering the Tripartite Alliance as a means to hostilities against the U. S. and Britain. He told ARAKI that KONOYE fundamentally agreed with him as he had an ardent desire * to settle the China Incident quickly. Therefore it was earnestly asked that ARAKI accept the post of cabinet councillor.

After all the witnesses efforts, ARAKI said that he was not self-confident and could not be persuaded. After that, public association between KONOYE and ARAKI was discontinued, though private intercourse continued.

THERE WAS NO CORSS-EXAMINATION OF THE WITNESS.

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DIRECT EXAMINATION OF NAKAJIMA, Torakichi,
by Mr. Sugawara.

28553 * The witness identified exhibit 3173 as his
28557 affidavit and verified it. * The affidavit stated that
in December 1931, ARAKI was appointed War Minister. The
witness often called on him to hear him speak on various
questions. ARAKI was worried over the Manchurian Incident,
and said there was a danger of it developing to an all out
clash. If they should leave it to take its own course
and as the League failed to grasp the truth of the situa-
tion because of Chinese propaganda, he himself would do
his best to put an end to the fighting and prevent an
all out clash. ARAKI then said that after that he would
endeavour to see the League and other powers brought
together to take the right cognizance of the situation.

He was absolutely against Japan seceding from
the League. When the witness met him after Japan's
secession, ARAKI said that at the cabinet meeting, a
provision had been made for non-withdrawal from the
League, but as a result of the proceedings at Geneva
withdrawal became necessary. He complained that politics
was a difficult thing.

28558 * In January, 1934, ARAKI caught pneumonia, and
resigned his post as War Minister. When the witness went
to the sanitarium to inquire of his condition, ARAKI said
that he was sorry that he became ill at a very important
moment. Japan was already out of the League. What he
wished to do was hold a Far Eastern Conference to restore
cooperation, but he had become ill and found it impossible
to take active steps. This was the reason he resigned,
but he had presented his plans before Premier SAITO and
other ministers. As for the Army, since his successor,
HAYASHI, pledged to carry it out, he thought it would be
realized.

28559 * There was no cross-examination of the witness,
but the attention of the Court was called to exhibits
187-A to 188-E, and exhibit 2222.

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28580

* In exhibit 3174, the minutes of the Privy Council meeting of 30 January 1932, ARAKI stated that he would answer a question regarding army actions. In the declaration of the Kwantung Army Commander at the beginning of the Manchuria Incident, there was a portion stating Japan would turn Manchuria into a land of bounty. The statement was made to calm the population, and it would be improper to conclude it defined army objectives. However, ARAKI had sent a warning to the Kwantung Army Commander.

28581

The cause of the Manchuria Incident was primarily due to Chiang Hsueh-liang's inability to maintain friendly relations with the Japanese forces. Therefore, army action must naturally extend to the limits where Chiang formerly exercised influence. As to this action, there were rumors that the front line forces were not submitting to control, but were acting at their own discretion. Since they had resorted to measures of self-protection, they were obliged to take the initiative to attain objectives and maintain prestige. In the course of such action, there might be acts giving the impression of being excessive, * but ARAKI begged that they would give sympathetic cooperation to tactics relating to operational command. As to relations with the diplomatic authorities, they were most amicable and smooth.

Foreign Minister YOSHIZAWA explained the contents of the budget requested by the Foreign Office. Although the total amount requested was over three million yen, necessary expenses had been met twice before by expenditures from the second reserve fund. Amounts requested included police expenses in Manchuria, relief expenses of the Japanese nationals in south China, telegraphic communication expenses for classification of the Incident to the League and governments concerned, and secret funds and miscellaneous expenses. These expenses were required in connection with the Manchurian Incident.

28582

* YOSHIZAWA's conviction was that the first objective of action in Manchuria was the maintenance of peace and tranquility. It was difficult to maintain perfect order over such a bandit ridden land. * In his opinion, the peace of that region was a necessity of the Empire. The second objective was the protection of their rights and interests. They should bear in mind Manchuria's history. Japan's past action had been based on this principle, and it would hold true in the future.

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28583 As to the views of the cabinet concerning the action of a new government, that matter originated among the Chinese themselves in Manchuria. This was of deep concern to Japan, and they were careful considering the policy regarding it. In the past there was a secret Russo-Japanese agreement establishing a boundary line, but the agreement became void as a result of the Russian revolution. As a consequence, they considered it was not binding them, but Russia has great interests in the Far East. As to the dispatch of troops in Harbin, this, as ARAKI had stated, was done by the Kwantung Army as a temporary measure * to protect Japanese lives and property in North Manchuria which were endangered by bandits. YOSHIZAWA considered that further steps should be taken, and decided according to the future situation.

28584 Japan's acts were based on the maintenance of order and protection of rights and interests. They would even send troops to the North Manchuria area whenever Japanese lives and property were imperiled, but they were giving careful consideration to Russian relations.

28585 * Exhibit 3175-A, an excerpt from a pamphlet entitled "Proceedings of the Education Council" held on 13 January, 1938, included a statement by the accused * KIDO that at the conference on 11 January, the Cabinet decided upon a policy to make the young men's school a compulsory education course. Concerning that question, the Temporary Education Committee organized in 1917, adopted a report recommending the government to make a part or all of the supplementary technical schools a compulsory course. Again in 1935, the Educational Administration Exchange, which deliberated on the general plan of the young men's school, adopted a side decision for making that school a compulsory course. Since the young men's school was an important institution, they expected that the Council would discuss all problems concerning it. The results of such discussions would be respected and followed by the government.

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28601

* OPENING STATEMENT BY MR. OHTA.

DIRECT EXAMINATION OF AIZAWA, Makoto,
by Mr. Warren.

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28603

* The witness identified exhibit 3176 as his affidavit and verified it. * The affidavit stated that from April 1933 to March 1936, the witness was employed as a civilian by the Mukden Army attached to the Special Service Organ, and during his tenure had as assistants Majors IMAI, TAJIMA, and TANIHAGI.

28604

* The witness stated he could not answer what the original duties of the Organ were, because the specific duties were set forth in instructions issued to the Chief of the Special Service Organ from the Army Commander, and were given to the Chief of the Organ by the Kwantung Army Commander. Instructions were either confidential or secret, and the information in them were not generally disseminated. Consequently the witness, as a civilian employee, had no personal knowledge of the orders, but knew generally what they contained.

28605

Generally, the duties were similar to those of the Kwantung Army press section, and consisted of announcing to the press news from the fronts communicated by Japanese troops. For example, in the Jehol operation, four clerks * were kept busy decoding telegrams for press releases. The specific duties of the witness were to translate radio broadcasts from China and assist in deciphering.

At the end of the Jehol operation, when DOIHARA arrived, their duties modified, because the supply of news curtailed at that time. Their duties consisted of collecting information and issue of press releases, and was mainly concerned with political movements and the state of public peace in Fengtien, Jehol, and Inner Mongolia.

28606

The Special Service Organ had a branch in Dairen, which gathered information from Chinese sources, useful for reference in relations to the progress of Manchukuo. It compiled information concerning movements of the Japanese in Manchukuo and especially in SMR circles. The reason for their supervision of and guidance of all persons of * Japanese extract in the employ of Manchukuo was to see they did not act overbearingly or go to extremes, which they were sometimes inclined to do.

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They compiled and kept a complete list of the conduct of Japanese officials who were under the Service Organ. DOIHARA always insisted such persons conduct themselves properly. While SMR officials were not employed specifically by the Manchurian Government, it was necessary to check their actions and keep them within strict limits of their official activities and not permit interference with the political situation in Manchukuo.

28607 The witness could definitely state that at no time while he was connected with the Organ or while DOIHARA was connected, did it ever have anything at any time to do with opium. The Special Service Organ was not a large organization, as many believed. * It consisted only of the head of the organization, his assistant and four clerks. From personal knowledge, he knew everything that went on within the Organ, because of its small size.

CROSS-EXAMINATION BY JUDGE NYI.

When asked if what he knew about the functions of the organ was limited to the nature of the work assigned him during the period from 1933 to 1936, the witness stated that he had described not simply the work assigned him personally, but the general work of the organ.

28608 * He had not stated that he knew the contents of the orders that came from the Army Commander. The general duties of the organ were set forth in instructions given to the Chief of the Organ from the Army Commander. The Chief and his assistants saw the instructions, but civilian employees did not. He could state what the general functions were, as it gradually became clear to them as they continued work in the Organ.

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28611 * The witness stated that it was not true that if the orders and instructions were secret and confidential he would not be in a position to know what the other people were doing unless they told him about them. Even though subordinates were unfamiliar with the exact contents of instructions given to the Chief of the Organ by the Commanding General, still they were able to know what the functions of the organ were because it conducted the work of collecting intelligence, information, and giving out press releases.

28612 * In the course of his employment under DOIHARA, he had no knowledge that in 1935 DOIHARA was launching a political offensive to create a separate state in North China under the threat of sending five divisions within the Great Wall and moving the Manchukuo Emperor to Peiping.

28613 * He did know that DOIHARA was in Peiping and the Tientsin area in November 1935, in connection with that movement.

28614 * He did not recall that newspapers all over the world were reporting the activities of DOIHARA in the Tientsin and Peiping area with regard to the 5 Provinces Autonomous Movement. However, in that period he did know that DOIHARA made a tour of Tientsin and Peiping, but he didn't think DOIHARA had anything to do in the course of his travels with the Separatist Movement involving the 5 North China Provinces.

He thought he had read those newspaper reports, and in collecting information the Organ reported to the commanding general.

28615 When shown exhibit 3177, the witness identified it as a report of information compiled by the Special Service Organ. * The witness recognized a document handed him as a report in Japanese underneath and English on top, as made by the Organ. He saw that the name of DOIHARA

28618 appeared on a page of the paper. * The witness was asked why the report stated that the people in South China became scared of the names DOIHARA and ITAGAKI. He replied that the report was made by the Mukden Organ, which was distributed to the Army Vice Chief of Staff and Vice War Minister. They were collected and classified into political, economic, and other subjects. The subject just pointed out was classified under social questions. With respect to

28619 points of observation of the public, there was a report in there to the effect that the mere mention of the names ITAGAKI and DOIHARA was enough to make the people turn pale in South China, but he presumed the item was taken from

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28621 newspapers commenting on the two, and the report thus received from the press was included in that particular report. DOIHARA's name constantly appeared in the newspapers, which frequently reported that DOIHARA was engaged in conspiracies and plots, but as a matter of fact during the years the witness served under him there was no evidence of his ever participating in such movements. *(This report was received in evidence as exhibit 3177.)

Reference was made to parts of the witness' affidavit where he stated that from the time of DOIHARA's arrival the duties of the witness were modified, and where he stated that the Organ took charge of supervision and guidance of Japanese in the Manchukuo Government and that he kept a complete list of their conduct.

28622 When asked if he remembered how many Japanese officials were there at that time, the witness stated that the Organ was not in control of Japanese officials or officials of Japanese extraction. * While he had said that the reason for the supervision and guidance of persons of Japanese extract in the employ of the Manchukuo Government was to see that they did not act overbearing or go to extreme, supervision and guidance were quite different from control.

When asked if he did not now admit that the work of the Organ under DOIHARA was not confined to the collection of news and the issuing of press releases, the witness stated that those were their functions. He did not recall whether or not the Organ's functions also included the supervision and guidance of officials of Japanese extraction. It was a fact that the Organ collected information concerning them to prevent them from interfering in the Manchukuo Government by acting overbearingly.

28623 * There were no divisions or sections within the Organ. There were only the Chief and his assistant.
28625 When asked if he knew that there were Special Service * Organs of the Kwantung Army at Shanghaikwan and Antung besides the one at Dairen, the witness stated the only branch of
28626 the Mukden Organ was in Dairen. * Other organs were entirely separate and not under Mukden's jurisdiction. In his recollection, there were no organs in Antung or Chinchow. The organ in Shanghaikwan did not receive orders from DOIHARA, nor was the organ in Harbin under his direction.

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DIRECT EXAMINATION OF SHIBAYAMA, Kaneshiro,
by Mr. Warren.

28627 * The witness identified and verified exhibit
 28629 3178 as his affidavit. * The affidavit stated that from
 December 1928 to October 1931, he served under Chiang
 Hsueh-liang as a military adviser. From December 1928
 he was also assistant to DOIHARA, who was for that period
 military adviser to Chang. At that time he became well
 acquainted with DOIHARA, knew his policies, and often
 discussed them with him. On many occasions DOIHARA
 emphasized that the secret of friendly relations between
 Japan and China was for the Japanese to study more deeply
 Chinese affairs and carry on friendly relations in good
 faith, discard the Japanese superiority complex, and
 28630 * refrain from enforcing their will by unilateral force.

Not only did DOIHARA advocate this, but in
 territories under him required strict observance. In
 January, 1938, the witness accompanied the accused UMEZU,
 who was then War Vice Minister on an inspection of battle
 lines in North China. At that time they visited DOIHARA's
 headquarters to Tsoushieng, and he was greatly surprised to
 learn that tranquility prevailed throughout the city and
 that it was at the height of prosperity. It was hard for
 him to realize that this was the base of military operations
 nearest the front.

28631 * In 1937, prior to this tour and at the time of
 the occurrence of the China Incident, DOIHARA commanded the
 14th Division, and was ordered to North China. The masses
 of the people there were deeply impressed by his policy and
 crowded to areas under his control, because they knew they
 could pursue their callings in peace and contentment without
 undue interference from the Japanese military. Their
 inspection tour confirmed everything they had heard con-
 cerning the situation in the territories under DOIHARA's
 command.

On 9 September 1931, immediately prior to the
 outbreak of the Manchurian Incident, the witness was sent
 to Tokyo by order of Chiang Hsueh-liang in connection with
 the murder of Captain NAKAMURA, and returned to Peking on
 September 24. While the witness was in Tokyo, DOIHARA was
 there to make his report as Chief of the special military
 organ at Mukden on the progress of the NAKAMURA case. The
 witness talked with DOIHARA on September 14.

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28632 * During the prosecution's case, General Ching Teh-chen, with whom the witness was well-acquainted, testified that five days before the outbreak of the Manchurian Incident, he met a friend by the name of SHIBAYAMA, who was also a friend of DOIHARA in Peking. Ching stated that SHIBAYAMA said that DOIHARA was about to go to Manchuria to embark on some big project. Ching had always been friendly with the witness, and the witness considered Ching a friend. After his testimony, the witness contacted Ching, who stated he had used the witness' name before the Tribunal. The witness was surprised at Ching's carelessness in using his name in such connection, because the witness knew he was the only SHIBAYAMA who was a friend of both Ching and DOIHARA.

As shown by his previous statements concerning his whereabouts on the date referred to by Ching, it would have been impossible for the witness to have had a discussion with DOIHARA at that time and place. He had never told Ching anything about the foregoing affair, nor mentioned DOIHARA's name in connection therewith.

28633 * Because he was engaged in the NAKAMURA case and knew DOIHARA was spending most of his time on that case and knowing his whereabouts just prior to the Mukden Incident, the witness was greatly surprised to learn that anyone seriously considered DOIHARA had any connection with it.

DIRECT EXAMINATION BY MR. BROOKS,
Counsel for MINAMI.

28634 * The witness stated that he had met MINAMI about 18 September, 1931, when he was in Tokyo. As the witness was about to return to Mukden, he asked MINAMI if he had any directions. MINAMI requested the witness to orally communicate with General HAYASHI, the Korean commander, en route. The message was that under no circumstances should the Korean Army be permitted to cross the Yalu River into Manchuria. MINAMI did not state the reason. The witness was at that time a major.

28635 * When asked if he gave the message to HAYASHI, the witness stated that he first wired HAYASHI and arranged to see Chief of Staff KODAMA. KODAMA and the witness travelled together to Seoul, after meeting at the station. At that time he was not on MINAMI's staff.

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The reason the witness was employed to send such a message, in his judgement, was that the matter required early and urgent attention. Because he was leaving Tokyo for Mukden, he presumed that was why the message was entrusted to him.

28636

* The circumstances under which he met MINAMI were that at time he was military adviser to Chiang Hsueh-liang in Mukden, and was receiving frequent directions from War Minister MINAMI. Therefore he went to visit, thinking there might be some instructions. He recalled that the time was the night of 19 June, in the War Minister's official residence.

28637

* It was true to state that SHIBAYAMA arrived in Tokyo on September 12, as prosecution exhibit 57 had declared. His mission was to communicate to headquarters the intentions and wishes of Chiang Hsueh-liang in connection with the murder of Captain NAKAMURA. At this time the witness was an officer in the Army. He thought he delivered the message to KODAMA on the 20th, on board a train bound for Seoul.

28638

* He believed that MINAMI gave him the message because MINAMI wished to bring about a local settlement of the Manchukuo Incident on the smallest possible scale.

CROSS-EXAMINATION BY JUDGE NYI.

The witness stated that it was true that he served as military adviser to Chiang from December, 1928, until October, 1931, and that he had been connected with Chiang before that. When asked in what capacity, he stated that in the previous year when he was in Chinchow, Chiang Hsueh-liang came there with his army.

28639

The witness was DOIHARA's assistant for only seven months during the first few years. It was not true that when DOIHARA left Chiang, he recommended the witness as his successor. Chiang had two Japanese military advisers at that time, but no non-military advisers. The other military adviser was Colonel SENO.

28640
28641

The reason Chiang picked the witness out to go to Tokyo to settle the NAKAMURA case was because Chiang felt the necessity of communicating to the Japanese authorities his desire to bring about a peaceful settlement of that affair. * He did not know if it were also because he was close to Japanese military circles.

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SHIBAYAMA Cross

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At that time he had no intimate connection with such circles, because he was purely an adviser only to Chiang, and there was no need for him to respond to Japanese army orders. Chiang's desire was to see that the NAKAMURA Incident be carefully investigated by both sides, and if after investigation he would be found responsible, he said that depending on Japanese representations, he would listen to them and try to bring about a peaceful settlement.

28642

* He was sincere in his effort to bring about a settlement. The witness did not know by that time that a second inquiry into the case had been ordered.

28644

* The witness stated he made a trip to China after the outbreak of hostilities in 1937. The witness stated he had not met DOIHARA twice in 1938 in North China, but met him elsewhere that year.

28645

DOIHARA and the witness were not sent on an inspection trip to North China in August, 1938, but inspected both North and South China. * It was not true the mission was for the creation of a new central government to be headed by Wu Pei-fu and Tang Shao-yi.

He had never heard DOIHARA say that it would be close to his idea of maintaining friendly relations by creating a new government. It was not true he went there on the request of TERAUCHI.

The witness stated he travelled from Tokyo to Korea, after talking to MINAMI, by rail.

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KUWAJIMA - Direct

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DIRECT EXAMINATION OF KUWAJIMA, Kazue
BY MR. WARREN

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28647

* The witness identified and verified Exhibit 3179 as his affidavit.

28648

* The affidavit stated that the witness was in the diplomatic service in 1931 as Consul General at Tientsin and had held such a post prior to and at the time of the Manchurian Incident. As Consul General, he collected information concerning the Accused DOIHARA in connection with his * actions regarding the Manchurian Incident and wired this to Foreign Minister SHIDEHARA or to the Chief of the Asia Bureau. Some of the wires were introduced as Prosecution Exhibits 287 to 293, 295, 296, 300, 304, etc.

28649

Concerning the method used in securing the information, the witness explained that there was disagreement between the Foreign Office and Kwantung Army regarding PU-YI's coming out of retirement. The Army was acting independently and they received no official information from the Kwantung Army as to its activities and they had no means by which they could do so. He could not say whether it was possible that the Foreign Ministry was receiving such information.

The witness was f too busy conducting investigations of the actions of DOIHARA and had to depend upon subordinates to collect what information they could.

28650

* They secured information from such sources as newspaper articles, conversations with Chinese and Japanese, rumors and other information throwing light on the activities of DOIHARA. This information was reported to the witness who sifted it and drew conclusions. His conclusions comprised the contents of the telegrams introduced in evidence. This was the only source of information he had. Because it was large, its authenticity could not be checked. He had to do the best he could as he had no further personal information.

The witness met DOIHARA on two occasions when they exchanged social conversations.

28651

* After receiving reports of the consular police, he never used them as data for telegrams to the Foreign Office. The consular police reports were not immediately

0 152 0002 4464

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Page used as material.

Concerning the two opinions of the Kwantung Army and the Foreign Office regarding PU-YI's coming out of retirement, the witness stated that according to the Foreign Minister's views and instructions given to the witness, it was not time for PU-YI to appear in Manchuria.

CROSS-EXAMINATION BY JUDGE NYI

28652 * When asked if before sending the wires to SHIDEHARA in November 1931, he had been sent instructions to stop the abduction plan of PU-YI and to be on guard, the witness stated that he received instructions from SHIDEHARA to see PU-YI and advise him against going to Manchuria. In accordance with these instructions, he interviewed PU-YI and communicated the advice.

The witness understood the instructions from the Foreign Office to be that it wasn't yet time for PU-YI to appear in Manchuria. That is all he knew about the Ministry's attitude.

28654 * In none of his telegrams had he ever referred to his talking with DOIHARA.

28655 * The consular police brought information to his office daily but it wasn't to be trusted to the extent that it could be used immediately for reporting purposes.

28660 * The witness stated that he had no knowledge that his telegrams not only contained reports from sources of his own but were also corroborated by reports of the Consulates in Shanghai, Nanking and Peiping regarding DOIHARA's activities. He did not know that afterward, because such telegrams were not circulated to his Consulate, * DOIHARA came to the Consulate General and came to the witness' room only once. On that occasion only greetings were exchanged and nothing more. The witness recalled that talks were held with DOIHARA through a member of the staff of the Consulate General on two or three occasions.

28661

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28664

* Reference was made to statements of the witness that he had no discussion with regard to the moving of PU-YI with DOIHARA and was asked if it refreshed his memory to read a sentence from a document, beginning with "I told him as my personal opinion." On being shown the document, the witness stated that the personal opinion mentioned was not his opinion but that of one of the Consulate staff. There were words to this effect at the end of the document. This telegram states at the outset that it is according to a report made by a staff member and that at the end are the words he so stated. That was the way he filed the report.

28665

* The witness stated that he had no reason to doubt the accuracy of anything he told Tokyo on that occasion, after being read a part of the telegram which stated that the staff advised DOIHARA about relations with China, and that it was his personal opinion and advised him of his personal opinion.

28666

* From Exhibit 300, the witness was read a portion which stated that he had fully talked with DOIHARA twice not to commit rash acts but it appeared he was continuing plans to overthrow Chang and there was apprehension that he might start another Incident in the Peking-Tientsin area. After hearing this, the witness stated he had nothing to answer.

28667

* The Defense referred to Prosecution's Exhibit 245 where it was stated that in order to perform these duties and functions, the Consul General's office availed itself of all possible channels of information. One of the sources was the consular police and it was the duty of their office to draw conclusions from information so obtained.

28669

* Exhibit 3180-A, an excerpt from a volume entitled, "Far Eastern Commission of Inquiry", being a record of an interview with DOIHARA on 3 May 1932, with Lord Lytton, was received in evidence. While the exhibit was not read, it was pointed out that the Lytton Commission had confidence in the veracity of DOIHARA and likewise the people and officials of the places where he was stationed also had confidence in him.

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YAZAKI - Direct

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Page DIRECT EXAMINATION OF YAZAKI, Kanju
BY MR. WARREN

- 28671 * The witness identified and verified Exhibit 3181 as his affidavit.
- 28677 * The affidavit stated that the witness was a Lieutenant General at the surrender and during his career he was well acquainted with DOIHARA, having been intimately acquainted with him since he was a captain. Prior to the China Incident and during March 1937, DOIHARA was Commander of the 14th Division stationed in Japan. At the outbreak of the Incident in July 1937, DOIHARA was Commander of the Division and the witness was a staff officer. They were ordered to North China in August and engaged in operations along the Peking-Hankow Railroad.
- 28678 * At the time the China Affair broke out, while they were under mobilization orders, DOIHARA gave instructions which were later repeated on the field, emphasizing that the Affair was not a war of aggression but aimed at cooperation with China. He enjoined them that rigid enforcement of his regulations concerning the protection of the Chinese would be made. During operations, DOIHARA gave primary attention to purely strategic matters, but he never lost sight of his duty to his subordinates and never hesitated to assist them when it came to the protection of the Chinese. He tried to avoid injury or oppression to noncombatants.
- 28679 * During one operation, his men decided to use a Chinese farmer's house as a command post. When this was called to DOIHARA's attention, he noticed women and children taking refuge there and forbade his subordinates to enter. Because of this they camped around the house in the open air and attended to their business.
- On another occasion DOIHARA scolded men for burning firewood belonging to Chinese families. On another occasion DOIHARA severely reprimanded soldiers who had hired a Chinese to carry his knapsack.
- 28680 * Even in trifling matters, DOIHARA would not permit the abuse of civilians and noncombatants. On more than one occasion the witness had heard subordinates state that the Divisional Commander loved the Chinese.

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YAZAKI - Direct

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Page better than the Japanese soldiers. He had a high regard for the Chinese and noncombatants and the witness knew no occasion when the Chinese general public in any jurisdiction under DOIHARA were not settled and peaceful toward the Japanese. They continued their businesses without interruption and in prosperity. It was not uncommon for Chinese to assist Japanese soldiers in drawing water, preparing meals, etc. Their regard for DOIHARA was such that they would inform him of any bandit attack they anticipated.

28681 * DOIHARA also endeavored to execute his own views and put them in practice. It was not only words, but a sincere attitude that he was known throughout the division for his ideals and teachings. DOIHARA constantly instructed and advised staff officers and all subordinates and they found his instructions of great value in peacefully dealing with the Chinese people. DOIHARA often confided in the witness. The witness knew DOIHARA had an opinion opposed to the China Affair from the beginning, but as an Army officer he had to obey orders. But to his intimates he always deplored the affair.

28682 * In February 1938 the witness was returned to Japan and thereafter continued to correspond with DOIHARA. In a letter received by the witness April 22, 1938, DOIHARA stated that Japan had no basic strategic principle and seemed to be operating passively, decoyed by opponents and leading a hand-to-mouth existence; without strengthening the scaffold on which she stands, she supports both the north and central China regimes and unconscious of the urgent need of consolidating the foundation, tries to arrange mere formalities with these governments. He stated he was greatly disappointed and concerned and had no intention to rejoice in giving a big talk. He begged the witness to explain to the authorities with regard to these points and ask for reflection.

28683 * The north regime was Wang Ko-min's temporary government, and the central government was Liang Hung-chih's restoration government. Knowing DOIHARA, the witness knew this letter was but another of his protests against the China Affair, and DOIHARA realized that the witness shared his views.

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DOIHARA from his youth cherished an ideal for bettering relations with China. When he was in the army college, he studied the Chinese language and history. After graduation he was a member of the General Staff and was sent to China for many years. His name was well known, even to Chinese civilians. While in China and Manchuria, he served twice as Chief of the Special Services Organization in Mukden, which was primarily to gather military information.

28684

* CROSS-EXAMINATION BY JUDGE NYI

The witness stated that he had been attached to some other units besides DOIHARA's in the China War. It was customary for local Chinese residents at the end of operations to move back and resume their occupations. He did not know what percent of the local population were forced to leave their homes and settle in the interior. By China Affair he meant the hostilities which started at Marco Polo Bridge in 1937.

28685

* The witness had not heard DOIHARA say he deplored the Mukden Incident at the time of the Manchurian Incident in 1931, but heard it frequently later from DOIHARA.

28686

* The reason he hadn't stated in his affidavit that DOIHARA deplored the Mukden Incident is that he had not written of all matters relating to DOIHARA. He had heard it as a rumor, that after DOIHARA wrote the letter to the witness referred to that he was summoned to Japan to head an organization called the DOIHARA Organization for the withdrawal of Chinese Generals from current hostilities. He did not hear this directly from DOIHARA and he did not know how he knew there was a rumor.

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WATASE - Direct

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Page DIRECT EXAMINATION OF WATASE, Ryosuke
By Mr. Warren

28687 * The witness identified and verified Exhibit 3182 as his affidavit.

28689 * The affidavit stated that immediately following the Lukouchiao Incident of 7 July 1947, he was Vice-Chief of the Political Department of the Osaka Mainichi Press and shortly after that arrived at Tientsin. The China Incident had not been settled locally and one of its objects was for the Army to advance toward Pouting under command of Lieutenant General KATSUKI, who initiated the actions. The witness recalled that the divisions engaged were the 6th Division under General TANI, who took the central offensive, while General KAWAGISHI took the right, and DOIHARA's Division the left offensive. DOIHARA's Division moved on the left in the direction of Kuan and Manching, south toward * Pouting.

28690 As a resident, the witness was with the TANI Unit and was not in a position to observe DOIHARA. Without encountering a major opposition, the TANI Unit entered Pouting the 24th of September 1937 and DOIHARA's Unit entered the following day. The witness visited DOIHARA at Command Headquarters and conversed with him about two hours. The witness found DOIHARA cooperative, frank and willing to answer questions.

28691 As near as he could recall, DOIHARA told the witness that apparently because of Japan's action there was little choice but to continue an offensive. After the initial step, it would be foolish to hope the attack on Pouting would end Japan's action against China. * The original incident, though regrettable, had aroused the Japanese to the point where further action would have to be taken. He told the witness that the national government would continue to resist, and that the only alternative was for the Japanese to withdraw. It did not appear that such action would be taken by those in command. When asked how far he believed Japan would have to advance, DOIHARA answered that Japan had no way but to continue to attack because Chinese territory was boundless and it was impossible for him to state how far they would have to go. There were many difficulties, and no hasty judgment could be formed. He did state that the Chinese public, as distinguished from

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WATASE - Direct

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Page the Central Government, could not be considered Japanese
enemies. To consider them such would be a great mistake.
28692 He had placed rigid discipline on his troops regarding the
treatment of Chinese civilians. * He had warned against
harassing the Chinese public or non-belligerents, and in
time of battle his subordinates were not to injure the
Chinese public's feelings. It was his policy to punish
strictly those who conducted themselves so as to harass
the people under any situation not absolutely necessary
and to safeguard their own lives and property. This
policy would be put into practice within his jurisdiction
because Japan should never cause the Chinese people to
become her enemy.

DOIHARA was deeply worried about the Sino-
Japanese war and displayed his feelings. He was genu-
inely concerned over the damage that would result to the
Chinese public. The witness was particularly impressed
that DOIHARA displayed no pleasure in the victorious
attack on Pouting, but he observed DOIHARA's deep worry
about the future.

28693 After the interview, the witness felt he had
come closer in touch with the real nature of the war
than before * and the interview had a profound effect
upon the witness' understanding of Sino-Japanese rela-
tions. After that the witness was not attached to
DOIHARA's unit but he had friends who were and while
he did not question DOIHARA's sincerity he was inter-
ested to see if he did continue the policies he had
outlined. His friends who were with DOIHARA verified
that not only did he carry out the policy but was so
strict in carrying it out that there was often dis-
satisfaction among his troops who openly stated that
DOIHARA loved the Chinese more than he did his own
soldiers. This dissatisfaction was generally contrib-
uted to the strict control DOIHARA exercised with refer-
ence to the treatment of noncombatants.

28694 * DOIHARA's strictness became widely known
among the Chinese public and it is also a fact that
they would remain in their homes when DOIHARA advanced
into their territory. As a result of that treatment,
it was also true that the Chinese supplied provisions
and labor and otherwise assisted DOIHARA's unit.

There was no cross-examination of the wit-
ness.

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28698

* Exhibit 3183-A, an excerpt from the periodical "Bungei Shunju", dated March 1937, being an article written by DOIHARA, was received into evidence.

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SAKURAI - Direct

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28700

* DIRECT EXAMINATION OF SAKURAI, Tokusaburo
BY MR. WARREN

The witness identified Exhibit 3184 as his affidavit and verified it.

28701

* The affidavit stated that the witness served as a staff officer of the 5th Division from May 1932 to July 1934 and DOIHARA was Commander of the 9th Brigade under that Division. After the outbreak of the China Incident, the witness was a staff officer in the 1st Army Corps, remaining there until November 1938. In the meantime, DOIHARA commanded the 14th Division under the 1st Army Corps. From 15 April to 12 June 1938, while the witness was staff officer of the 1st Army Corps, * the 14th Division carried out operations simultaneously with the battle of Hsuchow. In the course of these operations, the witness was attached as a 14th Division Staff Officer additionally. Serving on DOIHARA's staff and receiving training from him during operations, he performed his duties while fierce fighting went on.

28702

Early in 1938 the 1st Corps Headquarters was in Shihkiachwang (Shihmen) and the 14th Division Headquarters in Sinsiang. The witness was chiefly engaged in supply, and the Supply Unit was temporarily attached to the 14th Division in Sinsiang. Officers who had been relieved of their duties or who had served their time in the garrison area of the 14th Division * who had returned to the 1st Corps told the witness that DOIHARA had such concern over the protection of the Chinese masses that he always issued strict orders. He saw to it that his orders were carried out and all members of the division observed them.

28703

Inhabitants of regions occupied by the DOIHARA Division, who had taken refuge elsewhere, would return in a day or two and peacefully resume their work. DOIHARA's love toward his subordinates was such that the officers and men of supply units used to say, "Chinese civilians first, then the 14th Division, then the units attached to the 1st Corps."

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SAKURAI - Direct

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28704

Early in May 1938, to cross the Yellow River, the Division of the witness had to leave Sinsiang, where they were to begin preparations for the crossing. The people of Sinsiang had such confidence in DOIHARA * that they could not leave without bidding farewell to the Business Club President and all others, but a river crossing required secrecy and to tell them they were moving eastward would have revealed the movements. Therefore, the witness told the President that they were moving west. Thereupon, the President said he was sorry to part from DOIHARA, whom he loved and admired, and that the Sinsiang inhabitants would like to give a farewell banquet in his honor. The witness had to dissuade him from this because it would reveal movements.

On May 5, 1938 Division Headquarters started by train from a station outside Sinsiang. Once the people gave DOIHARA a gift in praise of his high moral character.

28706

On 11 May 1938 in the face of the enemy, the 14th Division under DOIHARA crossed the Yellow River and took the enemy by surprise, dealing them a severe blow. The following day a chase started and that evening Chinese refugees were seen fleeing across a vast plain and taking cover in the barley fields. The witness, who was riding a horse immediately behind DOIHARA, saw DOIHARA order his interpreter to tell the Chinese that the Japanese had not the slightest intention of attacking anyone of the Chinese forces. The people at large should return home and resume work. Also DOIHARA told refugees and Chinese to return. * Although they fled at first from their homes, relying upon these words they returned afterward to their villages and served tea and refreshments to the officers and men.

On 5 June the Division attacked the Walled City of Kaifeng. Before launching an attack it was customary for them to be given a large scale map on which were marked churches, hospitals, and establishments which were the property of the U.S., Britain, France, etc. They had strict orders not to direct shell fire or launch attack against them. In Kaifeng were buildings belonging to the U.S. and Britain and DOIHARA stressed repeatedly to his men and gave orders that they were to be cautious in their assault,

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Page especially in artillery attack.

28707

On 5 June Kaifeng was captured. One force mopped up enemy ramparts in the city * while others pursued the enemy toward Chungmow. On 6 June, DOIHARA with his staff inspected the city lest looting and other aqts should be committed. All the inhabitants had fled because of the bombardment. When DOIHARA saw a Japanese soldier coming out of a Chinese house with a chicken, he spoke to him, telling him he should not have looted, disobeying instructions. He ordered him to return it at once. DOIHARA set good examples and even the rank and file came to observe his instructions. The DOIHARA Unit became the equivalent of doing no harm to Chinese civilians. It became known to the refugees that the DOIHARA Unit had captured Kaifeng and two days later they returned to work.

28708

When the TOSHIMA Brigade pursued * the enemy to the vicinity of Chungmow, the enemy broke open the Yellow River embankment, flooding the district. Japanese Army Engineers engaged in rescue work and many Chinese civilians suffered damages. Rescued Chinese expressed their thanks. The commander of the engineers was praised by DOIHARA for these rescue operations.

While the Division went out to intercept the Lunghai Railway, they often saw distant fires at night. On such occasions, DOIHARA urged the witness to take all precautions lest Chinese houses be burned. He told the witness to warn subordinates to put fires out when they left camping grounds. DOIHARA enforced strict discipline in regard to fire and not a single house was burned in the Division's operational and garrison area.

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HATTORI - Direct

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28710

DIRECT EXAMINATION OF HATTORI, Takushiro
BY MR. WARREN

The witness identified and verified Exhibit 3185 as his affidavit.

28711

* The affidavit stated that at the time of the Nomonhan Incident he was a staff officer of the Kwantung Army. The witness could state as a positive fact that DOIHARA was in no manner concerned with the Nomonhan Incident. He was Attache to the General Staff in June 1938 and Commander of the 5th Army 19 May 1939, and held that post until he was Supreme War Councillor in September 1939. The Nomonhan Incident occurred 12 May 1938, just a few days before DOIHARA became Commander of the 5th Army. The 5th Army Headquarters was the Tung-an in Eastern Manchuria and its duty was the defense of that area.

28712

* The witness knew that the creation of the 5th Army had nothing to do with the Nomonhan Incident. The 5th Army's units did not participate in any manner in that Incident which was going on and continued on for a short time after DOIHARA's appointment. He knew that DOIHARA was never transferred to an area that had any connection with the Nomonhan Incident but confined his duties to defense in the Tung-an area.

Confusion may have arisen as to the 5th Army participation in the Incident because after it developed, the Kwantung Army Commander withdrew units from each army in Manchuria, adding them to the 6th Army's 23rd Division which was fighting at Nomonhan. Such units were taken from the 5th Army, as well as others, but DOIHARA was not officially concerned in any manner with the withdrawal of these units and could not have issued orders for such withdrawal.

28713

* Toward the end of the Incident, the 5th Army's 3rd Cavalry Brigade was withdrawn to add to the Nomonhan military strength, but before this unit could be added the Incident was concluded and the Brigade never participated. The witness knew that the withdrawal of the 3rd Brigade was not upon DOIHARA's

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Page orders nor was he in any way responsible. The orders were issued by higher authorities.

CROSS-EXAMINATION BY COLONEL IVANOV

The witness stated that two new armies, the 5th and 6th, were formed in the Kwantung Army in 1939. He knew that DOIHARA was appointed the first commander of the 5th Army seven days after hostilities at Nomonhan had begun.

28714 * He knew that military operations in the Nomonhan Area continued for four months in 1939, during which time DOIHARA was Commander of the 5th Army in Manchuria. He recalled that DOIHARA left his post in September 1939 and in September 1940. Operational command of the Nomonhan area was the responsibility of the Kwantung Army Commanding General. If units of the 5th Army were to be dispatched to the fighting, that would mean the transfer of such units to the command of other army units. This meant that *
28715 responsibility did not rest with the Commander of the 5th Army but with the Commanding General of the Kwantung Army. The 5th Army did not participate in the fighting at Nomonhan.

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28717 * The witness stated that as he said in his affidavit, machine gun, mortar, and other units of the 5th Army sent to the Nomonhan Area, took part in the operations. The Commander of the Kwantung Army issued orders to DOIHARA rather than to the unit commanders concerning the dispatch of troops.

28718 * The 5th Army was in charge of the defense of Manchuria's eastern borders; When asked if the Kwantung Army informed DOIHARA of these tasks, the witness stated that as far as operational plans were concerned, he believed a draft was shown by the Kwantung Army Commander. DOIHARA knew of these plans so far as they concerned the 5th Army.

28719 The witness stated he knew of the contents of the operations plan for a war against the USSR in 1939, and of the tasks under this plan allotted to the 5th Army. * The witness was asked if this plan provided for operations aimed at seizing the Soviet maritime province, and whether or not the 5th Army was to take part. He stated that among the duties of the commanders of the armies under the control of the Kwantung Army * there had to be a distinction between those in time of war and in time of peace. Wartime duties were not given until after the actual outbreak of war.

28720 When asked if it was not the task of the 5th Army to take part in the operations for the seizure of the Soviet maritime province, he stated that was not so. The primary duty of the 5th Army was always defense, and that would be its first concern and first action. But, in considering defense, there is always the possibility of * offensive defense. The offensive action stemmed from the thought of an offensive defense.

28721 The witness was not in charge of war plans against the USSR while he was a staff officer, but he did have to do with strategic or operational plans.

The attention of the Court was called to exhibits 834, 838, 703, and 705.

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DIRECT EXAMINATION OF FUHA, Hiroshi,
 by Mr. Warren.

28722 * The witness identified and verified exhibit
 28723 3186 as his affidavit. * The witness stated that among
 his various positions during the recent war, he was staff
 officer of the 7th Area Army from July 1944 until April,
 1945. The 7th Area Army was organized 15 April, 1944,
 under the Southern General Army, and its first commander
 was the accused DOIHARA, who held this post from April
 1944 to April, 1945, when it was taken over by ITAGAKI.

Command jurisdiction of the 7th Army was Malaya,
 Sumatra, Java, and British Borneo. Borneo was divided into
 British and Dutch areas. At first the army was charged
 with preserving peace in the British area and the navy with
 that in the Dutch area. The 24th Army had no jurisdiction
 whatsoever over the latter area. The Borneo garrison, a
 part of the 7th Army, was the unit responsible.

28724 * Repeated attacks in New Guinea by Allied forces
 increased alarm, and in fact most parts of New Guinea were
 conquered. Need for general reorganization became urgent,
 and in August, 1944, the Borneo Garrison was reorganized
 into the 37th Army and withdrawn from under the command of
 the 7th Army. The 7th Army commander had no further re-
 sponsibility, and no command over its operations. This
 move resulted in the removal of all things relating to
 British Borneo from 7th Army command as of August 1944.

28725 * At no time was any POW camp within the juris-
 diction of the 7th Army. They were always under the
 control of the Southern Army. The commander of the Southern
 Army, TERAUCHI, controlled the administration of the camps
 and placed responsibility upon the camp commanders. In
 areas such as the territorial jurisdiction covered by the
 7th Army, intermediate commanders had no responsibility
 in the administration of POWs and were not authorized to
 and could not issue any orders concerning them. Their
 responsibility was functional and not administrative.
 Their duty was limited to security to guard POW camps,
 or take measures to safeguard them from the enemy. They
 had no voice in camp administration or treatment of POWs.
 When speaking of intermediate commanders, he spoke with
 reference to security channels only, and not to command
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In the chain of security command, there is first the Commander of the Southern Army, the Commander of the Area Army, and the Commander of a subordinate army or garrison. An intermediate commander would be the army commander, and not the army area commander. The chart which he incorporated as a part of his affidavit showing command and security channels depicts this.

28727 Full responsibility for administration and treatment of POWs was under the Southern Army Commander. Security of POW camps was the responsibility of the army or garrison commander, and the army area commander had no responsibility or authority whatsoever. The Southern Army Commander, in addition to reserving direct administration and treatment of POWs, also reserved ship transportation and naval and army aerial units. These units and services even located within the territorial jurisdiction of an area army, were not subject to any command function exercised by the commander of the area army.

CROSS-EXAMINATION BY COLONEL MORNANE.

28728 The witness stated that his rank was lieutenant colonel when he was staff officer of the 7th Area Army, which had headquarters at Singapore. He remembered that on 23 October, 1944, as result of an agreement between army and navy authorities, command of the Andaman and Nicobar Islands went from the navy to the 29th Army, which was under the 7th District Army. It did not happen that by a similar agreement the army became responsible for the whole of Borneo. * In August, 1944, the defense of Borneo came under the jurisdiction of the Southern Army, but he knew nothing of what happened after that.

28729 It was suggested to the witness that the 37th Army was not formed until 12 October, but the witness stated that according to his recollection it was formed in August 1944, under the Southern Army. It was suggested to the witness that the 7th Army was formed on 27 March, but he stated he believed it was the 15th April, 1944. The district army was formed before he became a member of its staff, and he was relying on records since as to the formation of that army. * He had seen these records within the last three months, at 7th Army Headquarters in Singapore. Upon being re-asked if he had seen any of these records within the last three months, he stated he had not.

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28730 If the Central Liaison Office said the army was formed on 27 March, he would not be in a position to deny it. In regard to the normal functions of an area army in relation to the armies under it, * the area commander has power to give orders in relation to education, personnel, operations, supplies, etc. The area army does not have any troops apart from headquarters troops. The area commander would be directly responsible to the general army commander.

28732 * He was asked if there were any other cases where an army commander was directly responsible to the commander of the general army and not to the army area commander, and he stated POW camps had a special chain of command, and he knew of no other case. As far as administrative functions were concerned, the POW camp at Rangoon was not under the Burma area army. The Burma area army was the same as that of the 7th area army and other armies. To the witness was read a statement from article 3 of the ordinance of POW camps of December 23, 1941, saying that POW camps shall be administered by a commander of an army * or garrison commander under the general supervision of the War Minister. He was asked to reconcile the practice of the Southern Army Commander with regard to POWs with that article. The witness stated that provision applied to POW camps in the Japanese homeland. As for POW camps overseas, he believed it should be interpreted that the commander of the Southern Army was the one referred to.

28735 * Exhibit 3187, the affidavit of SANADA, Joichiro, stated that the affiant was Chief of the Military Section of the Military Affairs Bureau from 5 February, 1941, to 20 April, 1942, and during his tenure became familiar with the functions and operations of the Supreme War Council. The Council was an advisory body to the Emperor on important military affairs, but did not have authority to independently advise. It only advised upon the Emperor's request. When there was no draft of a subject for consultation presented by the Emperor, there could be no official Supreme War Conference. The Supreme War Council referred to in Appendix E of the Indictment as having been held on 30 June, 1941, and which was attended by the accused DOIHARA, was not an official conference because there was no draft of a subject by the Emperor. Consequently, there was no matter for consultation, and the members were not called upon to make any decision.

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28736

* The witness had personal knowledge of what occurred at that meeting, because the Director of the Military Affairs Bureau, MUTO, was ill and the witness attended in his behalf. At the meeting, War Minister TOJO made an opening address and was followed by Chief of Staff SUGIYAMA, who spoke on the conditions and prospects of the European War which had broken out between Germany and the Soviet on 22 June, 1941. During that meeting there was only the explanation of the international situation caused by the outbreak of the German-Russian war. There was no statement of opinion by the war councillors and no discussion concerning the Greater East Asia War, or the outbreak of a possible war between Japan and the U. S.

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DIRECT EXAMINATION OF KAWABE, Torashiro,
by Mr. Warren.

28738 * The witness identified exhibit 3188 as his affidavit, and after corrections verified it. The affidavit
28741 stated that the witness * became acquainted with DOIHARA in 1934, when he was Chief of the Special Service Organ in Mukden. At that time the witness was a staff officer of the Kwantung Army, holding that post from August 1934 to March 1936. During this period his work often brought him in contact with DOIHARA, and he became familiar with the methods he used and the administration of his official affairs, and became intimately acquainted with him,
28742 * learning his viewpoints with reference to Japan-Chinese relations.

28743 When DOIHARA was Inspector General of the Air Force, the witness served under him as Chief of the General Affairs Section, and DOIHARA was his immediate superior. During this time he became familiar with the duties and responsibilities of the Inspector General of the Air Force. * He could state that the Inspector General was under the command of the Emperor and subordinate only to the War Minister. The Inspector General was in charge primarily of technical education. Although the Chief of Army Air Command Headquarters was subordinate to the War Minister regarding maintenance, supply, etc., neither had authority to participate or advise on operational matters. They were precluded from participating in the preparation of any operational mission with reference to armed forces in the field or in war. The Inspector General and the Chief of Army Air Force Command Headquarters were two distinct posts. As Inspector General, DOIHARA was under the command of the Emperor directly.

28744 As Chief of the Army Air Command Headquarters, the chain of command went from the Emperor * through the War Ministry, then to General DOIHARA. In this position he did have duties with reference to air corps supply, but did not participate in planning operational matters.

When DOIHARA was Inspector General of Military Education, the witness did not serve under him, but was fully acquainted with his office's operations and responsibilities. The Inspector General of Military Education was responsible for the administration of technical and army service schools generally and educational matter, with the exception of technical matters pertaining to aviation.

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He had no authority, and in practice took no part in any planning or operational matter, and had no voice in any decision in reference to planning operations in the field.

28745

The witness was fully acquainted with the Supreme War Council, of which DOIHARA was once a member. The Council is more of an honorary position than an integral part of military command. It was merely a military inquiry organ * to respond to the Emperor's questions on important military problems. It had little or no political authority and was an organ receiving reports of general affairs, and the military situation from various army leaders.

While DOIHARA was Chief of the Air Command, the witness knew of occasions when he was required to deal with civilian aircraft industry problems with political significance. When these matters came up, DOIHARA merely clarified the army's position and left concrete matters in the hands of the industrialists and refused to engage in politics with them. The witness never knew DOIHARA to offer them a hand for the sake of political artifice, but he remained aloof to the extreme.

28746

* DOIHARA became Inspector General of the Air Forces and Chief of the Army Air Command Headquarters six months before the outbreak of the Pacific War, at which time the witness was his assistant as head of the General Affairs Section. From discussions with DOIHARA, the witness knew that he had scarcely any knowledge up to the war's outbreak of the essential problems of political and military significance in the country. The witness could say this, because just before the war's outbreak when he asked DOIHARA a few questions concerning the strained and gloomy prospect, DOIHARA had not the slightest idea as to the import of the witness' questions. Instead, he asked the witness what it was all about. After the discussion, DOIHARA ordered him to get information from the War Ministry and General Staff Headquarters, so he would have the necessary knowledge to discharge his duties.

28747

The decoration DOIHARA received from Germany was while he was Inspector General of the Army Air Forces, and * he and the witness was present at the time he received it. The witness recalled DOIHARA received the Grand Cross. He knew personally DOIHARA could never undertake it, any political or any action to strengthen or enlarge the triple alliance. They were surprised that he received the medal. The only reason they could attribute to his receiving

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it was the fact that he was the head of the department. DOIHARA himself uttered words of surprise on learning of the decoration.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

The attention of the court was called to exhibits 2246, 1272, and 2247.

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DIRECT EXAMINATION OF TATSUMI, Eiichi.
 by Mr. Warren.

- 28750 * The witness identified and verified exhibit
 28751 3189 as his affidavit. * The affidavit stated that the
 witness was Chief of Staff to DOIHARA at the time he was
 in command of the Eastern Area Army, and was familiar with
 his policies and system for the control of POWs in the
 Tokyo area. At the end of the war the witness was a
 lieutenant general.
- 28752 The main function of the Eastern Area Army was
 the defense of Tokyo and adjacent territory. * As its
 commanding general, DOIHARA had under him several divisions,
 air defense units, hospitals, and others. There were
 literally hundreds of separate units under his command.
- 28753 There was a special arrangement regarding the
 handling of POW detachments in the main islands in Japan.
 There had been established to deal with POW affairs the
 POW Information Bureau and the POW Control Bureau. The
 chief of both was the same person, and both were directly
 under the War Minister. All complaints from foreign
 nations and others were routed to the Chief of the Informa-
 tion Bureau. There was also an area office in Tokyo for
 the centralized control of POW detachments within the
 jurisdiction of the Eastern Area Army. The main office
 was in the chain of command under the Eastern Army
 Commander. There were about twenty branches and detach-
 ments, with about 4,000 prisoners. * The Control and
 Information Bureaus were not connected with the command of
 the Eastern Army, whose commander had no control over them,
 but in accordance with the War Minister's orders or upon
 his own initiative the Chief of the Bureaus directed the
 chiefs of the POW camps in regard to control of POWs.
- He or his subordinates often visited the various
 branches to observe and inspect and give instructions to
 them. The Eastern Army Commander was responsible for the
 control and administration of POWs within his jurisdiction,
 but in actual practice the activities of the Control and
 Information Bureaus operated to relieve him of this
 administrative responsibility. This permitted him to
 devote more time to his other duties.

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28754

* During the time DOIHARA commanded the Eastern Area Army he received no complaints, either from superiors or subordinates, concerning the mistreatment of POWs. The witness did not mean that he received no reports, because he had received a monthly report on general conditions, but these did not refer to POW mistreatment. The witness knew that despite his many duties, DOIHARA was interested in the welfare of POWs, and visited the camps under his control. On a visit to the Naoetsu camp, DOIHARA learned there was not adequate skilled medical care and that in an emergency the camp had to depend upon the services of doctors from cities as far away as Shibata. Despite there being many units and detachments of the army and many civilian communities as devoid of medical attention as this POW camp, DOIHARA managed to make special arrangements to provide the camp with medical care by army physicians at the base hospital at Takata, nearby.

28755

* The policy with reference to the handling of POWs was forwarded to the Eastern Army Commander over the War Minister's signature for his compliance, and was not formulated by him.

There was no Cross-Examination of the witness, but the attention of the Court was called to pages 16258 and 14270 to 80.

28756

* The defense called the attention of the Court to testimony at page 14277.

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- 28764 * Exhibits 3190 and 3190-A, being two charts, were received in evidence.

- 28765 * Exhibit 3191, an excerpt from prosecution exhibit 734, a photo-copy of a record entitled "Situation in the Caucasia and its Strategic Use for Sabotage Activities" sent by HASHIMOTO to Deputy Chief of Staff OKAMOTO on 15 November, 1929, stated that certain points should be borne in mind as to how advantage can be taken of those countries strategically.

28766 They must recognize that England, after her competition into the Caucasus after the Russian revolution, desired to hold on to Baku's oil. * It was necessary to take advantage of this fact. In the event of Russo-Japanese trouble, she could not very well make movements in the Caucasus against Russia without sufficient reason, but it was possible for Britain and Japan to act jointly to encourage Turkey and Persia's craving for territory there and use them as tools to work upon the Musuliman state in the Caucasus.

It was most essential to maintain good relations with Britain in case of Soviet-Japanese trouble.

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 OBATA - Direct

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DIRECT EXAMINATION OF OBATA. Minoru,
 by Mr. Harris.

28767
 28769

* The witness identified exhibit 3192 as his affidavit and verified it. * The affidavit stated that the witness knew the accused HASHIMOTO very well. In August, 1937, when HASHIMOTO became Commander of the 13th Field Heavy Artillery Regiment, the witness was a battalion commander under him. From that time until he returned to Japan from China in April, 1939, the witness was always with him.

When he arrived about eight miles west of Wuhu on 11 December, 1937, HASHIMOTO received an order from Commander YANAGAWA and returned to Wuhu immediately. This order read that HASHIMOTO should command his regiment together with an artillery and an infantry battalion and attack near Wuhu, ships carrying Chinese soldiers and sailing up the Yangtze. That order came about 2 a. m.

28770

HASHIMOTO's order to the witness was that he should command his unit, together with an artillery battalion, and occupy the wharf of Wuhu and attack the fleeing Chinese fleet. This order was about 5 a. m. On HASHIMOTO's orders, lieutenant NAKAMURA was to advance to a point about a thousand meters downstream and wave a handkerchief when he saw the fleeing ships by telescope. When the witness saw this handkerchief he was to fire upon the ships.

28771

While it was still before dawn and not yet light, NAKAMURA waved the handkerchief. The witness saw by telescope five or six ships gathered, anchored about fifty meters apart. He instantly began firing at about 4,000 meters. Even before dawn, it was difficult to see the ships clearly because of deep fog. He could only discern ships loaded with Chinese soldiers. After twenty or thirty shells had been fired, one of the ships put out a black smoke screen. Under cover of the screen, one ship sailed toward them. * Seeing it coming, they thought it was about to surrender and stopped the shelling. As the ship neared its hull became clear, and at 3,000 meters it was discovered not to be a Chinese Army ship. At first it was not the distance but the fog which made it difficult to tell they were not Chinese ships.

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After ceasing fire and while waiting for the ship to reach the wharf, they found by its flag that it was British and had received two direct hits. A rear admiral, the ship captain and his executive, and no other came ashore and asked them to meet for negotiations. HASHIMOTO, the witness and an interpreter took part in the negotiations.

Upon being asked why they had fired, HASHIMOTO replied that they had done so because the ships were loaded with Chinese soldiers. They then asked why we fired on British ships. HASHIMOTO answered that due to the heavy fog they could not see that they were British ships.

28772

* One death had occurred from the shelling, and the British captain asked them to attend the funeral service. They sent one representative. This British ship was the "Ladybird", and the witness later learned that the incident was taken up through diplomatic negotiations. As to its details, he knew nothing.

HASHIMOTO and his forces had no connection with the sinking of the "Panay", and never saw it. The HASHIMOTO force was stopped at Wuhu, near Nanking, shortly after Nanking's fall. This force was ordered to Hangchow and never participated on the attack of Nanking, nor entered it. Neither did the HASHIMOTO force attack Hangchow or enter its vicinity, nor did that force attack or enter Canton.

CROSS-EXAMINATION BY MR. TAVENNER.

28773

* The witness stated that the shelling of the "Ladybird" occurred about 37 miles north of Nanking at about 9 o'clock. Beyond the orders to NAKAMURA to advance to a point 2,000 meters down the river from the witness' battery, no other orders were given NAKAMURA. After assuming his post, NAKAMURA was about two thousand, four or five hundred meters from the Ladybird.

28774

* The witness was asked if he had seen a handkerchief dropped by NAKAMURA 2,000 meters away if there was any knowledge which would have prevented him from discerning a flag on a battleship 2,500 meters away, and the witness stated that there was a fog. NAKAMURA gave no report when he dropped the handkerchief or made any signal to indicate this was a ship of a third power. It was not true that he failed to give such warning because it was understood all the time that the ship of a foreign power would be fired upon if observed.

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28775 He received no orders concerning the ships of third powers. * The witness stated that he saw the order received by HASHIMOTO. After first stating that he received the order orally from HASHIMOTO, he retracted what he had said about seeing, and said he did not see the order. If HASHIMOTO received an order to fire on vessels regardless of nationality, he said nothing to the witness about that. No one consulted the witness in regard to an investigation that was made of this matter.

28777 * The order HASHIMOTO received from YANAGAWA was given verbally. Later, the witness saw the order which his secretary had written down. * When asked if he meant to say that HASHIMOTO received the order verbally, the witness stated he did not see the order from YANAGAWA, and knew nothing about what it contained.

The attention of the Court was called to exhibits 2188 and 954-C.

REDIRECT EXAMINATION BY MR. HARRIS.

28779 * The witness stated that he saw the handkerchief through binoculars, after it became light. It was pointed out to the witness that his affidavit stated that it was still before dawn and not yet light, when he saw NAKAMURA wave the handkerchief through the telescope. The witness stated that if it were a distance of about 2,000 meters, the mist over the land was comparatively lighter.

28780 * The witness did not know whether General YANAGAWA was still living. When asked why, since the flag of a ship is larger than a handkerchief, the handkerchief and not the flag was seen, the witness stated that the handkerchief was waved at a distance of 2,000 meters, but the ship was at least 4,000 away. Furthermore, the mist from the land was lighter than that from the water.

28781 * According to the witness' recollection, the "Ladybird" was a gunboat.

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 DEFENSE
 HASHIMOTO (OGAWA-Direct)

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Direct Examination of OGAWA, Kiichi by Mr. Harris.

28781
 28783

* The witness identified and verified Exhibit 3193 as his affidavit. * The affidavit stated that the witness was a priest of the Nichi Ren Sect and became a member of the Great Japan Youth Party (Dainihon Seinento) in April 1938. While HASHIMOTO, the president was away on military duty, the witness acted as president pro tem. On HASHIMOTO's return in April, 1939 the witness relinquished this post and became a councillor, remaining so until the society's dissolution in October, 1940.

26784

The purpose of the Great Japan Youth Party were to abolish established parties and accomplish domestic reform. Since public feeling at that time was that these parties and the Zaibatsu had appropriated to themselves the government so that extreme corruption was everywhere and the only ones whom the public could trust were the military and judiciary. The Youth Party absolutely did not have aggressive war as its object. Its membership never reached 20,000 * and never included a military man on the active list or an influential government official. Its expenses were met by fees paid in by the members and it never received financial aid from the military or any other source.

The "Taisho Dai Ni" the official news organ was not circulated outside its membership. The Great Japan Youth Party (Deinihon Sekiseikai), a thought organization, was formed on the dissolution of the Youth Party out of a portion of the latter's membership. The Loyalty Society had as its objects the guidance of Japanese Youth thought and the encouragement of increasing rice production. Aggressive war was no part of the society's objectives.

28785

Its membership was about 5000 and never included a military man on the active list nor any influential government official. * Its expenses were met by fees charged its members and there was no outside financial aid. The Loyalty Party took over the news organ of the Youth Party (Dainihon Seinento). After the transfer of management to the Loyalty Party efforts were made to publish articles concerning increasing rice production. There was no circulation of the news organ outside the membership. The witness stated he had not been connected with the IRRRA.

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28786

*In September 1944 the time of the dissolution of the Loyalty Party, he joined the Imperial Rule Youth Assn whose membership included no military men on the active list nor any influential government official. The witness was on the General Affairs Committee at first and in November 1944 became Chief of the Guidance Branch. The IRYA principal activity was to encourage wheat production and absolutely not directed toward aggressive war.

28786

* Certain named books of HASHIMOTO and his essays in the "Taiyo Dai Nippon" were all written after he gave up his military career and had become an ordinary civilian. These books were all reproductions of essays appearing in the "Taiyo Dai Nippon". There was no cross examination of the witness.

28787

The attention of the Tribunal was called to Exhibits 2188 and 3193.

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HASHIMOTO (SUZUKI, Takhashi-Direct)

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Direct Examination of SUZUKI, Takhashi by Mr. Harris.

28787 * The witness identified and verified Exhibit 3194 as his affidavit.

28788 The affidavit stated that in August 1934, the witness sponsored a farewell party at a restaurant for the accused TOJO who was to be transferred to Kurume Brigade as its commander. The sponsors of the party were GONDO, Masanori, section chief of the Military Academy, and AMANO, Isamu, instructor there, and the witness who was then in the first section of the Army General Staff. The ones who attended were serving either in the General Staff, War Ministry, Dept. of Military Training or Military Academy and were in TOJO's goodgraces.

28789 No invitation was given to HASHIMOTO who was not in any of the above mentioned groups. The witness was not aware of any particular friendly relationship between HASHIMOTO and TOJO, that * would call for his being invited. At no other time than this was the witness ever a sponsor to a party at the Akebonoso Restaurant.

There was no cross examination of the witness but the attention of the court was called to evidence at page 2056.

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28790 Direct Examination of HASHIMOTO, Kingoro by Mr. Hayashi

28791 * The accused identified and verified Exhibit 3195 as his affidavit. * The affidavit stated that the accused began army services in December 1911. In August 1934 he was a colonel and became commander of a field artillery regiment and was transferred to the reserve in August 1936.

He was called to the colors in August 1937 and sent to North and Middle China as an artillery regiment commander until April 1939 when he again went to the reserve list. Except for these two periods of active duty, the accused had never been in government service and was at all other times an ordinary civilian. He had never occupied any official position of sufficient importance to have entitled him to take part in any planning, preparing, or conspiring with relation to the Manchurian Incident, China Incident, or the Pacific war.

28792 Nor did he participate in any of these. He had never been on friendly terms with any of the defendants. At the time of the October Incident, he was severely reprimanded by ARAKI and confined by order of MINAMI. Certain named publications * and essays which appeared in the "Taiyo Dai Nippon" were all written and published when he was an ordinary civilian. In them he described only his personal opinions and they represented no plan. While a civilian he had made public speeches but they conveyed only personal convictions arrived at independently and not through any plan or conspiracy with others.

28793 In September, 1927 the accused was appointed military attache to the Embassy in Turkey and served there until June 1930. Nov. 15 1929 he sent to Deputy Chief of Staff OKAMOTO a report entitled "Situation in the Caucasus and Its Strategic Utilization". This report was made in the course of his duties. In it the phrase "Subject to change, of course, with the then existing world situation" and "in case trouble should arise between Russia and Japan" should be interpreted to mean that Japan's attitude had to be altered in accordance with international relations * and if unfortunately war should break out with Russia. From this report and examination of other evidence it was obvious that he never plotted, prepared or conspired to wage aggressive war against Russia.

0 162 0002 4475

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In October 1930 he inaugurated, with a view to national reform, a study and discussion group called "SAKURAKAI" or Cherry Blossom Society whose members consisted of officers under the rank of Lt. Col. The society was not secret and had no regulations and no fees were charged. It had no connection with the Kwantung Army or its officers. Discussions were not held relative to the Manchurian problem nor did it have any connection with the Manchurian Incident.

28794

He did not form any research group on Manchu-Mongolia issues nor join or back incognito any such groups. He had never even heard of the existence of such groups. In March 1931 he participated in the March Incident plotted by OKAWA * with the aim of reorganizing the cabinet headed by Gen. UGAKI. The plan was not realized because of UGAKI's disapproval. The Incident was not linked with the Manchurian Incident.

28795

* The accused thought up the October Incident in October 1931 to bring about a cabinet headed by ARAKI for national reform and urged ARAKI to accept. ARAKI severely reprimanded the accused who was arrested on the orders of War Minister MINAMI. After twentyfive days confinement he was relegated to the post of regimental officer. This Incident had no connection with the Manchurian Incident. It was first thought of in the course of a conversation with Capt. CHO, Isamu in the first part of October 1931 after CHO returned from Peking. The plan never materialized and no civilians joined in it. The accused KOISO was not related in any way to the Incident.

The accused had never had a chance to talk to TANAKA, Ryukichi concerning the Manchuria Incident. In August, 1934, the accused commanded a military regiment at Michima City. He knew nothing of the meeting sponsored by SUZUKI, Takashi at the Akebonoso restaurant. He had never been there and did not know its whereabouts.

28796

* In April 1931 as Chief of the Russian section of the 2nd Dept. of the General Staff at the meeting for Estimation of Situation he advanced the opinion that Headquarters should recommend that the government take a firm attitude toward settling the Manchurian question. Other than this he had nothing to do with the Manchurian Incident or the founding of Manchukuo.

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At the time of the Marco Polo Bridge Incident, July 1937 he was living in Tokyo as reserve officer on inactive duty and had nothing to do with it. While at the front, pursuant to order of Gen. YANAGAWA the accused at Wuhu fired on ships fleeing from Nanking which were carrying retreating Chinese soldiers. The British Gun Boat "LADY BIRD" which was among the Chinese ships, was struck and an incident created. The fact that the shooting was a mistake due to dense fog which made him take it for a Chinese ship was brought to light and the accused was set free from responsibility. He had nothing to do with the PANAI Incident.

28797

* Neither he nor the officers under his command had ever been at Nanking, Hankow or Canton. He had never ill-treated POWS nor committed inhuman acts against others. He had never permitted those under him to do such acts. He had never been in a position where he could have performed such acts. After leaving active service he founded in October 1936 for national reform the Great Japan Youth Party of which no soldier on active duty nor any distinguished persons were members. It was supported by one yen entrance fee and one yen annual membership fee, paid in by less than 20,000 members. It was never subsidized by the army or from any other quarter. It did not aim at aggressive war.

After its dissolution in October 1940, the accused established the Great Japan Loyalty Society, consisting of some members of the former. No soldiers on active duty nor distinguished personages were members and it was maintained by about 5000 members entrance fees of two yen each and an annual fee of one yea. It was not subsidized from the army or from any other quarter. It did not aim at aggressive war and was dissolved in September 1944.

28798

* "Taiyo Dai-Nippon" was the official publication of the Youth Party and then of the Loyalty Society. Its circulation was limited to members. In the fall of 1940 the accused was appointed a director of the IRRRA from which he resigned in February, 1941. The association's object was the practice of the Way of the Subject, and was not a body formed for aggressive war, nor did it work toward such end.

In September 1944, he was appointed Headquarters Director of the Imperial Rule Assistance Adult Assn. which was a part of the IRRRA. He resigned from that in February 1945. After joining his only

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work was the barley crop increase campaign. The association was not formed with aggressive war as its aim nor did it work toward such end.

28798

*The accused stated that Gen. YANAGAWA was dead.

CROSS-EXAMINATION by Mr. ITO,
Counselor for MATSUI

28799

*The witness stated that he had attended a meeting in 1929 of the Japanese military attaches in Berlin which MATSUI also attended. When asked if either he or MATSUI made any plans or decisions against the USSR, the accused stated that no decisions were made at that time. The meeting was in April 1929. The military attaches received an invitation saying that since MATSUI, former head of the Second Dept of the General Staff was coming to Europe it would be a good idea to have a meeting at Berlin attended by all European * attaches. At the meeting MATSUI talked to them on the situation at home while they talked to MATSUI about the situation in the countries in which they were stationed. That was all that transpired.

28800

It goes without saying that no particular measures were taken with regard to plans against the USSR or of defense against them. No documents were made regarding the decisions at that meeting.

28802

Cross Examination by Mr. Tavenner.

* The accused stated that he assumed his position with the General Staff in Tokyo after arriving from Turkey in May 1930. He held this position until the end of November 1931 and was chief of the Russian section. His duties were to collect information regarding Russia. He was required to become familiar with Manchurian conditions so far as they concerned Russia. He knew nothing about the operations of the East Asia Economic Research Institute. He knew the institute was the one of which OKAWA was director.

28803

* He was well acquainted with OKAWA and met him about ten times at various restaurants. He became acquainted with OKAWA at the end of 1930 and the meetings with him continued spasmodically at restaurants.

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28804

* He met OKAWA spasmodically between the end of May 1930 to the end of November 1931 when he was transferred to Himeji.

28805

* The accused stated that he was chief of the Russian section before he became acquainted with OKAWA and met him off and on while holding that position. He did not know whether OKAWA was engaged in propaganda work or not but he did know that he made speeches on several occasions. Since he had only heard his speech on one occasion he did not know how many hundreds of speeches OKAWA may have made.

28806

* He did not know that OKAWA was at that time engaged in fomenting the Japanese for the so-called Manchurian Incident. He had never talked to OKAWA on political subjects and met him only in restaurants, although there was no reason why politics could not be discussed in restaurants. He had never talked with OKAWA on specific political questions. He had often talked with him on political corruption in Japan. He had talked to him about fomenting a disturbance in Tokyo.

28807

* He participated with OKAWA in the March Incident. The accused KOISO was concerned in it as OKAWA was given bombs by the accused and KOISO took them away.* OKAWA never told the accused that he advocated reformation of the government to settle the Manchurian problem. He did not know that that was the doctrine OKAWA stood for and which he preached. The accused could hardly believe that OKAWA had such power and ability that he could stir up the people and rouse dissatisfaction to such an extent that the army fell in line with him.

28808

During the accused's term in the General Staff it was far from the facts that after the dissatisfaction of the people became so great after OKAWA's propaganda missions, even the General Staff began to send out lecturers.

28809

* The suggestions the accused made about settling the Manchurian problem were made at the occasion of a conference on the estimate of the situation, in April 1931. At that time repeated Incidents were breaking out in Manchuria threatening Japanese lives and property. Their right to live and engage in business and railway rights were threatened. The foreign office protested only once and tried to settle the Incidents on the spot. The incidents amounted to over three hundred. The accused advocated that it was the General Staff's duty to strongly urge the government to take firm line toward the Central Government of China and carry out negotiations firmly.

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28810

He said that positive action must be taken * to settle these questions. His plan with OKAWA to stir up a mass demonstration was altogether separate from the Manchurian question.

OKAWA once told him that he had a plan to make UGAKI premier and through him reform the corrupted political parties. To this proposition HASHIMOTO said he was in complete agreement. They should go ahead. But if OKAWA wanted to make UGAKI premier he must first find out what UGAKI thinks of the plan. He told OKAWA he had better go to UGAKI and ask him. OKAWA returned and said that after talking with him UGAKI was not reluctant. In order to carry it out a disturbance must be created in Tokyo.

28811

*He asked HASHIMOTO if he had bombs which would make some kind of noise. The accused gave OKAWA such bombs * but two or three days later UGAKI said he had no such desire and was against the whole thing. Thereupon the plan fell flat. When asked if it was the purpose to stir up this demonstration so that martial law would be declared and the army put in control of the government, the accused stated he had nothing to do with the plans after giving the bombs to OKAWA.

He had not gone to OKAWA and advised him that the upper class of the army was burning with indignation at the Diet and that the Diet should be crushed. All OKAWA told him was that UGAKI seemed willing to go on with the think and asked him for bombs. When asked if his position was that he meekly followed the dictates of OKAWA, the accused replied that OKAWA thought up the plan, that he agreed to it and gave him the bombs.

28812

*After giving the bombs he had nothing further to do with it, and did not know anything more. He did not think the plan involved such a big thing as having the army called out. He believed that Vice Chief of Staff NINOMIYA knew about the plan. He did not know whether Gen. TATEKAWA was a party to the scheme.

OKAWA asked him for paper bombs and he had difficulty in finding them so he consulted TATEKAWA about the problem and TATEKAWA told him he would give him a letter of introduction to the Infantry School Commandant and thereupon the accused obtained the bombs there. That was the extent of TATEKAWA's participation.

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28813

*TATEKAWA was chief of the First Dept of the General Staff which dealt with operations. Gen. NAGATA was not involved. When asked about his saying it was a very small affair and not agreeing that the very top notch ranking officers of the Japanese army were involved, the accused stated the question depended on the meaning of the term "involved". He did not think it could be said that it went as far as that the upper crust of the army was involved.

The bombs were taken away from him by an officer and another one wrote him a letter of introduction when he had trouble in obtaining the bombs. That is as far as the matter went and he did not think he could say they were connected with the incident.

28814

* The accused KOISO took the bombs which he had given to OKAWA. The accused KOISO was chief of the Military Affairs Bureau.

The witness was quoted part of OKAWA's testimony at his trial in 1934 in which OKAWA stated that KOISO taking charge of everything told him that since there was danger of discovery if too many fussed about it they should pretend to have it suspended on the surface and that OKAWA should represent the civilians and KOISO the army. The accused stated he did not recall this and did not believe those were the facts. He had not heard * OKAWA testify that their idea was to set up a new political power and form a cabinet centering around the army.

28815

The accused stated he was not present at such trial. He stated he was the originator of the October Incident which occurred shortly after the Manchurian Incident but OKAWA did not assist him. In the March Incident OKAWA and the accused participated. However, the accused began to feel that if civilians were let in on such plots matters were apt to leak out and it would be difficult to carry them out. They came to the decision not to let civilians in on their plans.

28817

*The witness was handed excerpts from his interrogations. He was asked what official position he held with the Sakura Kei and he stated that the Sakura Kei had no chairman and the leading members were called sponsors. However the fact of the matter was that he was practically running the whole show.

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28818 In October 1930 Sakura Kai commenced its researches. It was not given that name until April 1931. He controlled the society from October 1930 to the end of November 1931. During that time he belonged to no other society. The next society he formed was in 1936 after * he had been relegated to the reserves. This society was the Great Japan Youth Party. He belonged to no societies between 1931 and 1936. He organized the Youth Party on Oct. 17 1936 and was its head until October 1940.

In October 1940 the Youth Party was reorganized as the Great Japan Loyalty Society and he was president until September, 1944.

28819 The accused was asked to examine a part of his interrogation and to state whether he made the answered attributed there. He stated there was a big error in the text. The question in the interrogation was if he had admitted certain plots, the last being whether he denied knowledge of complicity in the February 26 affair. His reply was that was correct meant that he had nothing to do with the February 1926 affair.

28820 * The first part of the question reads that the way it stood he admitted plotting with TATEKAWA, KOISO, NINOMIYA, SUGIYAMA and OKAWA to bring about the March and October Incidents. When his answer was taken in conjunction with the question as a whole it would seem as if he was accusing them of plotting with him in the October Incident but he had no such intention. If the questions before this question were read it would be found that a question was asked who was connected with the March and October Incidents, and it follows that TATEKAWA, KOISO, NINOMIYA, SUGIYAMA and OKAWA had nothing to do with the October Incident. The October Incident involved himself alone.

26821 The witness stated that subject to that exception the answers attributed were correct. (The questions and answers referred to begin with the fourth line at top of page 15676 and extend to the seventh line from the bottom of the following page).

26822 *Another excerpt from his interrogation was shown the accused where he was asked under whose orders he acted when he shelled the LADY BIRD. He stated the phraseology might be somewhat different but there was no mistake in the meaning. He said this was on the understanding that reference was made only to the one question and

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page answer regarding under whose orders he acted.

28823 In the order itself it was stated that Nanking was in a state of seige, that should be corrected to read their troops were now attacking Nanking. (This reference is at page 15678 beginning four lines from bottom and extending to fourth line from top of the next page).

28824 Another excerpt from the interrogations (p.15675) was pointed out to the witness. * He was asked whether he made the answers attributed to him. With reference to the question whether he wanted to get the British out of this sphere, to which he answered ye, the accused stated he did not know exactly what the prosecutor meant by the question. Since he did not want to bother asking him he just got impatient and replied yes. When asked if he wanted to get Britain out of India, Philippines, China, Burma and Asia he stated he wished to get the British out of political domination of these areas. Asked if he meant to expel them by force, he stated there might be occasions when force might be necessary. But he was hoping this would not arise. He felt it would be fortunate if they would get out without the use of force. He was not thinking at the time of Japan immediately declaring war to get them out by force.

22825 * asked if he did not advocate it later the accused stated that the point of his argument in his writings was that the China Incident was still unsettled and the reason why was that Britain was backing China. Unless accounts were settled with Britain, the Incident would never be settled.

He preached to the members of his society which aggregated 20,000 people advocating an attack on the British and driving them out of Asia completely. His ideas were published in books published by himself of articles originally in the Taiyo Dai Nippon.

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28829 * The accused stated that it was true that in an article entitled "Short-cutting Remarks on the Present Situation" which appeared in the 1 June, 1939 issue of Taiyo Dai Nippon, he had stated that the enemy that blocked their way to the south was England.

28830 The accused stated that on January 11, 1941, he had publicly declared that they should rise up resolutely. The time approached. They should begin a sweeping campaign against sympathizers of Britain and U. S. and at the same time start a movement to inspire moral support of the advance southward program through the country. It was true that he also stated publicly on 30 January, 1941, * that Japan embrace the continent of Asia and seize control of the Pacific, and that Britain and the Soviet would account for nothing. By these moves to the south and the seizure of the Pacific, he meant the seizure of Singapore, the extention of control to the Persian Gulf, establishment of naval bases in Australia, and extension of control to New Zealand, the Aleutians, and parts of the Soviet. He did not include the seizure of Burma. He advocated the inclusion of a part of the territory of the Soviet in Greater East Asia Co-Prosperity Sphere. He also included the Philippines and Hawaiian Islands.

28832 * When handed exhibit 2188, the interrogation of the accused, it was pointed out to the accused that part where he had said he published the book entitled "Inevitability of the Renovation", he agreed that book was
28833 published by him. * When he was asked whether that book was published while he was an officer of the IRAA, he replied "Yes". The contents of the essay were from essays published by the Japan Loyalty Society regarding the answers he gave to interrogations in exhibit 2188, which were pointed out to him. (Page 15695).

28835 * He stated that, generally speaking, with the exception of the interrogators opinions, he had written
23836 all the other things himself. The answers to the questions were true. When asked whether a question was asked and whether he answered as appeared in another part of the exhibit (page 15703), he stated that the interrogators interpretations of the contents of the essay were not correct, but what he personally wrote was. Generally the substance was correct, but he could not vouch for the accuracy of the English.

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* The prosecutor read his essays and asked him about them, but what he asked were not based on a literal translation. The contents were generally as he wrote them, although he was unable to say just where the differences lay in the contents of the questions referring to his essay and his essays themselves.

28838

When shown prosecution exhibit 675, a newspaper file from the Taiyo Dai Nippon, the accused stated that he wrote in the 5 December 1939 issue, an article entitled "Forge Ahead Towards the Formation of East Asia Bloc, Guide for Solution of Japanese-American Issue, President HASHIMOTO, Kingoro. * This excerpt stated that the open door and equal opportunity should be permitted only outside the pale of achievement of Japan-Manchukuo-China Bloc Economic Self-Supply and Self-Sufficiency to the minimum. If their policy ran counter to the 9 Power Pact, it should be disavowed as a shackle obstructing the existence of East Asia.

28839

The accused stated that he was one of the managers of the IRAA. He was one of the numerous organizers who participated on the invitation of KONOYE. He was director of the headquarters of the Manhood Corps, which was a subsidiary of the IRAA. He was also for a brief time a manager in the IRAPS. The IRAPS was established in July, 1942, and continued until some time in 1944. He was connected with it during that time.

28840

It was not the case that at the conference of military attaches in Berlin that the first item on the agenda was devoted to sabotage and espionage against the Soviet, but the topic did come up. * Attaches attended from the 8 embassies in Europe.

28841

Reference was made to exhibit 732-A, an excerpt from "Items Concerning the U.S.S.R.," presented at the conference of attaches. When asked if he addressed the conference proposing that the White Guard Emigrant Press be used for intelligence activities against the USSR, the accused stated that he may have, but didn't recall. He had no recollection of proposing that exiled Trotskyites be used for espionage against the USSR.

* When he had stated that "we" decided that civilians were not to be employed in the October Incident, he referred to himself, ISAMU, and about ten others who were apprehended. These included TANAGI, TANAKA, Wateru, AKANO, all of the General Staff, NEMOTO, Chief of the China Section, and NODA, a regimental officer. All had rank of

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lieutenant or captain. When asked if TANAKA, Wataru, was the same TANAKA who prepared the secret report of the operations of the Sakura Kai, the accused stated "no".
28842 * The TANAKA who made that secret report was TANAKA, Kiyoshi.

In regard to section 9 of the affidavit, the attention of the Court was called to exhibit 183 and testimony at 1963, 1966, and 1978. As to section 11 and 12, exhibit 2177-A, 2178-B, and exhibit 183. As to section 16, exhibit 954-C. * Section 6 and 7, exhibits 177, 264, 675-A, 1290-A, 2185, 2187 and 2188.
28843

The accused declared that TANAKA, Kiyoshi, was a captain at the time of the organization of the Sakura Kai. He did not know when he became major. The accused stated that he had never said to TANAKA, Kiyoshi, on 4 August 1931, that about the middle of September a plot was about to be expected to be laid by the Kwantung Army, and that an opportunity of solving the Manchurian-Mongolian problem should be made and the country should be radically reformed. * As to the reform of the country, the brains of the General Staff had reached a thorough understanding.
28844

* The witness was asked whether his being decorated, as shown by exhibit 105, in recognition of service during disturbances from 1931 to 1934, was for his contribution to the Manchurian Incident. He stated that he received it because he went to Manchuria as a member of the garrison there in 1932.
28845

REDIRECT EXAMINATION BY MR. BROOKS,
Counsel for KOISO.

Reference was made to exhibit 2188, to show that KOISO's part in the March Incident was merely to arrange to getting the bombs back to put an end to the plot.

REDIRECT EXAMINATION BY MR. HAYASHI.

* Reference was made to the question of the prosecution asking the accused to confirm a question and answer pertaining to YANAGAWA's orders in exhibit 2188. The accused was asked if at any other time he had been asked by the prosecution questions regarding the "Ladybird". He stated that he had explained to the prosecutor that shelling of the gunboat was a mistake caused by thick mist. He gave additional explanation of the general situation by illustrating with a map.
28849

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28850 The mist on the day of the shelling was peculiar to the winter, and made a heavy overcast over the Yangtze. It appeared as if steam were arising out of the river. The mist over the land was not so dense. Dawn was about 0800, * and when the attack began it was slightly dark because of the mist.

28851 * When he had testified that TATEKAWA was Chief of the First Division of the General Staff, he had made a mistake. He was Chief of the Second Division, whose duties were the collection of intelligence. None of the accused's books were written while he was manager of the IRAA.

 Among those who were connected with the October Incident was WACHI, Takaji, who was apprehended with the accused.

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28862

OPENING STATEMENT BY MR. LAZARUS.

DIRECT EXAMINATION OF UGAKI, Issei,
by Mr. Kanzaki.

28863
28866

* The witness identified and verified exhibit 3196 as his affidavit. * The affidavit stated that in 1944, when the witness went to China to bring about peace between China and Japan, HATA learned of his arrival there and sent him a letter encouraging his efforts.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

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DIRECT EXAMINATION OF MIYANO, Masatoshi,
by Mr. Kanzaki.

28867 * The witness identified and verified exhibit
3197 as his affidavit. The affidavit stated that when
28869 * the Doolittle fliers were captured, two of their air-
craft landed in China, one in the 13th Army Area and one
in the 11th Army's. When this was reported, the order
was given to the Chief of Staff, who asked to send them
there immediately. All the fliers went to Tokyo together
and came back together to China.

28870 * When they returned to China from Tokyo they
were sent to Shanghai, at which time the order was that
those fliers would be tried by the China Expeditionary
Force, which did not mean China Expeditionary Force
Headquarters.

One part of the order stated that a new military
law for the treatment of fliers who raided Japanese areas
had been created, and ordered them to post the new law.
The second part ordered that the fliers be tried by military
court in accordance with this new law. This order was
received 28 July 1942.

28871 The accused, HATA, was opposed to trying the
fliers by military law, but wanted to treat them as POWs.
He stated this to his Chief of Staff, and the witness
heard it because he was there at the time. * HATA stated
it was his intention to give the fliers as generous con-
sideration as possible. He said that if Tokyo insisted
they be tried under the new military law, he would give
them the lightest possible or most generous decision
possible at the trial. If there were the slightest
extenuating circumstances, he would consider them and
pass as light a sentence as possible.

28872 * Since the China Expeditionary Force Head-
quarters had no military court and since Tokyo had sent
the fliers to Shanghai, it was decided that the trial would
be held by the 13th Army, whose headquarters were there.
Because HATA opposed trying the fliers by a military court,
instead of ordering the 13th Army to proceed with the trial
he ordered it to investigate whether or not the fliers
would be tried by military law or could be treated as POWs.

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28873

* Neither HATA nor Headquarters received any answer from the 13th Army saying the evidence was not sufficient to hold a trial. When HATA expressed his intention of generous treatment to the fliers to his Chief of Staff, General USHIROGU, on the same day USHIROGU wrote Vice-Chief of the General Staff TANABE, stating HATA's intentions and asking the intentions of the Tokyo central authorities. As a result of this letter, Col. ARISUE came from Tokyo from the Chief of the General Staff and expressed the Chief's desires. These were to carry out the trial in a very strict manner, and that the punishment must be very strict. As a matter of fact, the Chief of the General Staff was expecting the death sentence. Further, it was the Chief's order that the decision be

28874

* forwarded to Tokyo for action. Execution of sentence should be stayed until the decision was forwarded from Tokyo, after action was taken there. After execution of sentence, no announcement was to be made by the Expeditionary Army Headquarters, but all announcements would be made by Imperial Headquarters.

HATA told ARISUE that because of the seriousness and importance of the matter, he wanted the Tokyo orders in writing. ARISUE reported that because of the seriousness of the matter, the Chief of Staff had decided to forward the orders not in writing, but by his special emissary, ARISUE, as this was the most reliable way of conveying them.

28875

After HATA forwarded the orders to Tokyo that the fliers should be tried, he took no further action. He did not appoint the members of the tribunal, the prosecutor, * nor defense counsel. He made no appointment for any position with regard to the court or its members. This was not within his province. The trial was to be held by the 13th Army, which had its headquarters in Shanghai where the fliers had been delivered. With the arrival of ARISUE and the orders that they were to be tried by military court, which court did not exist in Expeditionary Force Headquarters in Nanking, control of all matters in the trial was out of the latter's hands. As Expeditionary Force Headquarters, they were now the channel through which all orders relative to the trial would pass and be forwarded to the 13th Army in Shanghai.

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28876 HATA did not make known to the 13th Army his intention to treat the fliers generously, because he had already been told by ARISUE as to the intentions and desires of the General Staff. If this had not happened, HATA, as the highest military authority in China, could have expressed his desires, but since he had been told directly what the Tokyo authorities wanted he had to control his own desires as to their treatment or the demands to be made for sentence. HATA still did not give up hope of giving the fliers a light sentence because there was still the order to forward to Tokyo the trial decision. Also, execution of sentence was to be stayed until the Tokyo decision was made known. HATA thought Tokyo would consider the matter carefully and mitigate the sentence after minute consideration of the entire case. He put every expectation on the further decision in Tokyo.

28877 * Since it had been ordered that final decision would be made in Tokyo, HATA could not suggest to his superiors in Tokyo what they should do or offer his recommendations. His intentions to treat the fliers generously had been communicated to Tokyo through his Chief of Staff. That was why Tokyo had sent ARISUE to HATA to notify him of the intentions of the central authorities. HATA had good reason to expect, since he knew his intentions were known to the General Staff and since they had ordered execution of sentence stayed until further order should be given by Tokyo, they would mitigate the sentences. HATA was correct in this, because later decisions came from Tokyo saving the lives of five of the fliers.

28878 When HATA had disclosed his intentions to his Chief of Staff, USHIROGU, the latter reported it to the Vice Chief of Staff in Tokyo and asked the intentions of the General Staff. * As a result of this, ARISUE was sent to Nanking to give the Chief of the General Staff's orders and desires for the conduct of the trial to HATA.

When the fliers were tried by military court under the new military law promulgated by Tokyo and ordered posted in China, the court could find the fliers guilty or could acquit them. At no time was HATA authorized to exercise discretion in the setting up of the tribunal, its members, or recommendation to them of decision. With the arrival of ARISUE, the entire matter was in accordance with Tokyo orders as if the trial had been held there.

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28879 The only difference was that Tokyo sent the fliers back to Shanghai * and ordered the trial held there. Everything, including the decision to hold the trial, the law under which the trial was to be held, review of sentence, time of execution of sentence, and even the announcement of the trial and its sentence and execution, were all handled by Tokyo. At no time were they permitted, or were they in a position to alter those decisions or offer recommendations. After the fliers were captured by the 11th and 13th Armies. Tokyo assumed entire control. They were ordered to Tokyo for questioning and examination and after that were returned to Shanghai, and the order arrived that the trial should be held in China.

28880 * The witness stated that in March, 1941, he became a staff member of the China Expeditionary Forces, holding this post to March 1943. He was Section Chief of the First Department of the Military Staff Office, and his section handled the Doolittle airplane incident case, because it was an affair concerning the Supreme Command. He was very conversant with the case.

28882 * The witness knew that on one day HATA told SAWADA, Commander of the 13th Army, that he did not know whether SAWADA liked the sentence of the tribunal or not, but that it was a matter beyond his control. * He could do nothing about it.

28883 The witness stated that he had seen exhibit 3131, that the words in that exhibit "With regard to this matter we request your approval" was not customary phraseology of the Japanese Army. He had not seen such phraseology. In his recollection, he thought the words "Something should hereby be done" was what was originally said.

28884 * The phrase "Your approval is requested" had the effect of an order by the Chief of the General Staff to the Commander of the China Expeditionary Force.

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Page CROSS-EXAMINATION OF MIYANO
 BY MR. SUTTON

28884 * The witness stated that he thought the Doolittle fliers were captured on April 19 but headquarters did not know about them until the 21st.

28885 * Report was made to HATA's Headquarters by the Commanders of the 13th and 11th Armies but he did not have a copy of that report. The witness did not know whether the telegram ordering the fliers to Tokyo was addressed by the Vice Chief of the General Staff to the Expeditionary Forces' Chief of Staff, or from the Chief of the General Staff to HATA. At any rate, the purport was that it was from the Chief to HATA.

28886 The five fliers captured in the 11th Army's Area were sent two days after capture to Nanking where they were held for two days by the Kempei-Tai. The three fliers captured by the 13th Army were sent to Shanghai where they were held by the Kempei-Tai * and shortly sent to Tokyo. The witness had no recollection of the place the fliers were held in Nanking. The Military Prison there was under HATA's command.

28887 * HATA had jurisdiction over the gendarmerie units in China. He did not know that the fliers while kept in China were given the water cure, kicked and slapped. The witness did not know that Lieutenant Neilsen was handcuffed and hung on a peg until unconscious.

28888 * When asked if Lieutenant Hallmark was put on a stretching machine, the witness stated that such matters were outside the knowledge of General Headquarters then. He believed that HATA was also unaware of them and he believed that HATA had never heard of them until now. The fliers were under HATA's command until they were brought to Tokyo where they were kept three months. He thought they were brought to Tokyo about the 25th or 26th of April, but he did not know if they were kept in solitary confinement. Asked if they were not kept in leg irons, not permitted to wash or shave or undress, and were beaten, kicked and

28889 slapped, the witness stated * that Expeditionary Force Headquarters received no information about them and he could not reply.

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Page The fliers were returned to HATA's command in China the end of July and were imprisoned in the gendarmerie jail in Shanghai.

28890 * When it was suggested to the witness that they were returned to China on 18 June 1942, he stated he might be mistaken in his recollection. The order directing that the fliers be tried by the China Expeditionary Force was issued by the Chief of the General Staff. The witness stated that they had the means to know how the fliers were treated in China but he did not think they were able to be informed of all the circumstances.

 Asked if they made any efforts to ascertain the facts, the witness stated that at that time operations were on, and only officers in charge of the investigation, etc. of the fliers were connected with the affair. General Headquarters did not know all the details.

 His section handled the business routine but did not engage directly in an investigation of that kind. With regard to the Doolittle Fliers' investigation, HATA ordered the 13th Army to take charge. The Army took charge and studied to find out whether conditions were sufficient to bring them before a military court. The 13th Army did not report the steps they took as a result of the investigation.

28892 * The rest of the order they received from Tokyo was that it should be applied generally to all fliers captured in China, but a verbal explanation was added to the effect that the ruling must be applied immediately to the Doolittle Fliers. HATA had a letter sent to the Chief of Staff expressing disagreement with the idea of placing the fliers on trial before a military court. After the Chief of Staff received the letter, the order was sent out by him that the fliers should be placed on trial. There was no room for HATA to make any alterations or take other steps concerning the trial.

28893 * When shown Exhibit 1992, Army Secret Order dispatched from the Vice War Minister KIMURA to all Chiefs of Staff, dated 28 July 1942, the witness was asked if that was the order he referred to as having been received from Tokyo, authorizing the trial by the Expeditionary Force. The witness stated it was not.

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Page This document was prepared by the War Office, establishing a regulation as to handling the Doolittle fliers and was not concerned with placing them before a military court. What he had been talking about was an order sent by the Vice Chief in the name of the Chief, ordering the trial, which was sent by the General Staff to the Expeditionary Force.

28894 * The witness stated that the date of Exhibit 1992 was July 28. When shown Exhibit 1993, notification of matters pertaining to the treatment of crew members of raiding enemy planes, the witness was asked if this was one of the orders to which he referred. He stated it was, and that its date was July 28. He did not think there were any further orders, but verbal orders were sent from the Chief of Staff through ARISUYE. The order received by HATA directed the fliers to be tried by a military court.

28895 * When asked if HATA ordered the 13th Army to set up such a military tribunal, the witness said there were no such piece-meal orders. HATA's instructions to the 13th Army were in connection with the prospective trial of the fliers before a military court. The 13th Army was first to investigate to find out whether conditions would warrant a military trial. HATA also ordered the 13th Army that they must not conduct a military trial of the fliers pending orders from himself. *In the meantime he communicated to Tokyo that he was opposed to a military trial of them. He sent this communication toward the end of July.

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28897 * Asked if HATA ordered the 13th Army to set up a military tribunal to try the fliers, the witness replied no. Such phraseology was not used. He first directed the 13th Army to prepare for a military trial and also communicated to Tokyo his personal objections. His objections not being accepted, he had no alternative but to issue an order for the conduct of the trial. HATA ordered the 13th Army Commander SAWADA to try the fliers under the provisions of an order issued by him on 13 August 1942.

28898 * When shown a document, the witness identified it as a military ordinance of the China Expeditionary Forces providing for the punishment of enemy fliers,

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Page dated 13 August 1942. This was issued by HATA and the Doolittle Fliers were tried and convicted under it. The order from HATA to SAWADA was supposed to have been in writing so HATA sent such an order.

(The attention of the Court was called to SAWADA's testimony at Page 2,452)

- 28899 * The trial was held about 20 August but the witness did not remember exactly. No counsel was provided in accordance with the provisions establishing the military court. It is military regulations that neither HATA nor SAWADA could make modifications providing for defense counsel. The witness understood that the fliers were told the charges levelled against them. Asked if it were not true that they were not given opportunity to plead guilty or not guilty, the witness stated he was unaware how the trials were conducted.
- 28900 * The witness stated he had read reports of the trial but did not recall details.
- 28901 * He did not know that the papers presented at the trial were read in Japanese and not translated. HATA received a report of the trial which showed the circumstances surrounding the trial and conviction, but no reports were made to HATA as to the manner in which the trial was conducted. The reports showed the judgment and reasons for it. Among the reasons, it was stated that the fliers in Tokyo and Nagoya machine-gunned school children and bombed civilian homes which could be clearly distinguished from military objectives.
- 28902 * The witness thought the report showed the evidence. No investigation was made by HATA after the trial. Reports to be sent to Tokyo were channeled through HATA's Headquarters. The witness did not recall that the reports showed that one of the convicted fliers was a navigator. HATA's order of 13 August 1942 provided that under special circumstances execution of military punishment shall be remitted.
- 28903 * Asked if HATA at any time after the trial suggested special circumstances in mitigation of punishment, the witness stated that inasmuch as HATA had

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Page already communicated disposition to the central military authorities and since he was on intimate terms with the Chief of Staff, and since HATA placed confidence in the views he had already set forth to the authorities, he felt there was no need to write another recommendation. He found no need for further investigations.

28904 * The witness did not know whether HATA requested the 13th Army prosecutor to ask for the death sentence. The witness stated that he had testified in the trial of SAWADA and others held in Shanghai in February 1946 in which the defendants there were charged with the unlawful trial and punishment of the Doolittle fliers. HATA was not a defendant at that trial. SAWADA and the other defendants there were all convicted. The witness was asked if he did not swear in the SAWADA trial that he did not remember if Nanking issued orders to the 13th Army in regard to the treatment of the fliers; that HATA ordered the trial to be held at Shanghai and requested the 13th Army prosecutor to ask for the death penalty; * that Hata requested the sentence to be executed; that HATA requested the prosecutor of the 13th Army to ask for the death sentence. The witness answered that in the document just read to him, there were words to the effect that a demand was made for the execution of sentence or something to that effect, but no such demand was actually made. He hadn't said that.

28906 With regard to the request made by HATA to the prosecutor to demand the death penalty, the statement the witness actually made was that such a demand was supposed to have been made. He said at that trial that since an order had come from the Chief of Staff, it was supposed to have been delivered, but at the trial in Shanghai, HATA said he had not heard of that before * and neither had any of the co-defendants. The fact was that they had not heard of it before so he would have to revise his recollection on this matter and say he did not know.

28907 * The witness was asked whether the questions and answers read to him were the questions put to him in the Court in Shanghai and were the answers given by him there under oath. The witness answered that he could not reply.

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- Page The witness was asked if the question was asked him there if he meant that HATA requested the 13th Army prosecutor to ask for the death penalty and if he replied "He requested so." In response the witness stated that was not so.
- 28908 * The witness was asked if the question "Did General HATA request the prosecutor of the 13th Army to ask for the death sentence" was asked him and if he answered, "He requested the death sentence." The witness stated it was somewhat different. The witness did not remember if he was asked in the SAWADA trial what the contents of the order from the War Minister was. * He did make an answer in the Shanghai trial that the contents were that those air men who violated international law would be handled as criminals; those who did not violate it would be handled as POWs; those suspected of violating international law would be placed before a military tribunal and their crimes asserted.
- 28909
- 28910-13 Pages 28904 to 28906, being purported questions and answers of the witness at the Shanghai trial were re-read into the record.
- 28914 * The witness denied having been asked one part of the questions and answers he had just heard read. This part was the portion to the effect that HATA asked the prosecutor to ask for the death sentence. Since the witness did not know the facts he replied that such a request was supposed to have been made. He admitted the question but denied the answer. The remainder of the part of the question read was correct.

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Page DIRECT EXAMINATION OF YONAI, Mitsumasa
BY MR. LAZARUS

28916 * The witness identified and verified Exhibit 3198 as his affidavit.

28917 * The affidavit stated that the witness was Navy Minister in the HAYASHI, First KONOYE, HIRANUMA and SUZUKI cabinets, and Premier from January 16 to July 21, 1940. When the Marco Polo Incident broke out, 7 July 1947, he was Navy Minister in the First KONOYE Cabinet and at that time HATA was Commander of the Forces in Formosa. Neither the Formosa forces nor HATA had any connection with this Incident. It was not until February 1938 that HATA went to China when he became Commander of the Forces in Central China. When the witness was Premier, HATA was War Minister. With respect to the Tripartite Pact, his Cabinet was opposed to it and the question never came up in Cabinet conferences.

28918 * There was a feeling in the Army to make use of Germany to settle the China Incident but his Cabinet paid no attention to this. HATA cooperated with the Cabinet policy and opposed the Pact. Since his Cabinet opposed such a pact and was not pro-German, a desire to overthrow the Cabinet came. Those opposing the YONAI Cabinet tried to have HATA, who was opposed to the Pact, resign from the government and overthrow the Cabinet. Eventually, their plan was carried out. When HATA resigned the witness believed that his resignation was not of his own free will but that he was forced by elements he was powerless to fight. Today he was more convinced than ever that his beliefs were correct.

28919 * The witness asked HATA to recommend a successor and HATA said this would be decided in the Three Chiefs' Conference composed of the Chief of Staff, the Inspector General and the War Minister. HATA returned looking worried and said there was no one who would succeed him. He looked sad because he knew this lack of successor would cause the fall of the YONAI Cabinet. After the Cabinet's resignation, HATA called on the witness and told him that he understood his situation but he did not blame the witness at all. HATA looked sad.

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Page As far as the witness knew, HATA was never a member of any jingoistic or ultra-militaristic group in the army or in politics. At all times he avoided * politics.

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28921 * CROSS-EXAMINATION BY MR. SUTTON

The witness stated that HATA opposed a military alliance between Japan and Germany. The witness recalled that he was interrogated by a Soviet officer on 15 May 1946. He did not recall being asked then what HATA's position was concerning a military alliance with Germany. He never replied that HATA thought the conclusion of such a treaty would be advantageous to Japan.

28922 * The witness stated that the YONAI Cabinet during the latter part of its existence did not take steps to strengthen ties with Germany and Italy. He knew nothing about conferences between the War, Navy and Foreign Ministries in July 1940 or strengthening harmony with Germany and Italy. He knew nothing about Foreign Office instructions to Ambassador SATO prior to 12 July 1940 to confer with German authorities on strengthening coalition.

28923 SATO had not exchanged views with Ribbentrop. He did not know anything about the Foreign Office in his Cabinet preparing a plan for coalition with Germany as a result of the conference. * He had never heard that this plan was presented to the joint conference of the War, Navy and Foreign Ministries on 12 July 1940. He denied that this plan provided for intimate connection between the two nations and mutual assistance in diplomatic and economic affairs. In his Cabinet there was no discussion about a Japan-German alliance.

28925 * He did not know if there was a further meeting between the War, Navy and Foreign Ministries held 16 July 1940.

(Reference was made to Exhibits 527 and 528.)

Relations between the witness and HATA prior to the end of his Cabinet were very good. The witness

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did not recall a Four-Minister Meeting about 20 July 1940, at which he conferred separately with HATA.

28926

* At first HATA was not in favor of the resignation of the YONAI Cabinet. The witness had asked HATA prior to 20 July 1940 if he was aware of the circumstances around the visit of the Vice Minister and the Chief of the Military Affairs Bureau to the Chief Cabinet Secretary ISHIWATA, urging mass resignation. The witness had not received a report, however, that the Vice Minister was there. The War Minister HATA did not reply that he knew of the visit but they must take such opinions as personal. HATA instead said something to the effect that he would like to have it considered as purely private opinions. The witness denied asking HATA what he thought.

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* The witness denied that to such a question HATA replied that in the long run he thought it best that the Cabinet resign but that this was his personal opinion.

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28929

* The witness stated that he thought he had a conference with HATA about 16 July, 1940. He did not

28930

recall discussing any big problem with him in June. * At that time he received a report that the Vice War Minister did not meet Chief Cabinet Secretary ISHIWATA, but he did not recall positively if that occurred on 12 July 1940. On or about 16 July, 1940, HATA announced his desire to resign, but it was not accepted until the 18th, according to the recollection of the witness.

28931

HATA, between 12 July 1940 and his resignation, took no action which indicated his views were different from those of the Cabinet and that it should resign. The witness received no note on 14 July, 1940, setting out his views, nor did the witness recall receiving such a note before HATA's resignation.

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The witness was asked whether he received a note some days prior to HATA's resignation, in which HATA said that they were now facing the greatest transition in world history, and the strengthening of the domestic organization and reformation of foreign policy had become most pressing problems. However, the government was doing nothing, but was losing an opportunity and was blocking complete settlement of the incident. * To give the people's minds a change and promote the establishment of the new organization from a broad viewpoint, how about deciding to have the Cabinet resign? The witness stated he did not think there was anything carrying such a meaning, and he did not recall that HATA had delivered to him such a note.

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* At that time it was said that the Chief of the Military Affairs Bureau made such a statement to ISHIWATA, but he firmly believed that HATA would not say such a

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thing. * HATA expressed no opinions to the YONAI Cabinet since its formation, and made no statement of the nature at a cabinet meeting. This showed he was not opposed to the YONAI Cabinet's policy.

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The witness was asked if he recognized a document handed him as the 17 September 1940 issue of the Tokyo Asahi Shimbun. He recognized it as such. When asked if he saw there an article on the "Liquidation of the YONAI-ARITA's Diplomatic Policy", the witness said that he had not read the whole article, but whatever the press might write, he still insisted * there was no mistake in what he had stated.

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- 28936 Asked if there was in the article any reference to a note from HATA to him, the witness stated he didn't believe that the YONAI Cabinet's foreign policy was mistaken in any way. * He was again asked if there was a reference about a note from HATA to him in the article, and he stated that since he had no recollection of receiving such a note he could not reply.
- 28937 * The witness stated that the Asahi Shimbun had the largest circulation in Japan at the time of the YONAI Cabinet. When again asked if the article referred to a
- 28938 note from HATA, * the witness stated that such a fact as was there written he had never heard from HATA, nor
- 28939 received in writing from him. * The witness thereupon read the article, which stated that, next, on the 11th, the Chief of the Military Affairs Bureau called on the Chief Cabinet Secretary and amplified the desires of War Minister HATA. On the 14th HATA again made a recommendation to Premier YONAI in writing. This said that the present
- 28940 conditions showed they were facing the greatest transition phase in the world situation, * and strengthening the internal structure and reforming foreign policy have become most pressing. The government was doing nothing, and were losing an opportunity and was even blocking complete consummation of the China Incident. To give the people's minds a change and promote establishing a new structure, how about deciding that the Cabinet resign?
- 28941 * Exhibit 3199-A, an excerpt from the Asahi Shimbun of 17 July, 1940, which was the article just read, was received in evidence. The witness stated that he still insisted that he received no note from HATA in July prior to his resignation.
- 28942 * There was no conversation with a member of the Cabinet Secretariat on 3 June, 1947, relative to the receipt of this note. He did not say in that conversation with the secretariat member that HATA had delivered to him a note of such purport. He didn't recall saying that he returned the note to HATA after looking at it. When asked if he had received a note of the purport of the one which he had read in the Asahi Shimbun from HATA, if it would have indicated HATA was intending to destroy the Cabinet, he
- 28943 stated * that he denied that and there was nothing of the kind. The note published in the Asahi Shimbun had never been brought to his attention until today.

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DIRECT EXAMINATION OF ARITA, Hachiro,
by Mr. Lazarus.

28944 * The witness identified and verified exhibit
28945 3200 as his affidavit. * The affidavit stated that the
witness had been Foreign Minister in the HIROTA, 1st
KONOYE, HIRANUMA, and YONAI Cabinets.

28946 The YONAI Cabinet was opposed to the Tripartite
Pact, and the Pact was never put on the agenda for dis-
cussion by the Ministers of the YONAI Cabinet. * War
Minister HATA, throughout his tenure, was in full accord
and cooperated with this policy. The witness knew HATA
opposed the pact, since it was first discussed in Japan.
While waiting to be received by the Emperor while he was
Foreign Minister in the HIRANUMA Cabinet, the witness met
HATA, who was then Aide-de-Camp. The subject of the
Tripartite Pact came up, and HATA stated that the Emperor
and he himself were personally opposed to it. Besides
HATA's personal opposition to a German Alliance, he also
opposed it because he saw no benefit to Japan in a pact
which would work against her interests and antagonize
Anglo-Saxon countries.

When HATA resigned from the YONAI Cabinet, the
witness believed there must have been some strong reason
that forced him. HATA's cooperative attitude in the
YONAI Cabinet led the witness to believe even then that
his resignation was against his will.

CROSS-EXAMINATION BY MR. KEENAN.

28947 * The witness stated that he was well acquainted
with Japan's foreign policy and her international relations,
generally speaking, but details would involve a question
of memory and he would have to have references to speak
with accuracy. The witness stated that when he joined
YONAI's Cabinet he knew him well. He had great faith
and trust in him then, and had the same feeling today.

28948 * The China Affair, both before and after the
YONAI Cabinet, was the most important thing that had
happened in modern Japanese history. The utmost desire of
the China Affair was to bring about its settlement to the
best interests of Japan and China.

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28949 When asked if that included the continuance of a policy of using whatever force, including military, as was necessary to enforce Japan's concept. the witness stated * the question seemed to mean that Japan was forcing upon China a political organization as a part of the China Affair policy. That was not Japanese policy. It was a dual policy of peaceful settlement and also arms measures.

28950 * It was completely wrong that where they were able to carry out their policy by peaceful means they adopted such means, but where it became necessary to adopt force they adopted force. * It was not true to say that where it was unable to enforce its policy or bring it about through peaceful means it was willing to adopt military measures. Although armed measures were exercised at the outbreak of the China Affair, government policy even previous to the YONAI Cabinet was carrying on movements to effect a peaceful settlement.

28951 Asked if there was any change in the foreign policy regarding China from 18 September, 1931, until the YONAI Cabinet's fall, the witness stated that at different periods where armed force was exercised, it was used because there was no other alternative. Where armed forces were not necessary, such policy was quickly abandoned and successive cabinets had settlements peacefully.

When he said strong force was used only when necessary, he had meant when necessary to carry out Japan's foreign policy toward China. At such times it was necessary because there was no other means available.

28952 * While circumstances of the four different cabinets were different, there was no change in the policy of peace. Armed measures were never used for the purpose of enforcing diplomatic policies. They considered the war in China an incident, and according to the interpretation of the time it was not a war. The sovereignty and territorial integrity of China were respected, but since force was necessary at times, within the limits in which it was exercised there might have been some infringement of Chinese sovereignty and integrity.

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28956

* The witness stated that the stage had not been reached where matters concerning Europe, as well as those in China, were required to be discussed at a cabinet meeting. At the time of the YONAI Cabinet formation, it was understood that it was completely opposed to the Tripartite Pact. Reports had been made to the cabinet of the situation in Europe, but there was no discussion of it. The Ambassador to Berlin when the YONAI Cabinet came into power, he thought, was OSHIMA. * This was an important post. The witness retracted his statement that it was OSHIMA when the YONAI Cabinet party came in.

28957

At the time of the HIRANUMA Cabinet, talks regarding the Tripartite Pact were dropped because of the German-Russian non-aggression pact. He thought OSHIMA returned again to Germany after the second KONOYE Cabinet was formed. OSHIMA returned to Japan once, and he thought he returned to Germany at that time. He could not recall who was Minister to Berlin when he became Foreign Minister in the YONAI Cabinet.

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* He did not know OSHIMA well, but knew KURUSU very well. * He did not know what OSHIMA's views toward the Pact were at the outset of the YONAI Cabinet, but did know his views at the time of the previous HIRANUMA Cabinet. The witness thought OSHIMA believed a German-Japanese rapprochement was favorable to Japan. In the witness' recollection, OSHIMA became the Ambassador to Germany midway in the first KONOYE cabinet and returned to Japan during the ABE Cabinet, which succeeded the HIRANUMA Cabinet.

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* When asked if the Foreign Office, when he was the Minister, gave instructions to Ambassador SATO to confer with German authorities on strengthening the coalition between the two countries, the witness stated that SATO went to Italy to return a good will visit. Asked if SATO dropped in on Ribbentrop, the witness stated that while en route, SATO had instructions to carry a good will message to the German Government, to create more friendly relations. SATO's rank was Special Ambassador, and he thought it the same as KURUSU's when the latter went to the U. S. in 1941. SATO was under the authority and subject to the instructions of the witness.

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28961 * The witness received no report from SATO on a conversation with Ribbentrop concerning the German-Japanese coalition. SATO returned to Japan after the YONAI Cabinet's fall. The witness stated that SATO probably did congratulate Germany over its victory of France in his conference with Ribbentrop. That was part of his mission to Germany and Italy. He thought that France had surrendered before SATO left on the mission.

28962 * The witness did not recall if SATO told Ribbentrop that just as in Europe a new order would be brought about by Germany, that Japan was seeking a new order in the Far East and South Seas. Asked if SATO did not state that in these parallel efforts close cooperation seemed to be operating, the witness stated he hardly had any exact recollection. At that time it was the government's policy to make efforts not to aggravate relations with Germany.

28963 Asked if SATO told Ribbentrop that for three years Japan had been holding the attention of the British, French, and U. S., making Germany's establishment of a new order easier, the witness stated he had no exact recollection. Since it was a good will mission, he was sure SATO made complimentary remarks. * Asked if this remark was merely a complimentary one, the witness stated that he had no recollection, but what SATO had said had to fit the atmosphere prevailing then in Japan. Even if SATO had used such words, they would have no choice but to condone it. It was a good will mission, and every opportunity was utilized to convey good will intentions to Germany. The YONAI Cabinet's policy * was to continue good relations with Germany so that it would not be seriously harmful to Japan's major interests.

28964 He did not recall that SATO had told Ribbentrop that since the beginning of the Chinese War, Japan had tied up the U. S. fleet in the Pacific. When asked if such a statement would have been in the confines of a good will mission, the witness stated that at that time Germany demanded Japan's assistance. It was Japan's intention, instead of giving positive assistance, to make statements to the Germans so they would believe they were receiving some kind of assistance. The witness did not believe that at that time Germany could be said to be threatening Japan. There was an opinion in Japan that a cooling off of German-Japan relations would be unfavorable to settling the China Affair and other problems.

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Asked if the two countries were not very closely linked, the witness stated yes, since the anti-comintern pact good relations were continuing, and there was no intention to deceive Germany. He did not know whether Ribbentrop told SATO that he long favored cooperation with Japan, and that the work of he and OSHIMA had borne fruit. He didn't recall if Ribbentrop stated he would be glad to hear further of Japan's plans for cooperating.

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* As a result of these conferences, the foreign office did not prepare a plan for coalition. When asked if this plan was not presented to the War, Navy, and Foreign Ministry Representatives on 12 July, 1940, the witness stated that he learned of this for the first time in an article reporting the proceedings of the Tribunal. At that time he had no clear recollection of it and gave it some thought. Japan desired to continue relations with Germany so that they would not be aggravated. There were circles who desired to strengthen such relations, and so he instructed subordinates to conduct a study to render closer relations with Germany so far as it would not endanger major Japanese interests.

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* He asked his subordinates to explore and find out whether such was possible, but up to the time of the YONAI Cabinet's resignation he received no report on the study. Asked if the plan provided that Germany recognize Japan's sphere of influence and political leadership in

28968

FIC, NEI and the South Seas, the witness stated that since he did not receive a report he did not know whether such was its context.

Asked if the plans further included that Germany would give support to the disposition of the China Incident and Japan take steps to check Britain in East Asia and if the final draft of the agreement was approved at a four Ministrie's meeting on 16 July, 1940, the witness stated that this absolutely was not the case. The YONAI Cabinet was about to resign on 16 July, and while it was functioning on 12 July, 1940, it received no reports.

The attention of the Court was called to exhibits 524, 528 and 528.

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28969 * The witness stated he had no exact recollection that he was present at the fourth meeting of the Budget Committee of the 75th Diet, on 7 February, 1940, where he was asked a question by Committee Member KUBOI. He did,

28970 * however, remember KUBOI asking him a question.

28973 * Exhibit 3201, Proceedings of the 75th Diet, was received for identification and handed to the witness.

28974 The witness was asked if he was not asked * the question by KUBOI and if he did not give the answer recorded in the document. In exhibit 3201, Committee Member KUBOI stated that in regard to this subject, the Foreign Minister stated he had not given it any thought. From the viewpoint of deciding how to settle the Incident, he should like to ask the Foreign Minister and Premier if the government had any intention of renouncing the 9 Power Treaty. Japan participated in World War One to keep faith with Britain, with whom it had an alliance at that time. Because of Japan's participation, peace came to the Far East. In that war, Japan attacked Germany in Tsingtao, and the Navy advanced to the Mediterranean. At the end of the war, Britain announced that it would renounce the alliance, and the Nine Power Treaty was a sort of substitute for it. The 9 Power Treaty was a scheme of Britain and the U. S. which

28975 * planned to restrain Japan's continental policy. Japan was now in war with China to establish a new order. The treaty was a serious obstacle in the future settlement of the incident and of future wars. Because of the Treaty, it was difficult to ascertain how much Japan had worried about diplomacy and how much the Foreign Office and government had trouble themselves because of third powers. When the Nine Power Treaty Conference was held, Japan did not recognize it nor send representatives. Even though she had taken such an attitude, KUBOI asked why Japan still allowed its existence and did not renounce it.

28976 A treaty could not be renounced unless there was a serious change in the situation, but if the present situation were compared with that at the time the treaty was signed, major changes had taken place, such as Manchukuo's independence and the waging of the war by Japan. * Ordinarily, wars are waged for trifling reasons. There was no greater change in the international situation than the establishment of Manchukuo by means of war. No greater changes have ever been made than the change in the Orient and China. Has the government, in view of these changes and in the light of this international principle, the determination to announce renunciation of the treaty in conformity with international law principles?

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28977

Soon the central government would be established and it was needless to say that in the settlement of the Sino-Japanese Incident and in all negotiations of the central government with third countries, the treaty would create difficult international problems. KUBOI believed that the War and Navy Ministers realized how Japan had suffered in executing the Incident. He asked how much had the Foreign Minister suffered. In his opinion, the announcement of the abrogation of the Commercial * Treaty by the U. S. was based on the 9 Power Treaty. It was a disadvantage to Japan that there was such an unfavorable treaty.

Referring to the treatie's provisions, if they would read through KONOYE's statement it would seem Japan's attitude toward the China Incident was determined mostly from 9 Power Treaty articles. In spite of the difference in spirit and the way of thinking in Japan, the Foreign Office or those in diplomatic affairs were apt to be swayed by the articles of a treaty. If it is said that the spirit is lacking, as long as there is a treaty it would be natural they should be swayed by it. Comparing the text of the KONOYE statement with that of the Treaty, KUBOI felt as though the smooth movement of the pen was driven by the 9 Power Treaty. He asked whether the Foreign Minister had the intention of renouncing the 9 Power Treaty.

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* He asked if, when the so-called new central government was established, whether Foreign Minister ARITA was ready to renounce the treaty in cooperation with it. ARITA replied that there were some articles in the treaty which did not suit the present situation in the Far East. There was a possibility that renunciation might cause repercussions. They needed to compare these two sides, and there was a necessity for considering the problem of renunciation. When the central government would be established in China, careful deliberation would be required as to what measures Japan and the new central government should take in regards * to renunciation of the treaty.

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The witness stated that he thought those questions were asked and that he gave that answer to them.

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* He didn't recall that HATA was present at the Budget Hearing when those questions were asked and he gave that answer, but seeing the record of the proceedings he noticed there was an answer given to an interpolation by HATA, so he presumed HATA was there.

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28981 * When asked if he had a conversation with HATA and Premier YONAI on 1 July 1940 with reference to SUMA, Chief of the Information Bureau, he stated he didn't recall the exact date, nor whether YONAI was present. He did have a talk with HATA with regard to SUMA.

When asked if he referred to such conversation in a conversation he had with HARADA on 2 July 1940, he stated he didn't remember the exact date. He met HARADA at that time and spoke on such matters, but since he provided him with various information he might have told him about SUMA.

28982 * The witness knew that HARADA was reporting information to Prince SAIONJI, who was in those days responding to inquiries from the Throne with regard to the premiership of succeeding cabinets. SAIONJI was the sole surviving Genro. It was questionable whether his position was prime or important, but his task was limited to responding to inquiries from the Throne with regard to recommending premiers at times of cabinet changes. * He could not say whether his task involved anything more than that. Although this was something that HARADA himself had said, SAIONJI was quite old and it was difficult for him to express opinions every time a political change occurred, especially when they occurred frequently.

28983 * He could not say whether his task involved anything more than that. Although this was something that HARADA himself had said, SAIONJI was quite old and it was difficult for him to express opinions every time a political change occurred, especially when they occurred frequently.

28984 * Generally, he thought, HARADA was fully compos mentis and capable of receiving and recording conversations accurately, but since these questions involved political, economic, and other matters, there was room to doubt whether HARADA understood all that.

With regard to the diary, it was his understanding that they were notations HARADA took down in reporting to SAIONJI, supplemented and amplified later. He did not doubt HARADA's capability, sincerity, or good faith, but there was room for doubt whether he was conveying the truth and full facts in every instance.

28985 The witness was asked whether on 2 July, 1940, he told HARADA that the day before he had an interview with the War Minister and the Premier, at which time the War Minister incessantly said, "Peace and Order would not be * restored in the ministry until SUMA was relieved as Chief of the Information Bureau". The witness was purported to have said that HATA's attitude was very dubious also.

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YONAI asked HATA, "Did you read the written testimony of SUMA at Kempei Tai Headquarters?", and HATA answered "Not yet". Continuing the witness' reported statement to HARADA, the Premier said they must both study the matter, and the witness was reported to have told HARADA that HATA's attitude was suspicious. He was thinking of seeing the Premier that day.

With regard to this statement, the witness recalled having a conversation with HATA about the SUMA case, but his recollection was that the contents of the conversation were quite different from what was purported to have transpired according to the prosecutor's reading.

28986 * He didn't recall that he had ever said anything about being suspicious of HATA's attitude. With regard to the interview he had with the War Minister in regard to the SUMA case, HATA, who was chief aide-de-camp at that time, had a fair and just attitude. With regard to the question, HATA and the witness published a joint statement in the press. It was clear in his memory that HATA's attitude at the interview was very just and fair.

28987 * The witness had read what happened in the newspapers at that time pertaining to matters of cabinet
 28988 importance. * Asked if during the YONAI Cabinet it was
 28991 the witness stated that * since such questions were not
 discussed nor decided on by the Cabinet, he did not know
 whether they represented the views of the government, but
 it was agreed between the Foreign and Prime Ministers and
 sometimes when the War and Navy Ministers entered the
 discussions, that they should loyally and faithfully
 observe the Pact whenever they discussed relations with
 the China Affair, but inasmuch as military action was
 already going on they made every effort to bring about
 an expeditious settlement if any violation of treaty
 provisions took place.

HATA never said that the 9 Power Treaty should not be permitted to interfere with military operations of Japan in China.

Attention of the Court was called by Mr. Cunningham, counsel for OSHIMA, to exhibit 121 to show that OSHIMA resigned his post and went into retirement in December, 1939, at the time of the ABE Cabinet.

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HATA - (MAMORU, Inuma, direct)

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28997 DIRECT EXAMINATION OF MAMORU, Inuma by MR.KANZAKI

28998 *The witness identified and verified Exhibit 3203 as his affidavit. * The affidavit stated that the witness was chief of the Personnel Affairs Bureau in the War Ministry from November 1938 to October 1939. In September 1939 he recommended MUTO as chief of the Military Affairs Bureau to War Minister HATA. It was the duty of the Chief of the Personnel Affairs Bureau to make such recommendations. He made it after Gen. MACHIJIRI, the outgoing Chief had recommended MUTO to succeed him and after the witness had considered opinions of the Military Affairs and Personnel Affairs Bureau.

28999 HATA then submitted MUTO's name to the Three Chiefs Council and MUTO was then designated to the position. * HATA always followed military procedure and he accepted the witness' recommendation without question and submitted his name to the Three Chiefs Council. All that was done was in accordance with regular procedure in the War Minister.

29000 CROSS-EXAMINATION by Mr.Sutton.

* The witness stated that he did not know whether HATA was or was not in a position to accept his recommendation of MUTO. When asked if he did not know whether there was any obligation to follow the recommendation the witness stated he did not know what was meant by whether he was under obligation.

29001 * The witness did not know that the war minister was necessarily required to follow his recommendation. The same applied to the Three Chiefs Conference. Since there were no objections to the witness' recommendation, ordinary procedure was followed. Only when objections were raised were there steps taken.

29002 Either HATA or the Three Chiefs Conference were at liberty to select whomever they thought fit. The Chief of the Personnel Affairs Bureau prepared a plan and submitted it to other related organs in the General Staff and the Inspectorate General of Military Education. * The next step in the procedure was for them to report the recommendation to their chief and ask for opinions. If there were no objections the plan was formally completed by the lower level and since the three Chiefs were already familiar with the plan before the official plan was submitted, the plan would be carried through if there were no special objections. The witness stated HATA was supposed to have authority to recommend as chief of the Military Affairs Bureau some person other than the person suggested by the witness. HATA was a member of the three Chiefs Council.

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HATA - (OIKAWA, Koshiro - direct)

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DIRECT EXAMINATION OF OIKAWA, Koshiro by MR.KANZAKI

29003

29004

* The witness identified and verified Exhibit 3204 as his affidavit. * The affidavit stated that the witness was Navy Minister of the Second and Third KONOYE Cabinets. About September 1941 Gen USHIROGU, Chief of the Staff of the China Expeditionary Forces called upon the witness as a messenger from HATA, the China Expeditionary Forces Commander. The message from HATA stated that recently relations with America had been deteriorating. America was opposed to Japanese troops in China. To avoid a clash he believed they must withdraw all troops from China.

He requested the witness to do his utmost to prevent a conflict with America.

There was no cross-examination of the witness by the Prosecution. But in response to a question by the Tribunal, the witness stated that the messenger probably went to the War Ministry first and then came to the Navy Ministry. However, he had no positive knowledge. The message was oral.

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DEFENSE

HATA - (SAWADA, Shigero-direct)

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29006

*Direct Examination of SAWADA, Shigero by Mr. Lazarus.

29009

* The witness identified and verified Exhibit 3205 as his affidavit. The affidavit stated that from October 1939 to November 1940, the witness was Vice Chief of the General Staff and the Chief during that time was Prince Kanin. In 1940 because of Germany's victories, her fame spread through Japan and the view became predominant in army circles that Japan should use German power and influence to solve the China Incident favorably.

29010

The Army and War Minister HATA desired peace with China and an end of the China Incident. HATA contended that the best way to secure peace was to reduce Japan's strength in China. He sought to decrease in drawing up the 1940 army budget the number of troops in China from 900,000 to 500,000. The General Staff was completely opposed and said it was impossible. * The matter was discussed between the war minister and the General Staff and eventually the troops were decreased to between 600,000 and 650,000. Toward the end of June, 1940, while the witness was in China for inspection he was called back to Tokyo. On his return he found that the Cabinet contrary to army desires was against close connections with Germany.

It was Prince KANIN's desire to solve the incident through the use of Germany. About the beginning of July 1940 he told the witness he intended to hasten peace with China through German mediation and he intended to use the war ministry to break the deadlock between the army and the cabinet.

He ordered the witness to consult with war ministry officials. The witness called on Vice Minister ANAMI. ANAMI said that as long as the Chief of Staff did not modify his views on using Germany to accelerate peace with China there was no alternative but to change the present cabinet.

29011

* In view of the cabinet's character it was impossible to comply with Prince KANIN's objective even if some changes were made. The Vice-Minister told the witness that that was not the opinion of HATA, but the opinion of the Vice-Minister and the men below him.

The witness pointed out that the matter was of extreme

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HATA (Sawada direct)

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importance as the army and cabinet opinions were opposed to each other. They had better meet again after the witness had again consulted with the Chief of Staff.

The Chief of Staff KANAN after hearing the witness' report stated that since his opinion represented the army majority and since according to the vice-minister there was no way but a change of cabinet, they must do their utmost to follow that method. He was sorry for the war minister that such an extreme measure had to be taken but it must be borne for the good of the country.

The witness again called on vice-minister ANAMI and told him the Chief of Staff's decision. ANAMI had not changed his views.

29012
29013

* Some days later on orders of Prince KANIN, the witness * wrote a letter. This letter was delivered to War Minister HATA. He did not know what became of it after that. Nor did he hear any trace of it later.

29016

The letter was sealed and signed by Prince KANIN and he ordered him to deliver it to HATA which he did. HATA received the letter and the witness was not quite sure but that it might have been the following day or the day after that HATA submitted his resignation and the YONAI Cabinet then resigned.

Prince KANIN besides being Chief of the General Staff was a member of the Imperial Household and a father of the Army etc. and it was natural that HATA although War Minister, as a loyal subject of the Emperor was compelled to obey. The YONAI Cabinet had been a conservative one and was opposed to cooperation with and use of Germany in the settlement of the China Incident.

29017

* A majority of the Army branded the YONAI Cabinet as too weak to settle the Incident or the general situation. To overthrow the Cabinet and effect peace by using Germany was predominant in the Army. HATA supported the YONAI Cabinet policy. Military circles' opinion was that HATA was not useful in hastening attempts at closer ties with Germany and use of German power to effect peace with China and that he lacked the desire to do so * and the change in war ministers was strongly urged. This opinion of the military circles was reflected in the Chief of Staff's decision.

29018

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DEFENSE

HATA (SAWADA- direct)

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29023

Direct Examination by MR. COLE, counsel for MUTO

*The witness stated that the reason the General Staff wanted Germany as mediator between Japan and China was that there were two methods open: to settle matters directly or try to get a third party as mediator. At the time military representatives of Japan and China were secretly negotiating at Hongkong but they were not proceeding very successfully. Therefore they desired to obtain the good offices of a third party.

At the time of the ABE Cabinet a plan was drawn to seek Britain's offices. This was approved by the General Staff and at Imperial Headquarters but it finally came to naught. At the time of the YONAI Cabinet a plan was discussed to seek the good offices of the United States. But that finally came to nothing.

29024

*In the meantime Germany gained sweeping victories and the entire world situation underwent a great change.

29025

* The witness recalled he arrived in Tokyo the end of June or the first of July and after some time toured parts of Japan. At the beginning of July the witness returned to Tokyo from China. At that time the Emperor had already left Tokyo and was not there at the time of the YONAI Cabinet's fall.

29027

* He did not know whether MUTO accompanied the Manchukuo Emperor's party but it was but natural that important war ministry officials should accompany the emperor on such a visit.

Shortly before HATA's resignation the witness talked only with ANAMI on this problem and talked to no one else. He could not remember the exact date he handed the letter to HATA. He believed it was either the 16th or 17th of July that HATA resigned but was not sure.

There was no cross-examination of the witness.

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TANAKA - Direct

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Page DIRECT EXAMINATION OF TANAKA, Ryukichi,
by Mr. Lazarus.

29038 * The witness identified and verified exhibit
29041 3206 as his affidavit. * The affidavit stated that at the
time of the raid on Tokyo by American fliers in April,
1942, the witness was Chief of the Military Service Section
of the War Ministry.

29042 Because school children had been shot and non-
military areas bombed during the raid, there were different
opinions as to the treatment to be given fliers who became
prisoners. The General Staff in Tokyo decided that all
decisions as to the trial and treatment of them should be
exclusively within its province. As soon as the fliers
were captured in China, the General Staff ordered their
delivery to Tokyo. Investigations were made in Tokyo, and
preparations were made to hold the trial there. One opinion
as to the treatment to be given the fliers * was supported
by the General Staff, and the other by the War Ministry.
Because of these conflicts, the General Staff gave up its
intention to hold the trial in Tokyo and ordered it held
in China. Orders to such effect were forwarded to the
China Expeditionary Army Headquarters, and the fliers were
sent to Shanghai.

At that time there were no regulations that
fliers could be tried by a military court, and so in Tokyo
a new military law as to the treatment of fliers raiding
the Japanese homeland and areas under its control was
promulgated. A copy was sent to the China Expeditionary
Force, with orders that the law would be in effect there
also. In this same order was another order to the Exped-
itionary Army in China that the fliers would be tried under
this law there. Since there was no military court in the
Expeditionary Forces Headquarters at Nanking, the trial was
to be held by the 13th Army at its Shanghai Headquarters.

29043 * When the decision was announced to try the
fliers by the new law, the witness protested to General
TANABE, Vice Chief of Staff, and told him that in his
opinion the fliers should be treated as POWs. TANABE
stated that he agreed and that he had received a letter
from HATA's Chief of Staff, USHIROGU, that HATA was of the
same opinion and desired to treat them as POWs. TANABE
stated that nothing could be done because the General Staff
had already decided to try them by military law.

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According to army practice, the letter USHIROGU wrote to TANABE was never written by the Commander, but always by the Chief of Staff. When the Chief of Staff expresses anything in an official letter, it is the intentions of the Commander-in-Chief. Such a letter would never be addressed to the Chief of Staff, but always to the Vice-Chief.

29044

* When the witness learned that USHIROGU had written a letter containing HATA's views addressed to the Vice-Chief, he knew it was an official letter informing the General Staff of the opinion of the Commander of the Armies in China, HATA. As a result of this letter containing HATA's opinion, Colonel ARISUE was sent by the General Staff to HATA with the orders and desires of the General Staff. It was afraid HATA would not carry out the instructions to put the fliers to trial, and ARISUE was sent to notify HATA to do as he was ordered, and that no theory of his would be accepted by Tokyo with reference to the case. Another apprehension of the General Staff was that even if the China Expeditionary Force tried the fliers, they might have found a decision of not guilty and that HATA would then have released them after trial.

29045

* All orders with reference to the trial were issued by the General Staff in Tokyo, and the trial held by the 13th Army in China. Headquarters of the China Expeditionary Army was merely a channel through which the orders were transmitted to the 13th Army. Expeditionary Force Headquarters had absolutely no discretion or judgment on its part with reference to the trial.

CROSS-EXAMINATION BY MR. KEENAN.

29046

*The witness stated that he had personal knowledge with reference to the shooting of school children by the fliers. He did not see them actually shot, but merely received reports.

It was true that there were two different opinions as to the treatment to be given the fliers; one, that they be executed, and the other that they should be treated humanely as POWs. The witness advocated the mild opinion.

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Page 29047 The opinion of the General Staff was sent to the War Ministry and a conference of Bureau Chiefs by the Chief of the Military Affairs Bureau, SATO. At the conference, War Minister TOJO definitely opposed this view, saying it was wrong. Some junior officers were rather extreme in their views, but since the War Minister said the extreme view was wrong, the witness believed it right to say the view of the War Ministry was that they should be held as POWs and not executed.

The Military Service Bureau was against execution to the end, and did not set its seal on the procedure until the General Staff obtained Imperial sanction. The reason that bureau had to put its seal on the document ordering this procedure was that as it was the agency controlling the Kempei Tai it had responsibility in the case, since the Kempei Tai had investigated the fliers and sent a report.

29048 * The term "extreme view" was a polite expression for execution, or the death penalty. The men who wanted to execute the fliers were General SUGIYAMA, Gen, Chief of the General Staff, * the Vice-Chief, Lieut. Gen. TANABE, who although he first opposed the step later agreed to it, and all the members of the First Department of the General Staff. The Chief of the First Department was TANAKA, Shinichi, but he had forgotten the names of the section chiefs.

29050 The fliers were captured in China the day after the Tokyo raid, and a few days later were returned to Tokyo. It would have been in accordance with ordinary procedure to have the trials take place at the location where the alleged offenses were committed. On this occasion that procedure was departed from. * If they had been tried in Tokyo, the witness would have had nothing to do with the actual trial, but would have been connected with the investigation that would lead up to the trial. He agreed that might have a great deal to do with what occurred at the trial.

29051 * When asked who the subordinates in the War Ministry were who favored execution, the witness stated he had no exact recollection, but there were some junior officers who held extreme opinions. He remembered that members of the Military Administration Section of the Military Affairs Bureau held extreme views, but he had forgotten their names. He agreed that it was a habit at that time and some years previous, that when extreme views about executing and murdering people were held, they were declared to be held only by junior officers.

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The witness stated that Defense Headquarters held a very strong opinion in favor of a trial of the fliers. Its head was Prince HIGASHIKUNI. Asked if that view was held by HIGASHIKUNI, the witness stated that since he heard this strong opinion from KOBAYASHI, Chief of Staff of Defense Headquarters, he did not know what HIGASHIKUNI's opinions were personally.

29052

* Asked if HIGASHIKUNI had anything to do with the promulgation of any regulation having to do with the execution of captured fliers, the witness stated that it was the duty of Defense Headquarters to issue laws concerning the Japanese homeland, just as the Commander of the Expeditionary Forces in China received a certain standard from central authorities and promulgated a law relative to the trial of the fliers in China based on that standard. It was Defense Headquarters which in the Japanese homeland issued such orders.

29053

* Regarding subordinates in the War Ministry who favored execution for the Doolittle fliers, the witness recalled that it was a Lieut. Col. OTSUKI, serving in the Military Administration Section, who came to the witness and urged that the fliers should be severely punished. The Head of the Military Affairs Bureau at that time was Colonel NISHIURA.

29054

The violent difference of opinion as to treatment of the fliers arose immediately on receipt of word that the fliers who had bombed Tokyo had been caught in China, the day after the raid. The reasons those who wanted the fliers executed gave was that since they were very afraid of the possibility of American bombing raids on Japan, * if the fliers were executed it would cause the American Air Force to fear their possible fate and desist from bombing Japan. It was a campaign of terrorism.

29055

* Asked why the proceedings could not have been held in Tokyo and why it was necessary to send them back to Shanghai, the witness stated he did not know the exact reasons, since even in his opinion it was wrong for a new military law to be promulgated after the act occurred and the fliers tried on that law, central authorities felt it would not be proper to hold the trial in Tokyo. He thought it could be said that it was the desire of the central military authorities to evade their own responsibility. He supposed they felt that they could get their desires of executing the fliers carried out better by sending them to China.

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29056

The witness recalled that the law was promulgated * about the end of July, and the fliers were sent to China on 18 June. The draft plan of the new law had been drawn up long before, but because of violent opposition, promulgation had been delayed.

If HATA had refused to carry out the law, he probably would have been relieved of his post and a new commander sent out, and the witness believed the new commander would have carried out the execution. The witness agreed that the worst that would have happened to HATA would have been that he would be relieved, even assuming that the instructions he received were tantamount to a command.

REDIRECT EXAMINATION BY MR. LAZARUS.

29057

* The first order that went to HATA was for the trial of the fliers. A later order was that they be severely punished. He thought the order commuting the death sentence of five fliers to life imprisonment came direct from the Emperor, and went through the General Staff. This order stated that the sentence would be carried out against the three whose sentence was not commuted. The

29058

second order * came before the trial was even started, communicated verbally through Colonel ARISUE. The Chief of Staff personally sent ARISUE to HATA and communicated this order. The witness heard from Major General MIYANO that the order was oral.

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SPINKS - Direct

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29065-
29071

OPENING STATEMENT BY MR. WILLIAMS.

DIRECT EXAMINATION OF SPINKS, Charles N.
by Mr. Williams.

29072
29073

* The witness identified and verified exhibit 3207 as his affidavit. * The affidavit stated that in the autumn of 1945, the witness was in Tokyo as Chief of the Manpower, Food, and Civilian Supplies Division of the U. S. Strategic Bombing Survey. He understood and spoke Japanese, and was present at several interviews between Japanese and the Survey. Their purpose was to find out the effects of warfare, particularly aerial bombing on Japanese economy and industry.

29074

Many Japanese interviewed were reluctant to talk, thinking they might be investigating war criminal responsibility. It was necessary to put them at ease and reassure them that they wanted information for bombing survey purposes only. He could not say whether any Japanese were made positive promises or assurances * that the interviews would not be used against them in any war crimes prosecution, although they might have gotten that impression from the preliminary remarks.

A preliminary conversation was usually had with the interviewee to put him at ease and explain their aim. They exerted efforts to allay suspicion and overcome reluctance to give information.

The witness was present at the interviews with the accused HOSHINO during November, 1945. HOSHINO was not placed under oath, and interrogations were in a friendly, informal atmosphere. The one interpreter was much overworked, spoke good Japanese, but often needed help in translating technical terms.

29075

The witness had been shown exhibit 454, a transcript of the bombing survey interviews with HOSHINO in November, 1945. * The transcript was accurate so far as the questions were concerned, but did not contain the preliminary remarks nor an exact or full record of HOSHINO's answers. When asked a question, HOSHINO sometimes spoke as long as five minutes before his remarks were translated. The witness could not always follow him or retain the full substance of his longer replies. Neither could the interpreter. In such cases the latter translated as much as he remembered, or gave the gist to the stenographer.

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Sometimes they went over the answers after the interview to edit, correct passages or fill in missed portions or where exact words or sentences had been forgotten. He recalled that several times HOSHINO attempted corrections. So far as he knew, HOSHINO was not shown the final transcripts after editing and corrections. There was only one stenographer to record the interviews, and neither the interpreter nor stenographer were sworn.

CROSS-EXAMINATION BY BRIGADIER QUILLIAM.

29081

* Asked if he was unable to state whether, in fact, the preliminary statements were made to HOSHINO, the witness said he could not recall the exact words said to HOSHINO, but he was positive he was given some kind of explanation of the bombing survey's objectives. Asked if he realized that he didn't say that in his affidavit, and that his affidavit was cast in general language and referred to a practice, the witness stated it was the practice before the interviews to give a preliminary discussion explaining objectives, and he was sure that in HOSHINO's case such a discussion took place. * The witness believed he could be sure of this, because HOSHINO's interview was the first one he attended. There were three interviews, and the witness recalled that the preliminary remarks were made at the first meeting. He didn't recall the others.

29082

He could not remember the exact words of the statement. The statement was probably made by one of the interrogators, or the chairman of the group. The witness stated he had some knowledge of Japanese. He had seen the interrogations in exhibit 454 recently.

29083

* He could not point to any answer which was inexact, but thought almost every answer except the "yes" and "no" replies was incomplete. Since he had forgotten, he could not say that any of the answers was incomplete in a material respect, nor could he indicate where a correction was asked for by HOSHINO and not made. The answers, except for one or two, were not read back to the accused, as far as he could recall.

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SPINKS - Cross

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29084 It would be correct to assume that the duty in which he was engaged was an important one. * It could be assumed that it was important that the record should be accurate. He could not point to anything in the document which would indicate that it was not, in fact, an accurate record.

REDIRECT EXAMINATION BY MR. WILLIAMS.

The witness stated that the record taken by the Survey was accurate for the purpose for which it was taken.

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 MILLARD - Direct

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Page DIRECT EXAMINATION OF MILLARD, Francis R.
 by Mr. Williams.

29085 * The witness identified and verified exhibit
 29086 3208 as his affidavit. * The affidavit stated that the
 witness was an American missionary to Japan, and was
 formerly connected with the U. S. Strategic Bombing Survey,
 serving with it as an interpreter after the war. He was
 the only interpreter during interviews with HOSHINO on
 19, 22. and 28 November, 1945.

29087 Before the first of such interviews, he was
 instructed, as was the practice, to talk with HOSHINO and
 put him at ease, explaining that the only purpose was to
 get information on the economic effects of the war, and to
 reassure him that the interview had no connection with
 war crimes prosecution, nor the fixing of individual
 responsibility. Such assurance was considered necessary
 to get the information needed. * The witness did this.

Neither he nor the stenographer were sworn. For
 purposes of the survey, it was sufficient to take down the
 gist of the conversation rather than a verbatim record.
 The witness stated that he had been shown exhibit 454, a
 copy of the interviews with HOSHINO. As far as the
 questions went, it appeared to be a verbatim record, but in
 the answers the words were in many cases the witness' own,
 or were a condensation of what HOSHINO said. HOSHINO often
 spoke continuously for several minutes, and the witness
 gave no running translation. From time to time the witness
 received help on technical terms.

29088 The document did not show statements made to
 HOSHINO before the informal interview, and as he recalled,
 * it was not a complete record of the conversation in other
 respects. HOSHINO understood some English and suggested
 corrections, but the witness could not say whether all
 corrections were actually made. Neither HOSHINO nor the
 witness got a chance to read the transcript afterwards,
 and the witness never saw it until it was shown to him
 recently.

29089 * The witness stated that he did not remember
 the exact words he said to HOSHINO in the preliminary
 statements. The intent was to explain to him that the
 purpose was simply to get an overall picture, and did not
 concern individual responsibility or connection with the
 warfare. He could actually recollect making such a state-
 ment to HOSHINO.

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MILLARD - Cross

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CROSS-EXAMINATION BY BRIGADIER QUILLIAM.

29089 * The witness was at three interviews of HOSHINO, but thought he made the preliminary statement the first time only. The witness assisted at the interrogation of
29090 several other persons besides HOSHINO, * and supposed there were six or seven. The chairman in charge authorized such a statement, and he thought Mr. Bisson probably instructed him, but could not be sure.

 He thought the questions appearing in the record were verbatim. In a sense, all the answers in the record were all the witness's.

29091 * When asked to distinguish the answers which were his and those where a condensation had been given, the witness stated that the words were the witness', but the answers were HOSHINO's. He could not pin this down, and it would depend upon their length. The short answers were verbatim. He could not remember an instance where a correction was asked for by HOSHINO. Very often to clear up points there was a conversation between the one interrogated and the interpreter and they cleared this up, and he passed this on in the answer, but there were times when HOSHINO, in attempting to follow the English, thought the witness had deviated. Usually, a mere explanation satisfied him.

29092 * The witness believed the best was done to see that the record was accurate and reliable. Asked if there was anything in the record which could be called unfair to HOSHINO, the witness stated he did not take the answers down, but that he interpreted them as fairly as he could.

29093 * To the best of his ability, he attempted to discharge his duty to the Survey authorities and to HOSHINO.

 When asked if he could point to any respect in which the document was inaccurate or incomplete, the witness stated that he understood that refers to the preliminary remarks which were not recorded prior to the actual interview. From the standpoint of interpreting, he had no reason to doubt that the record was in all material respects accurate.

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ISHIWATA - Direct

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29099 * DIRECT EXAMINATION OF ISHIWATA, Sotaro
BY MR. WILLIAMS

The witness identified and verified Exhibit 3209 as his affidavit.

29101 * The affidavit stated that after HOSHINO entered the Finance Ministry, he was the witness' colleague in the Revenue Bureau of the Ministry and at Osaka for many years, and the witness was intimate with him.

29102 In June 1932 the Manchurian Government asked the Ministry to send them a person to assist its Department of Finance. After consultations, Finance Minister TAKAHASHI selected HOSHINO. However, HOSHINO strongly rejected the offer. * The witness called on HOSHINO and finally persuaded him to accept the offer and in July HOSHINO went to Manchukuo. The witness knew that HOSHINO, after taking his post in Manchukuo Government, wholeheartedly exerted himself to promote the welfare of the people there. He did everything in his power to prevent any Japanese policy adverse to the interests of the people in Manchukuo from being carried out. He persistently insisted that Japan relinquish the special rights and interests she had enjoyed * and frequently visited the Finance Ministry to realize this plan.

29103

In 1935 HOSHINO criticized such issues as the raising of tariffs on agricultural products of Manchukuo and the prohibition on the importation of Manchukuo products, and urged the Finance Ministry to bring the issues to a conclusion. He stressed the necessity of relinquishing extraterritorial rights and the executive powers vested in the railway zone authorities.

At one time he visited the Finance Ministry and insisted that in the event these were relinquished, Japanese installations be transferred to Manchukuo at cheap prices. Such an attitude led to his criticism as laying too much stress on the interests of Manchukuo at the expense of Japanese interests.

The witness did not know the circumstances under which HOSHINO took part in the Second Konoye Cabinet, but

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29104

after the YONAI Cabinet's resignation, KONOYE asked the witness his opinion regarding appointing HOSHINO Director of the Cabinet Planning Board. * The witness told KONOYE that HOSHINO was fit for the post in view of his practical experience.

There was no cross-examination of the witness.

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MATSUKI - Direct

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29105 * DIRECT EXAMINATION OF MATSUKI, Tamotsu
BY MR. WILLIAMS

The witness identified and verified Exhibit 3210 as his affidavit.

29106 * The affidavit stated that the witness had been Chief of the Secretariat, Chief of the Legislative and the Vice-Chief of the General Affairs Board under HOSHINO who was the Chief of that Board. The Chief of the General Affairs Board in Manchukuo was the one who rendered assistance to the Premier and who exercised general control over it. The Chief was not competent to decide State affairs and even after the decision of routine matters, reward and punishment of those below the clerical staff was made by the Premier himself.

29107 * At the end of 1936, Board Chief ODATE resigned and HOSHINO succeeded him. Reasons for this were that since five years had passed since Manchukuo was founded, it was deemed fit to appoint someone to the post from those who were in actual service in Manchukuo. Also, Manchukuo became in need of an able financier and economist who could render assistance to the Premier. In the light of these needs, HOSHINO was appointed on the recommendation of his predecessor and the Premier.

29108 * HOSHINO attended to his business in obedience to Premier Chao's direction and decision and HOSHINO never decided anything on behalf of the Premier. For important items HOSHINO called up his two assistants who were the witness and the Manchurian assistant chief. No important matters were decided without consultation with the latter.

29109 HOSHINO had due regard for the opinions of the Manchurians and was ever mindful of the promotion of those with superior ability. Important positions, such as private secretary to the Chief, Assistant Chief, etc., which had heretofore been occupied by Japanese, were replaced by Manchurians. * He held Manchurians in such regard that he was accused of overvaluing Manchurians' intentions. Before, there had been discrimination between Japanese and Manchurians with regard to the salaries for certain officials. This was because the cost

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Page of living for Japanese was higher.

29110 In 1938 HOSHINO removed this discrimination. There never was a case in which the Kwantung Army dictated to the General Affairs Board, although the wishes of the Army were sometimes laid before the board. At such times, HOSHINO took necessary measures after consulting with government organizations and the Premier. * Even the wishes of the Kwantung Army were not followed if they were not considered appropriate. When the renovation of administration was effected in June 1937 and the Department of Public Peace was formed, the Kwantung Army proposed to have a man from the military ranks appointed as Vice-Minister of the new department. After consultation, HOSHINO recommended one of the civil officials disregarding the Army's desire and eventually he was appointed as Vice-Minister.

HOSHINO paid attention to stabilizing the national life and elevating the economic life of the Manchurians and he was always concerned about their afflictions and assumed a cautious attitude. Because of the European and Sino-Japanese Wars, commodities became scarce and economic control was made stricter.

29111 * HOSHINO negotiated with the Japanese government and others so that Manchukuo might sell food and other goods profitably so that she might purchase commodities that were important. There was a case where the government reduced the price of salt and distributed it to the people although other prices were going up. There was no cross-examination of the witness.

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Page DIRECT EXAMINATION OF TAKAKURA, Tadashi
BY MR. WILLIAMS

29115 * The witness identified and verified Exhibit 3211 as his affidavit.

29116 * The affidavit stated that on 12 October 1937, Manchukuo decided on a ten-year program of opium prohibition and the witness, as Councillor of the Planning Board, assumed responsibility for drafting the program with his colleague, Yung Shan-Chi. From the first, Manchukuo had earnestly planned to eradicate the evil custom of smoking or eating opium and established a monopoly system for the production, delivery and consumption of opium to curtail its use. In December 1936, HOSHINO became Chief of the General Affairs Board. At that time the opium monopoly was efficiently enforced. HOSHINO called together young Manchurian officials * for free discussions of the opium problem. After discussing it for several months it was concluded that Manchukuo had reached the point where they could enforce a prohibition policy. Most of the young officials agreed that quick measures should be taken for the drastic eradication of opium addicts.

29117

The discussion created a great sensation and among Japanese-borne officials there was loud criticism of HOSHINO's attitude as currying favor with native-borne officials. However, HOSHINO ordered them to map out a program to be enforced by the government. The number of those poisoned by opium was estimated at more than one million at the beginning of Manchukuo's establishment.

29118 * After study it was concluded that even if strong measures were taken, it would take as long as twenty years. Many prominent people outwardly expressed approval of prohibition, but secretly expressed opposition. The witness informed HOSHINO that it would take twenty years to achieve complete prohibition, but he insisted upon the ten-year plan and that they should endeavor to achieve the high objective. HOSHINO admonished the witness that when Manchurian youths were about to march on toward the ideal, the Japanese should rejoice over their enthusiasm and aid them rather than worrying whether the goal was possible. HOSHINO told those in the accounting section that if the opium monopoly

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29119

profit were appropriated as a source of revenue * prohibition would become difficult. If it were used for the expenses of the prohibition policy, finances would not be affected even if prohibition were carried out. They should carry out the necessary means for prohibition without stinting the expense and they should not worry about the consequent decrease in revenue. There was no need to use opium revenue for general expenses.

29120

* The draft which the witness and his Manchurian colleague wrote was decided on by a cabinet meeting and the plan was put into effect after January 1938. The central force for the project was HOSHINO and a group of young Manchurian bureaucrats. The decision on prohibition which included that public officials and members of special companies who did not refrain from opium smoking within a fixed period be dismissed was realized. The prudent among them took leave and received treatment and improvement among the leading class was to a remarkable extent effected. The government gave special consideration to prohibition in towns and cities with registration, controlled relief, propaganda, etc. and results were improved.

29121

* The number of registered opium addicts immediately before the war was reduced to over 200,000. One could hardly see an addict in Hsinking in 1944 and all sanitariums were turned into lodging houses for laborers. HOSHINO devoted himself and contributed to the unification of the monetary system and the abolition of the extraterritoriality from 1936 to 1937.

29122

Despite the chaos of Manchukuo's finance before and after its establishment, HOSHINO succeeded in reforming it by guidance and encouragement. Unification of the monetary system was regarded as very difficult but HOSHINO's efforts and enthusiasm led to monetary stability in August 1935, * less than three years after the foundation of the state.

Remarkable effects resulted upon the stabilization and elevation of the living of the Manchurians. Before Manchurian finances were disordered, lacking in fairness, with a most primitive system. The people groaned under heavy taxes. To remedy this, a system aiming at reduction of taxes and fairness was established

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- Page and the accounting system and financial organization were modernized. This was generally attributed to HOSHINO's enthusiasm and efforts. HOSHINO had a positive view on the abolition of extraterritoriality although Japan did not necessarily agree with Manchukuo about the time and method of its execution. * Most people in Manchukuo believed the time was immature and some government circles thought they should take a cautious attitude. HOSHINO, as Chief of the General Affairs Section of the Finance Department, strongly advocated the prompt abrogation of extraterritoriality for the sound development of Manchukuo, and made efforts in persuading and negotiating with the authorities. "The treaty concerning the Residence of Japanese Nationals in Manchukuo and the Taxes in Manchukuo" was concluded in July 1936. It greatly increased taxes upon the Japanese. Although there was much opposition from the Japanese, it was due to HOSHINO's efforts that extraterritoriality was abolished.
- 29123
- 29124 * When HOSHINO became Director of the General Affairs Office, he tried more than ever to realize a complete abrogation of extraterritoriality and a transfer of the powers of the South Manchurian Railway Zone authorities, although he had many difficulties. As to the abrogation of judiciary powers, many in Japan thought it still premature because the executive and criminal facilities were not completed. HOSHINO went to Japan and conferred with government officials to persuade them to agree to his plan. Because of their division of opinion, there were deadlocks but HOSHINO passed his own judgment broadly to bring the negotiations to a satisfactory end. * "The Treaty Concerning the Abrogation of Extraterritoriality in Manchukuo and the Transfer of the Executive Powers Vested in the South Manchurian Railway Company Zone Authorities" was put into effect 1 December 1936. Some question arose as to whether it should be put into effect as of 1 December and some Manchukuo officials suggested 1 January of the following year. HOSHINO, however, decided that the date of enforcement should be 1 December. The abrogation of extraterritoriality abolished the long standing discrimination between Japanese and Manchurians and contributed to Manchukuo's economic development and had a favorable psychological effect.
- 29125

There was no cross-examination of the witness.

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29127

* In Exhibit 3212-A, an excerpt from HOSHINO's interrogation, the accused stated that the extraterritoriality right was enjoyed by almost all nations at one time.

29128

* Following the influx of Japanese into Manchukuo, it was realized that the freedom of taxation enjoyed by them would create inequality and unfairness. It was thought necessary that extraterritoriality should be abolished. In the railway zone, both Chinese and Japanese were not taxed and this situation had to be remedied. He stated that he conducted negotiations with General UEDA and Vice-Foreign Minister OHASHI. The latter and the accused made a recommendation to the Japanese Government for the abolition of extraterritoriality in the railway zone.

29129

* Late in 1936 or early 1937, as a result of the Japan-Manchukuo Treaty, this result was obtained. It was not necessary to bond issues of Manchukuo to the Kwantung Army from 1932 to 1936, but support was usually requested from it. He did not remember any case of the head of the Kwantung Army refusing to give support in the period 1932 to 1934. In 1935 140,000,000 yen worth of bonds were issued for the purchase of NMR from USSR, at which time the accused came to Japan several times in connection with floating the bonds. It was not necessary for him to get Kwantung Army approval. It was rather their moral support.

29130

* Great efforts were made to sell shares of newly established companies among the Manchukuo population. His department from 1932 to 1936 was mainly concerned in a sales campaign to have the shares held by as many people as possible. The accused stated that the Army in general did not oppose the Zaibatsu but there was such an atmosphere among the Kwantung officers who believed that they monopolized industry in Japan, and such should not happen in Manchukuo.

29131

* Since HOSHINO did not believe that the Zaibatsu monopolized industry in Japan, he felt that anyone could go to Manchukuo and make investigation. The China Incident was a surprise to the accused. General HONJO was in Manchuria when he was there but he had never talked with him concerning the Manchurian Incident.

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DIRECT EXAMINATION OF MURAKAMI, Kyoichi
BY MR. WILLIAMS

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29132 * The witness identified and verified Exhibit 3213 as his affidavit.

29133 * The affidavit stated that those in the Privy Council were the President and Vice-President of the Council, the Councillors and the Premier and State Ministers. Besides the above, the adult Imperial Princes of the Blood resident in Tokyo were also to attend, although they never had been present until the witness was relieved of office. A State Minister other than the Premier, or a Minister without portfolio had no seat in the Privy Council. Assistants of the Premier, Ministers without portfolio, cabinet officials and the Ministries could attend the Council to assist. Ministers without portfolio often attended as "explainers." The
29134 "explainers", sometimes more than 10, * were able to supplement the explanation of the Minister in charge.

The Investigation Committee of the Privy Council was composed of members nominated by the President from among the Vice-President and the Councillors. They deliberated over bills entrusted to them and reported the result. The Committee would make inquiries of the Cabinet and the Ministers about the matter and get their replies. As a general rule, the Minister concerned had to make a reply, but this was sometimes done by subordinates who were all called "explainers." No shorthand was used at the Council and the record of proceedings was merely a record of minutes written by the secretaries and not an exact record of all utterances.

29135 * There were no regulations for taking notes of the proceedings and only the gist was recorded. The practice for a long time was simply to record the subject, list of members present, summary of proceedings, etc. The records were sometimes precise and sometimes not, according to the judgment of the secretary or the circumstances, and sometimes only a part of an utterance was taken down. No notes on the proceedings were ever shown State Ministers or "explainers" for confirmation.
29136 * An "explainer" did not have the right to vote at a Privy Council Meeting.

There was no cross-examination of the witness.

Prosecution directed the attention of the Court to Exhibit 552.

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Page DIRECT EXAMINATION OF OBATA, Tadayoshi
BY MR. WILLIAMS

29137 * The witness identified and verified Exhibit 3214 as his affidavit.

29140 * The affidavit stated that from 1932 to 1940 the witness made a number of trips to Manchuria on business. At that time he often saw HOSHINO, who was then first in the Finance Ministry and later Chief of the General Affairs Board in the Manchukuo Government. In the first years in Manchukuo it was difficult for Japanese or other business men to do business, but it became easier after HOSHINO became Chief of the General Affairs Board.

Some young officers and officials in Manchukuo did not welcome outside business men, but HOSHINO tried to decrease this feeling. There was no discrimination between Japanese and other foreign business men and the same regulations applied to both. HOSHINO welcomed foreign capital which was interested in building up Manchuria and was not aiming at speculation.

29141 The witness had a plan to start an automobile industry there * with a Japanese company and the General Motors Corporation from the United States. HOSHINO agreed with this idea and to the necessity of U.S. capital. Later, AIKAWA set up the Manchurian Industrial Development Corporation and one of AIKAWA's inducements was his ability to obtain foreign capital. Manchurian authorities were strict in requiring that any corporation would have to be incorporated under Manchukuo law. The witness knew this because he was unable to set up a branch of SUMITOMO there but had to establish a Manchukuo corporation.

HOSHINO's idea was to develop all industries, particularly agriculture, to lay a solid foundation for the country's economy and the people's welfare. He was interested in developing both light and heavy industry, especially the automotive, since Manchukuo was vast and had insufficient railways. Trucks were particularly necessary for agricultural development.

29142 * HOSHINO was eager for Manchukuo to grow as an independent state generally. The China Incident

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disappointed him and he wanted it quickly terminated. While he was Chief of the General Affairs Board, he told the witness there were too many Japanese officials in Manchukuo and that native Manchurians should play a greater part in government and economic activities.

HOSHINO tried to reduce the number of Japanese officials and said that if Manchukuo needed technical help, the Japanese should assist if they became Manchurian citizens and acted as such.

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29144 * On 22 July, 1940, HOSHINO was appointed President of the Planning Board and Minister without Portfolio in the second KONOYE Cabinet, and the witness was appointed Vice-President of the Board in August 1940. The witness was brought into the Planning Board to analyze production figures, and he and HOSHINO soon found out how impractical most of the plans were.

29145 * The China War and U. S. ban on exports added to economic difficulties, and they had to shift plans. The Board could make plans and recommendations only and final decision was the Cabinet's, and execution was by various ministries.

29146 The Board formerly made plans for the allocation of the foreign exchange obtained by exports, but the foreign exchange shrunk rapidly. Since Japan could not get new materials, the Board had to devise means of getting by with what was available, and it turned to the plan for expansion of productive power, which had been set up in January 1939. This plan was exhibit 842, which was shown to the witness, * who identified it as correct.

This was another impractical plan which had to be revised constantly because production was decreasing as supplies from the U. S. were diminishing. They had to find new sources of such raw materials and products, and the plan for expansion of productive power was the only way to do it. Japan was weak economically, and the Board had to devise some means of meeting army, navy, and civilian demands.

29147 * They were still importing some materials from the U. S. and NEI, but this was insufficient. It was planned to receive from them or any other source the normal amount of peacetime imports, and all planning was based on a continuation of such imports only. The only warfare considered in making plans was that in China, and neither HOSHINO nor the witness knew how much the army and navy needed there, for this was kept entirely secret. If they had had in mind any future war in making their plans, they would have been on a very different nature from the ones followed. The object of the plan of expansion of productive power was to turn out producer's goods for the most necessary items cut off from Japan by the export bans of foreign countries and to attempt to balance industries.

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29148 Japanese heavy industry was far inferior to the light and needed great developing to bring the economy into balance. The direct purpose of this plan was not to increase the amount of steel and other items, but to increase the ability to produce them. The end of the plan was set for March, 1942, on paper, but they knew no definite accomplishment could be realized by then. No particular division of the Board had sole charge of the plan, so it was to be handled temporarily by the 5th Division, which had formerly made allocations of foreign exchange and other funds, which had dwindled.

Although army and navy demands were very great, HOSHINO and the witness tried to cut down military allocations in favor of civilian goods and the expansion plan. The army and navy got first priority, but they always succeeded in reducing the allocations demanded by a large per cent, and they never actually got the full allocation because of material shortages. There was great difficulty and arguments from these allocations, and although they were supposed to be decided by April of each year, the witness remembered that when he joined the Board, the allocation was deferred from April to early July. When the witness resigned, the authorities had reached no agreement on allocations for 1941.

29149 The witness stated that he had been shown exhibit 865, which contains the plan for the new economic structure. * The details were prepared by young Planning Board officials. HOSHINO presented the plan in the autumn of 1940 to the Economic Ministers of the Cabinet. They opposed the plan, especially Minister of Commerce KOBAYASHI, and HOSHINO agreed it should be changed. The Economic Ministers wanted it changed so that it would be more in favor of a laissez-faire economy. The original plan provided that large economic organizations were to take over all industries and weed out small and inefficient concerns. KOBAYASHI wanted the government to help the small businessmen, and HOSHINO agreed. The witness did not have a copy of the original plan, since it was not adopted.

29150 There were added to the original plan words to the effect that it was to stabilize the welfare and well-being of the people. This was to check too great emphasis on a synthetic and planned economy and on any radical * change being more in favor of maintaining the status quo.

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In paragraph 3 of Section II, the plan originally read "enterprise must" instead of "may be separated or combined". In paragraph 4 of Section II the original read "medium and small enterprises shall be adjusted and unified". In Section III it originally read "economic organizations shall be operated under the guidance of the one leader principle". The final plan on which KOBAYASHI and HOSHINO concurred was a reversal of the original plan in many points.

29151

After the changes made by HOSHINO and the other Economic Ministers, the plan became substantially as it read now, and was finally approved by the Cabinet. The Board had nothing to do with executing it, but this had to be done by the Commerce and Industry Ministry. The new plan looked to a partial transfer of * industry control from the government to the business men.

The Board's aim was a self-sufficient economy pointing to a bloc economy relationship with Manchukuo and China. Japan was to be the center of the highly developed industry because it was more advanced, and Manchukuo and China would emphasize the raw material and basic industries. Industries in those two countries were included in the planning because they had been in past economic plans. The three countries, from the point of view of natural resources and production techniques, were interdependent, and did not seem prosperous without cooperation.

29152

Regarding the population policy which was contained in exhibit 865, at that time the percentage of population increase in Japan was declining due to the change in social conditions and the China War. The plan proposed a state of peace and aimed at 1960. Its real effects would not have been seen until that time. An immediate effect of it would be a decrease in the labor supply, since it encouraged marriage and restricted the employment of women over twenty. It was a visionary paper plan, and it was prepared in the Welfare Ministry and was to be carried out by it. It was customary to explain such plans to the Board. HOSHINO did not show much interest in the population plan, although he gave some explanation of it. He expressed no opinion on it to the witness.

HOSHINO resigned in early April, 1941, and in accordance with the custom the witness five days later resigned.

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Page CROSS-EXAMINATION, by BRIGADIER QUILLIAM.

29153 * The witness stated that HOSHINO always held the opinion that the China Incident was a disappointment, and he wanted it terminated. The witness did not recall a speech by HOSHINO, expressing approval of the Incident.

29154 The witness knew of the Japan-Manchukuo-China Economic Council, which he was a member of. He thought he attended some conferences of the nature referred to, * but he didn't recall clearly attending such a one. He thought he was at one or another conference of that kind. He thought it was an important conference, but had forgotten whether the proceedings were published in a book.

29155 Exhibit 3215, a book entitled "Reports of Japan-Manchukuo-China Economic Round Table Conference" was handed to the witness. * He didn't recall ever seeing the book before. The witness observed that on a page of the book there was a report on a speech made by HOSHINO at the Hsinking conference on 3 December 1938, but he didn't know when the speech was made.

29156 In the speech, HOSHINO said that looking back upon East Asia in the past, although it contained one-tenth of the world's land area and over one-fourth of its population, it seemed to have been vainly wandering in the dark. However, the trend of the Orient was to restore her proper position in world civilization. The bell for the awakening was sounding long ago in the Meiji Restoration. The first step realized on the continent was the Manchurian Incident, the recent China Incident being a development and expansion thereof. In consequence, there was first established Manchukuo, and next new governments in North China, Central China, and on the Mongolian Border. This was a revelation of God and the voice of Heaven.

29157 The construction of a new East Asia was a great duty imposed upon them, and they must advance toward its * fulfillment bravely by staking their eternal lives and honor.

Having read that extract, the witness still asserted that HOSHINO was opposed to the China Incident.

Exhibit 3215, the full report of that speech, was received in evidence.

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 OBATA - Redirect

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REDIRECT EXAMINATION BY MR. WILLIAMS.

- 29159 * The witness had heard of HOSHINO's disappointment in the China Incident directly and frequently from the accused himself.
- 29160 * The witness did not attend the meeting allegedly held in Hsinking in 1938.
- 29164 * Exhibit 2797-A, an excerpt from the official report of the U. S. State Department, Research and Analysis Branch on War Production Controls in Japan, stated that the adoption of the new economic structure, sanctioned by the Major Industries Association Ordinance of 1 September, 1941, indicated the failure of the army plan to introduce a drastic program for state regimentation of industry and the transformation of private cartels into public organs directed by government officials. The plan was inherited by the TOJO Cabinet. Under the provisions of the Imperial Ordinance, former private cartels had theoretically become public organs termed control societies, responsible to the Ministry of Commerce and Industry. The Ministry's powers, however, were largely negated by inability to appoint directors of the control societies. * The president of the control society was chosen by a nominating meeting of industrialists appointed by the competent minister. The president, in turn, chooses the other officers and directors from experienced people. This committee tended to appoint as presidents of the control societies the presidents of the leading cartels.
- 29165
- 29166 * In exhibit 3212, the prosecution's interrogation of HOSHINO, the accused stated that he did not become a member of the IRAA in any particular sense, but as a member of the Cabinet. He was an adviser, as were all Cabinet Ministers. He was not an officer of the IRAA, but he was a member of the committee. He was called upon to become a member to study health matters after his resignation. That is all he did with the IRAA.

29167 The accused stated that in the spring of 1940, MATSUOKA went to Germany and Italy. HOSHINO had resigned when MATSUOKA returned, * and he didn't know the concrete details of the trip results, but the most important result was the Russo-Japanese Treaty of non-aggression, which was signed the middle of April. The accused did not attend a Cabinet meeting, at which it was considered, for he had already resigned in April and traveled during March, when he did not attend Cabinet meetings.

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29168

Exhibit 3216, the affidavit of USHIBA, Tomohiko, * stated that the affiant had previously testified concerning the writings of KONOYE, for whom he was private secretary. He recognized a document shown him entitled "The Change of Cabinet Ministers Related to Economic Affairs" as being in the handwriting of ARAYA, KONOYE's secretary. It was similar to other documents dictated to ARAYA by KONOYE.

29169

Exhibit 3216-A, being the document referred to in the affidavit, was received in evidence. The exhibit stated * that after the Diet session, reshuffling the Cabinet became recognized as a matter of common sense. It was said that the Ministers related to economic affairs were the weak point. Even if such Ministers had held conferences, it was said there would have been none capable of putting the matter into shape. Since Home Minister HIRANUMA and he were not well versed in economic affairs and since there was no alternative but to select a suitable person from outside, KONOYE, after consulting with HIRANUMA, had to decide on the proper person. Although IKEDA was thought to be a good choice, there were strong objections to him by the reformists.

29170

* IKEDA's opinion was that the Finance Minister too, must be replaced, and NAKAJIMA, Yadanji, was suggested. OGURA, of Osaka, claimed this was not necessary and that NAKAJIMA was not acceptable. For Commerce and Industry Minister, OGURA suggested HATA, MURATA, and FUJIWARA. For President of the Planning Board, SUZUKI, Teiichi, YAMADA, Tatsuo, KAYA, AOKI and INO, were suggested.

29171

The Tokyo Nichi Nichi reported on the conference between OGURA and HIRANUMA and on OGURA's entrance into the Cabinet on the March 30 issue. On the following day OGURA's retirement as General Director of the Sumitomo Honsha was announced. It was urgent to make an announcement, and KONOYE told the War and Navy Ministers about OGURA's entry to the Cabinet and received their support. After discussing OGURA's independent entrance into the Cabinet with him, OGURA still maintained * that he would be distressed if he were not appointed with the others.

OGURA later visited KONOYE and consented to enter the Cabinet alone. He said he had changed his mind but the persuasion of YAMASHITA seemed to have had considerable effect. KONOYE told newspaper reporters that this reconsideration was an independent thing, but they apparently construed it to mean that the problem of the change of Cabinet Ministers relating to economic affairs had been temporarily settled.

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Page Accordingly, the subsequent change in the Minister of Commerce and President of the Planning Board was a complete surprise. On 2 April, KONOYE reported to the Emperor, and the same day OGURA was invested as Minister of State. When KONOYE conferred with OGURA as to the choice of SUZUKI, Teiichi, as President of the Planning Board, * he expressed his approval. On 2 April, KONOYE called SUZUKI and proposed his appointment to the presidency. SUZUKI replied it would be all right with him, but the Navy might object. He asserted a balance of power between the army and navy would be a problem, and he said he could not decide the matter himself and showed disapproval.

29172

This point of view was justified, and on hearing it, the thought occurred to KONOYE that he should select the Minister of Commerce from the Navy, and appoint Vice Navy Minister TOYODA, Teijiro. The story that TOYODA, at the Conference of Vice Ministers, once argued down the Vice Minister of Commerce and Industry * on the problem of iron and coal, showed he was qualified for the post. Also, according to Baron ITO, HIRAO had TOYODA in mind as his successor as President of the Nippon Iron Manufacturing Company. In addition to the fact that TOYODA was not altogether an amateur in commerce and industrial administration, his appointment would make the character of the Commerce Ministry as a Munitions Ministry become clear. This, together with the Planning Board headed by SUZUKI, would mark an advance toward perfection of the national defense structure.

29173

29174

It would mean that the balance of power between the army and navy would be maintained. As for Commerce Minister KOBAYASHI, he would lose face if he were replaced by a business man or young bureaucrat, but if his successor came from the military the matter of prestige would be dissolved. When KONOYE mentioned the matter to SUZUKI, he said it was a capital idea and he would mention it to the War Minister.

29175

SUZUKI told KONOYE that should the topic of the conversation leak out, he would tell newspapermen that they discussed various matters pertaining to the East Asia Bureau of the IRAA. * On 3 April, when KONOYE met Navy Minister OIKAWA, he discussed the matter and OIKAWA endorsed it and said that since War Minister TOJO was not there, he would speak to KONOYE later about it, after conferring with TOJO. KIDO also endorsed the matter.

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The War and Navy Ministers met KONOYE together and gave him their replies of endorsement. TOJO suggested SUZUKI be placed on the reserve list and appointed not only as President of the Planning Board, but also hold the additional office of Minister of State Without Portfolio. KONOYE agreed. OIKAWA also stated that TOYODA would be placed on the reserve list.

29176

* KONOYE talked to OGURA about the appointments of SUZUKI and TOYODA, and he heartily endorsed it. KONOYE then reported the progress of the discussions to KIDO, HIRANUMA, OIKAWA, and TOJO. OIKAWA later called KONOYE and told him that TOYODA was reluctant and requested time to ponder the appointment.

29177

On 4 April, OKA, Chief of the Bureau of Naval Affairs, informed KONOYE that it was still difficult to realize, so KONOYE requested that OIKAWA try once more to persuade TOYODA. OIKAWA reported that although everything would be all right, he wanted KONOYE to speak in person. * KONOYE did so, but TOYODA did not reply in the affirmative, saying he had no confidence in his ability. He asked TOYODA to give a reply by 1800 that night.

Then the War and Navy Ministers called on KONOYE later, they asked about TOYODA's reply. TOJO wanted an answer by 1500, saying 1800 would be too late. Since the army had already obtained SUZUKI's consent, there was a fear of leakage and therefore it wanted the navy to expedite the matter. They decided to have OIKAWA persuade TOYODA once more. KONOYE summoned HIRANUMA, and requested that he persuade TOYODA. At 1500 of the same day, OIKAWA and TOYODA came to KONOYE's residence with a reply of consent.

29178

* OIKAWA said he would recommend the promotion of Vice Minister TOYODA to full Admiral. Since TOYODA desired to remain in active service, it was arranged to have him put on the reserve list in exchange for his promotion to full admiral.

KONOYE called and told HOSHINO, President of the Planning Board, of TOYODA's consent. He had already been informed by TOJO. On the part of Commerce Minister KOBAYASHI, various rumors circulated that he might refuse to resign, so KONOYE had KAZAMI go to KOBAYASHI. Upon hearing that his successor was TOYODA, KOBAYASHI gladly entrusted his resignation to KAZAMI, saying the choice suited him, although he would not consent to FUJIWARA.

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29179

After receiving Imperial sanction, KONOYE announced * the appointments, and the investiture ceremony for TOYODA and SUZUKI was held. The public was surprised by the announcement. With the appointment of OGURA as Minister Without Portfolio, the supposition became stronger that the change of the Commerce Minister, President of the Planning Board, and others, would be executed in accordance with OGURA's opinion.

29180

KONOYE understood that when the announcement was made, the newspaper reporters said they were beaten. On the * morning of the 4th, Major General AKINAGA, an investigator of the Planning Board and the section chief under the new President SUZUKI, went to INADA, Chief of the General Affairs Section of the Cabinet, and indignantly told him that President HOSHINO was willing to resign. He asked why persons like KOBAYASHI should be allowed to sit in office. There was no alternative but to dismiss him.

29181

* Struck with admiration by the brilliant achievement of the reorganization, which they characterized as a stroke of genius, all the newspapers expressed approval and placed great expectations in the future.

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 OSHIMA - Direct

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Page DIRECT EXAMINATION OF OSHIMA, Hiroo,
 by Mr. Williams.

29181 * The witness identified and verified exhibit
 3217 as his affidavit. The affidavit stated that the
 29182 witness, * about the middle of September, 1940, when he
 was a Section Chief in the Home Ministry, was asked if
 he would go to the Total War Research Institute, which
 was to be opened soon. The witness gave his consent to
 the request of the authorities in the Home Ministry.

The aim and objects of the Institute was as
 provided for in the Imperial Ordinance concerning it, but
 the witness understood then that its chief object was
 rather to educate the younger people and do away with
 sectionalism in government and civilian offices and
 organizations. The idea for the Institute originated
 with the 1st KONOYE and YONAI Cabinets, but it was not
 realized until the 2nd KONOYE Cabinet.

29183 * The witness went to the Institute's office
 before it opened on 1 October for preparations. The
 Institute rented a small room in the Parliament Building,
 without furniture, as it had no office of its own. On
 1 October, the opening day of the Institute, they met
 HOSHINO, the acting President, who said no more than he
 would leave all matters to them. At that time the Insti-
 tute staff consisted of 7, including the witness, and
 they were to start work with a clerk, a typist, and a
 telephone operator, in the rented office. Being without
 orders from the Premier, under whose administration the
 Institute was placed, or from HOSHINO, the staff had to
 study by themselves what kind of work should be carried
 on.

29184 At the end of October, 1940, the office was moved
 to a Cabinet house, but they had to share it with other
 offices for some time. After April, 1941, about 35 students
 entered the Institute. * The budget of the Institute for
 the first year was 160,000 yen, to be spent in paying
 personnel and office expenditures. There was no estimate
 of expenditures for the work of the Institute. As the
 Institute did not operate until January of 1941, when
 General IIMURA became President, they had no business on
 which to report to HOSHINO. During this period HOSHINO did
 not visit the Institute, gave no orders or instructions
 concerning it, and showed no interest. The witness had to
 go to HOSHINO's office twice to ask him as to when the
 president would be selected.

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OSHIMA - Direct

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Page About May or June of 1941, HOSHINO was selected by the Institute as one of the 15 or 16 councillors. The position was nominal and honorary, and included no practical work in relation to the Institute. HOSHINO, as such, gave neither instructions nor suggestion.

29185 IIMURA was appointed President in January, 1941, but took over practical leadership in November, 1940. After this, the work of the Institute became more concrete. Plans were drafted and preparations made for education. The adoption of the system of the total maneuver in education was one of the plans framed under IIMURA's guidance at this time.

The witness was told that IIMURA was picked as President because he was well-qualified as an educator of young students. As President, he proved to be a good educator, although he once spoke jokingly of his holding such a second-rate position.

29186 As for students, they admitted from one to four from each department of the government proportionate to the number of officials therein, and also took six or seven from business organizations, and there were some from the press. * Institute personnel were reduced on account of the policy of simplifying administration at the end of 1942, and for practical purposes it ceased to operate at the end of 1943, when the third group of students finished their course.

CROSS-EXAMINATION BY MR. SHIOBARA,
Counsel for KIMURA.

29187 * The witness stated that KIMURA never attended any meeting of the Institute. While KIMURA was a councillor, as he had explained, this was in name only, and he did not engage in any activities of the organization.

Page DIRECT EXAMINATION OF MURAKAMI, Hajimu,
by Mr. Williams.

29188 * The witness identified and verified exhibit
29189 3218 as his affidavit. * The affidavit stated that in
July, 1940, when HOSHINO became President of the Planning
Board, the witness was appointed his secretary. From then
until April, 1941, when HOSHINO resigned, the witness
worked closely with him. Even after resigning, at HOSHINO's
request, the witness lived at HOSHINO's house and took
charge of the transaction of his miscellaneous business,
collecting materials for speeches and arranging manuscripts.

29190 * After retiring as President of the Planning
Board, HOSHINO spent his days chiefly in reading, exercise,
and travelling. Those who visited him most frequently at
that time were ISHIWATA, Sotaro, IRIMANO, and OBATA, who
were HOSHINO's intimate friends since school days. There
were a few others who came to play tennis, and these were
about all who ever visited him during that period. No
visit was made by any so-called professional politician.
HOSHINO visited TOJO only once. Immediately after his
resignation, he called on TOJO for a courtesy call. He
never visited TOJO since then, ever seen TOJO outside
their homes, nor ever talked to TOJO on the telephone.

29191 HOSHINO said that he resigned from the Planning
Board because he had been away in Manchuria for a long
period, and there was a necessity for him to look over
conditions. Therefore he traveled on long trips and short
trips, and hardly found time to rest at his Tokyo home.
Except for one trip, they were all made with his daughters
or other family members.

29192 In October, he returned to Tokyo to attend the
discussion sponsored by the Oriental Economist Publishing
Company and then he traveled to Northern Kyushu and Korea.
* Making use of his few days stay in Tokyo, on 19 October
he went to the Kabuki Theater, and on entering it read an
extra reporting that the Imperial Order came for TOJO.
This was the first time HOSHINO knew that fact. His only
observation was that TOJO would have hardships. He went
into the Kabuki Play, but about 8 p. m. was called out and
told to go to TOJO's residence. On this account he was
obliged to cancel his prearranged trips after the 19th.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

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- 29193 * Exhibit 3219, the Organization of the Officers and Officials attached to the Cabinet, showed that the Cabinet Secretariat, and the Pension, Statistic, and Printing Bureaus, should be established in the Cabinet. The Cabinet Secretariat should take charge of matters concerning the promulgation of Imperial edicts, laws and ordinances, matters concerning the custody of the originals of the constitution, rescripts, etc.; matters concerning the examination, drafting, etc., of official documents;
- 29194 * matters concerning the appointment, promotion, etc., of officials, the personal history of higher officials; custody of official seals; editing and preservation of official documents; fiscal accounts of the Cabinet, and matters pertaining to the IRAA.

The Chief Secretary should assist the Premier, take charge of confidential documents, manage general affairs, superintend officials and their promotion and resignation.

- 29195 * The Secretary to the Premier should take charge of secret business, under the Premier's direction.

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HOSHINO - (INADA, Shuichi, Direct)

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DIRECT EXAMINATION OF INADA, Shuichi by Mr. Williams

29196
29197

* The witness identified and verified Exhibit 2950 as his affidavit. * The affidavit stated that the witness was Chief of the General Affairs Section of the Cabinet Secretariat from November 1937 to April 1945-at the time when HOSHINO was president of the Planning Board and Minister without Portfolio in the 2nd KONOYE Cabinet in 1940. Later after HOSHINO's appointment as Chief Secretary of the TOJO Cabinet in October 1941, the witness served under him.

One of his duties was to have charge of documents filed in the Cabinet Secretariat. In this post the witness used to receive notices from the Secretary of the Privy Council to send the minimum number of Explainers necessary to attend a particular Privy Council Meeting. He would notify the ministers of this and they in turn would issue orders to subordinates as to who would attend as Explainers to assist.

29198

At about 6 o'clock P M on the day TOJO was appointed to form a cabinet in October, 1941, the witness was requested to see him suddenly. When the witness went to TOJO, Col. AKAMATSU who later became TOJO's secretary was waiting for the witness. TOJO told the witness that he had to select someone as Chief Cabinet Secretary. Since he was not familiar with civil service affairs he asked the witness his opinion on the proper person for the post. Pressed by AKAMATSU for his answer, the witness stated that the Chief Secretary should be an able man, not autocratic and with a good civil service record. TOJO gave the witness some names, one of whom was HOSHINO and asked if the Secretariat could work smoothly under him. The witness replied that he thought HOSHINO the proper person.

29199

* TOJO then asked the witness the procedure to be followed in forming the cabinet. The next day the witness learned that HOSHINO had been appointed chief secretary. HOSHINO later told the witness that all he had done after resigning from the KONOYE Cabinet in April, 1941 until this appointment was to travel around Japan.

One of the duties of the Chief Secretary was to have Imperial Rescripts prepared. Late in November, 1941, HOSHINO ordered the witness to prepare a Rescript in the event negotiations with the United States should be successful and another one proclaiming a state of war with the United States and Britain. The former was listed on a memo which HOSHINO gave the witness saying "This should also be prepared as it may be necessary. This memo was in HOSHINO's handwriting and read that in case Japan should suffer great hardship the Emperor should be requested to proclaim an Imperial Decree to settle the peoples' minds and retain national power.

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29200

* The memo was returned to HOSHINO after typing and placed in the Secretariat files. He heard it was later destroyed in an air raid. After receiving the memo the witness began drafting the Rescript and showed the draft for Peace to HOSHINO early in December, after he had been told to hurry preparation of it. HOSHINO did not approve of the draft and returned it for reconsideration. The witness intended to revise it but the press of other business was too great and it remained in a pending status until after the outbreak of the war. If the draft had been needed for actual use the normal course would have been to revise it until it was satisfactory.

29201

The general purport of the draft was that Japan would be in a very difficult position but the people should try to maintain national strength and friendly relations with other nations. The draft was never used and after the outbreak of the war the witness destroyed * the two copies. This was done as it was recognized there was no further need for the drafts and also it was the practice in the cabinet secretariat to burn preparatory drafts.

The witness stated that confidential documents handled by the Chief Secretary related to personnel matters and documents which had been referred to cabinet meetings. At the time of the TOJO Cabinet, there were four private secretaries attached to the prime minister.

CROSS-EXAMINATION BY BRIG. QUILLIAM.

29203

The procedure in appointing the Chief Secretary was for the Premier Designate to report to the Throne which made the appointment but the selection was made by the premier and investiture took place following Imperial sanction. Customarily when there is a change of premier there was a change of chief cabinet secretary. The witness recalled that TOJO mentioned HOSHINO * and SHIOBARA, Tokisaburo for the post.

In Exhibit 3212-A the interrogation of HOSHINO, the witness was asked what he did after resigning from the Planning Board until April 1941. He stated that for half a year thereafter he had no special job but visited various parts of the country. These were private trips except once he made a speech in regard to certain Chuchiku savings. He had been in Manchuria for a number of years and therefore made this trip to see conditions there.

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29204

* At that time the accused did not know the reason for the collapse of the third KONOYE Cabinet as he had been out on trips, since between August and October. He later heard it collapsed because of internal friction.

There was no special reason why he, the accused, became Chief Secretary of the Cabinet except he had been requested by TOJO on the 17th. At that time he had already purchased a ticket to go to Korea. The accused would not say that he and TOJO were exactly old friends. However, TOJO was in Manchuria at the same time as the accused for two years and he came to know him then and also when TOJO was War Minister and HOSHINO was on the Cabinet Planning Board.

29205

KONOYE appointed the accused as president of the Planning Board originally. He did not attend cabinet meetings as a cabinet * member but did sit in along with two others. He had no right to vote on any question nor did he keep notes of the meetings. No one kept notes on the meetings but the President of the Information Bureau gave information to the newspapers.

In Exhibit 2225, the interrogation of HOSHINO, the witness was asked if he were the closest man in the cabinet to TOJO. He replied that as chief secretary he was the closest to TOJO but could not say he was the closest advisor.

29206

Continuing with Exhibit 3212-A, the witness stated that he had not been asked for advice by TOJO previous to the war nor gave any. He just carried out instructions as secretary.

At the Imperial Conference of December 1st 1941 TOJO explained the situation which was in substance that if the negotiations did not succeed during the beginning of December there would be war. The accused was present at the conference but not as a member and he was not permitted to express anything at the Privy Council meeting on December 8 1941. At this later meeting the accused believed that the Chief of the Information Bureau was present but could not say definitely. As the chief and the accused were not members they did not have to attend the meetings except when they pertained to their duties. So possibly the chief may have attended this meeting.

29207

* It was compulsory for ministers to attend but as they were merely in line of duty only and not as members he could not say definitely that they did attend.

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29208

* From Prosecution Exhibit 83, an ordinance creating and regulating the Privy Council was read an excerpt stating that though the Privy Council is the Emperor's highest resort of counsel, it shall not interfere with the executive.

29209

Exhibit 3221, Regulations of the Declaration Conference, an Imperial ordinance dated Nov 10 1893 was received in evidence.

29210

Exhibit 3232, a telegram from Amb. Grew dated May 18, 1939 stated that at Grew's conference that day with Foreign Minister ARITA the latter handed him a message requesting him to deliver it to the U.S. Secretary of State on his forthcoming visit, to Washington so that the message might be brought to the attention of the President. The message stated that at present there was serious antagonism among European nations. No one could assure there would not be a clash in the near future. If war broke out its consequences would be beyond imagination, with indescribable suffering and destruction of civilization. It was necessary for them to exert efforts to prevent this. He believed that the main duty of the U.S. was to prevent a * conflict since they were outside the scope of the ordinary struggle.

29211

On cool scrutiny of the European situation since World War No. 1, they concluded that although Germany and Italy might be advised to be more patient, Britain and France also had a great deal to reconsider. Intention of the United States was to prevent such catastrophe and save Europe from war. It was similarly Japan's wish that nations have their own proper place and thus true world peace might be established.

For himself ARITA was doing his utmost to realize this and believed that closer cooperation between Japan and the United States and deeper understanding was possible.

29212

* Exhibit 3223, a telegram from Dooman, U.S. Charge de Affaire at Interim in Tokyo, dated July 8, 1939, referred to the message from the Prime Minister which was handed to Grew by ARITA in the previous exhibit. The Department desired to be consulted with regard to the question of the time when the reply should be delivered. Before arranging to call on ARITA for the purpose of handing the reply to him for transmission to the Department they should telegraph their opinion whether the opportune time for the reply had arrived. When the reply was delivered the Department desired that ARITA be informed that it was requested that it be strictly confidential and not for publication.

29213

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29214

The reply to the premier stated that on Grew's return to Washington, he delivered to DOOMAN the message which the premier had placed in his hands through Foreign Minister ARITA. He had read with interest HIRANUMA's expressions of concern at the existence of antagonism among European nations and of the consequences to civilization should there be war. Prime Minister HIRANUMA saw it as the duty of both governments * since they were outside the scope of the European conflict, to exert efforts to prevent the casualty envisaged.

29215

DOOMAN stated that he had also noted statements regarding strained relations in the European situation, the interest of the U.S. in preserving peace and the wish of Japan that relations might be arranged for true world peace. DOOMAN stated that Premier HIRANUMA would have no doubt that the U.S. desired to see established upon the basis of fair play a condition of true peace. The premier will be apprised of recent efforts of the U.S. including the president's message of Sept 26 1938 to the heads of several European governments, also of messages of April 14 1939 by the president and Hull respectively to Hitler and Mussolini * with regard to removing the pervading threat of European war.

It would be gratifying to Hull and the President if there could be ways for using Japan's influence toward discouraging among European governments, especially those with which Japan might have special relations, the taking of any action endangering peace.

HULL was confident that any such contribution would be a high service to those living in fear of war.

With further reference to HIRANUMA's desire to see world peace established, Hull observed that this objective was made more remote by the continuance of armed conflict and disturbances in the Far East. Just as European events had repercussions in the Far East, prolongation of abnormal conditions in the Far East contributed to unrest in Europe.

29216

The U.S. opinion was perturbed by the trend of events there especially with regard to Japanese relations with China. If it should prove impracticable to make effective contribution at once to the settlement of European problems, there would still be an urgent need for efforts in connection with disturbed conditions elsewhere.

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It was Hull's view that each peaceful settlement constituted an important step toward improving the world situation. HIRANUMA could be assured of the desire of Pres. Roosevelt and of Hull to do all within their power to convert into practical results those principles to which they had frequently given expression. The U.S. did not perceive any practicable additional steps but was sincerely interested in the suggestion contained in HIRANUMA's message. They would be pleased to have such further information as the premier might find it agreeable to offer.

29217 *The telegram replying from Pres. Roosevelt to HIRANUMA was received in evidence but not read. (Ex. 3224).

29219 Exhibit 3225, a letter to Hull from Charge de Affaire DOOMAN dated June 7 1939 stated that Dooman in his telegram of May 26th had observed that there were elements in Japan * who were not to be confused with those who had been saying that reaction to Japan's China policy was just around the corner, who realized that in the event of a European war the maintenance by Japan of neutrality between the democratic and totalitarian camps would afford little security to Japan and that national security could only be assured by liquidating the China conflict.

Dooman stated he was not unaware of the need for such observation on a firm basis. It was his purpose in this dispute to lay before the State Dept. the circumstances on which his view was based. As there was no discussion in the press or elsewhere of whether or not Japan should align itself with Germany and Italy, his information with regard to thought trends came by word of mouth. Whether by incident or design, Dooman stated he was approached on May 18th by a Japanese who had been unknown to him but whom Grew knew and who suggested that Dooman have a chat with the premier.

29221 Dooman informed Grew of the call and of this suggestion. Grew said he had a favorable impression of FUJII, the person who had called and saw no reason * why he should not return a favorable reply. Dooman told FUJII that he would be glad to make the acquaintance of the premier but had heard rumors of the possibility of a change in government and wondered whether the time was opportune.

The next day FUJII brought an invitation from HIRANUMA to dinner on May 23rd when he intended to explain his purpose in sending through Grew his message to the secretary and word to the effect no government change was impending. Dooman accepted the

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invitation and FUJII then emphasized the importance of keeping the forthcoming talk a secret. He said HIRANUMA's political position was reasonably secure but the alignment of factions over European policy was so delicate it required Prem. HIRANUMA to act cautiously.

As they went to the dinner by car FUJII proposed they alight some distance from the premier's residence and go the rest of the way on foot. At the gate were a number of policemen who though surprised to see a foreigner made no attempt to stop Dooman.

29222

*HIRANUMA received him very courteously and said he unfortunately had few opportunities to meet foreigners and received at first hand their impressions on world conditions. HIRANUMA said that in his view the European situation was delicate and he felt confident that he could obtain from an American a more objective appraisal of that situation than from any European.

29223

Dooman expressed regret that he could give HIRANUMA no more information than was public knowledge. During the ensuing conversation HIRANUMA displayed knowledge not only of a factual nature of of political trends there which surprised Dooman. One point brought out was that Hitler provided an issue around which all elements in Great Britain can rally; the imperialists who could not tolerate a Germany equal to Britain, industrialists who feared German commercial competition, and Jews, radicals and Germanophiles who vied in their hatred of Hitler.

29224

*HIRANUMA said the possibility of a European war was contemplated with horror. It would destroy civilization and no nation could escape eventual consequences. He had publicly stated that Japan could never be a democracy or a totalitarian state and that its greatest contribution would be to bring together the two groups of nations.

HIRANUMA said there were elements in Japan which considered she could not afford to be isolated and that security demanded she enter into special relations with Germany and Italy. HIRANUMA insisted, however, that Japan follow "moral diplomacy". A nation's existence could not be measured by decades and statesmen must fix their attention on long term objectives rather than on obtaining favorable tactical positions. The most important objective was a stabilized peace. Japan like the United States was not directly involved in European problems.

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Those two were in a position to exercise a moderating influence on Europe. This was a duty they owed their peoples. The first step was to check the tendency toward the division of Europe into two political hostile camps. He wondered whether the views of the U.S. were responsive to those he had expressed in his message to the secretary.

29226

* HIRANUMA said the belief was widely held abroad that Japan was considering a military alliance with Germany and Italy. He tried to explain the basis of Japan's sympathy for Germany and Italy. The basis of this was the fact that all three countries were in the same economic strategic position. He believed that Japan could not tie itself by special relations to any government whose stability depended on the continued existence and prestige of one individual.

In Germany and Italy were political currents which would gravely prejudice confidence in any political arrangement such as an alliance. Hidden elements would make themselves felt in time of war and were to be reckoned with as a threat to the success of Germany and Italy arms.

29227

*after dinner HIRANUMA said that U.S. and Japan were the only powers which could help prevent the trend toward the division of Europe into armed camps. However there could be no confident hope that permanent peace could be established until worldwide economic and political conditions which brought about unrest in Europe and the Far East could be corrected. If an international conference could be called to solve these problems Japan would be prepared to agree to include the Far Eastern situation among the problems for discussion. Before such a conference, France, Britain, Germany and Italy would have to be sounded out.

29228

If Roosevelt were prepared to approach the European democracies, HIRANUMA would be glad to approach Germany and Italy. * If favorable replies came he would be glad to have Roosevelt call a conference under such conditions as might be agreed upon. He wished to make it clear that he did not want to put forward the views of those Japanese who harbored hopes of restoring good relations with the democratic nations as being necessarily the views of the government. These were the views of a powerful element however and they could not be ignored.

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Dooman alluded to the discrepancy between HIRANUMA's attitude and Foreign Minister ARITA who was preoccupied over the Anglo-Soviet negotiations. Hiranuma's desire for American collaboration to bring about peace could not be reconciled with the readiness which was almost an eagerness on the part of ARITA to meet a fancied threat from Britain. These two points of view reflected conflicting policies and which would prevail might be decided in the next few days.

29233

* Exhibit 3226, affidavit of Maj.Gen. F.S.G. Piggott of the Royal Engineers stated that in June when the Tientsin crisis was at its height the affiant was approached by Premier HIRANUMA at the instance of the U.S. Charge de affaire Dooman to convey certain suggestions from HIRANUMA to the British ambassador with the object of a peaceful settlement of the Tientsin problem and other difficulties. The name of HIRANUMA's agent was FUJII Minoru, a retired foreign office official.

29234

It was Piggott's privilege to conduct negotiations between Craigie and HIRANUMA through this intermediary successfully and on June 23 ARITA informed Craigie that Japan was ready to have a conference in Tokyo.

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DIRECT EXAMINATION OF SAITO, Yoshie

29242

* The witness identified and verified Exhibit 3227 as his affidavit. The affidavit stated that the witness had been stationed as diplomatic and consular attache in Peking and Tientsin, and was at one time secretary of the Embassy in Washington, D.C. under SHIDEHARA. After being a director of the SMR * upon the formation of the KONOYE Cabinet in July 1940, by request of Foreign Minister MATSUOKA he became a foreign office advisor until his resignation in July 1941.

29243

In May 1941 he attended a cabinet meeting with Premier KONOYE and MATSUOKA. The question of Japanese-U.S. negotiations then in progress was discussed. The witness recalled distinctly a speech made by HIRANUMA who was then Home Minister. The theme of the speech was that Japan must not fight for any reason. He said if war started between big powers it was almost inevitable that it would become worldwide. Such hostilities would become protracted and no one could foresee the damage and devastation.

29244

Untold damage would accrue to the industries of all nations and the human race be thrown into misery. * He stated that considering the present economic conditions in Japan he believed she would not be able to withstand a protracted war. His speech lasted for about thirty minutes and was an impassioned plea against war. Since HIRANUMA was usually a silent and reticent man it was unusual for him to speak at such great length.

There was no cross examination of the witness.

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Direct Examination of MURATA, Goro
by Mr. Warren.

29245

*The witness identified and verified Exhibit 3228 as his affidavit.

29247

* When shown a document the witness was asked whether it was an official government document and in what category it fit. The witness stated it was an official document of the Home Office and related to the incident of the attempted assassination of HIRANUMA and that the report was prepared between August 20 and August 25th. The document was circulated to all chiefs of police throughout the country.

(After tender the document was objected to and rejected).

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Page DIRECT EXAMINATION OF OKADA, Keisuke,
by Mr. Warren.

29255 * The witness identified and verified exhibit
29259 3229 as his affidavit. * The affidavit stated that he
had been an admiral in the Japanese Navy, remaining in
it until 1933. He was appointed Premier in July, 1934.
After the February 26 Incident in 1936, he resigned.
From 1940 to the surrender, he attended many meetings of
the Jushin, or Elder Statesmen.

29260 He was present at the meeting on 29 November,
1941. This meeting, instead of being called as usual
by the Lord Chamberlain at the Emperor's request, was
convened on the request of Premier TOJO, and the Imperial
Palace was the place of assemblage. At the morning session,
TOJO and Cabinet Ministers spoke on the current situation.
It was explained that negotiations with the U. S. had
reached an impasse. While the speakers did not say so,
it was evident that the government * felt war was inevit-
able. TOJO did not state that the government had decided
to go to war, and government members did not attempt to
persuade them in support of war. The Elder Statesmen
asked questions of the Ministers, who replied that the
government's position would be understood if the facts
were shown and if they could disclose the figures which
they had; but they stated they could not disclose them,
as they were state secrets.

None of the Elder Statesmen supported or en-
couraged war, especially WAKATSUKI, KONOYE, HIRANUMA, and
the witness. Without previous deliberation, they urged
the government to reconsider and proceed cautiously in
any matter which would bring about hostilities. The
Elder Statesmen all expressed negative opinions.

29261 After the morning session they were given a
luncheon by the Emperor, and afterwards they each sub-
mitted their dissuading opinions to the Throne. It may
have been that one of the statesmen * made a statement
that the matter would have to rest in the hands of the
government. The witness did not recall who said this,
but he did know it was not HIRANUMA. Since they had not
been told that the government had decided on war, and
since they were not informed of the grounds based on
figures, which they had been told were state secrets,
they could not go into the matter deeply and had to
confine themselves to expressing negative and dissuading
opinions.

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With reference to TOJO's views that Japan would be strangled slowly, the witness warned that the country must not be driven to a sudden clash, which would be worse than the slow strangulation TOJO feared. This opinion was concurred in completely by HIRANUMA. The opinions of the Statesmen submitted to the Throne repeated the views expressed in the morning session to the Premier and Cabinet Ministers. The majority, including HIRANUMA, * were not satisfied with the government's explanations, and they said the government must handle the matter with utmost caution.

29262

The Statesmen were before the Throne for a comparatively short time, but spent the entire afternoon with the government officials. The attitude of neither, however, did not change, and they parted with no premonition that within ten days the attack on Pearl Harbor would be made. The Elder Statesmen who attended this conference were WAKATSUKI, KONOYE, HIRANUMA, YONAI, HIROTA, HAYASHI, ABE, and the witness. The Lord Keeper of the Privy Seal, KIDO, was present at the luncheon and the talk following, but did not attend either session of the conference.

Although Japan met with early victories, the situation later changed and conditions became bad, until in 1943, WAKATSUKI, KONOYE, HIRANUMA, and the witness, who had always opposed war, agreed that it must be brought to an end. With this end in mind, the four met frequently. * They first met in KONOYE'S houses, but this became too dangerous because of air raids and they rented a room in the Dai Ichi building. HIRANUMA and the witness acted as secretary for the group. They resolved that the first step was to introduce into the Cabinet a man who opposed war. They selected YONAI, and tried to secure his appointment. They went great lengths to create occasions when they could talk with the Premier to accomplish their end, but were unsuccessful in getting YONAI into the Cabinet. A position was offered him without portfolio, but this could not accomplish their ends and they sought to have him appointed as Navy Minister, but the government would not agree.

29263

The later dissatisfaction with the Cabinet in various circles was expressed, and they became imbued with the idea that the Cabinet could not cope with the situation. * On 17 July, 1944, WAKATSUKI, KONOYE, HIRANUMA, and the witness met at HIRANUMA'S home for a discussion, and they were later joined by three Elder Statesmen.

29264

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Page As a result, they concluded that to find their way through the difficult situation, it was necessary to renew the popular mind. All people must cooperate to build a powerful Cabinet which would surge forward unswervingly. Partial reorganization would be of no use.

29265 * This resolution was passed because it was apparent the Cabinet had lost popular appeal, and they believed it necessary to retire it to bring the war to an end. The witness handed this resolution to KIDO and reported to him what had happened in the meeting. On the next day, July 18, the Cabinet resigned en bloc, and an Elder Statesmen's meeting was convened to recommend a new government head. At this meeting, HIRANUMA pointed out that the army had lost the people's support, and further military interference with national life was not advisable. HIRANUMA supported KONOYE's suggestion, that SUZUKI head the next Cabinet, and he praised SUZUKI's personality. Eventually, however, KOISO was recommended.

29266 After the meeting, WAKATSUKI, KONOYE, HIRANUMA, and the witness conferred, and KONOYE went to the other statesmen to get their agreement and make arrangements for the Emperor's order * for the new Cabinet, which would be given to KOISO and YONAI jointly and appointing YONAI to the Navy Minister. Such an order was unprecedented, but YONAI succeeded. Having YONAI in the Navy Ministry was to insure a man in the Cabinet who opposed war.

29267 At the Statesmen's meeting of 5 April 1945, when the KOISO Cabinet resigned, HIRANUMA succeeded in recommending SUZUKI Kantaro, as the next Premier. HIRANUMA had long averted SUZUKI, who had served the Emperor * as Lord Chamberlain for a long time.

29269 * On August 9, 1945, the Supreme Conference for the direction of war was convened before the Throne to discuss and decide whether Japan should accept the Potsdam Declaration. HIRANUMA was then President of the Privy Council and not a regular member of the conference, but did attend at the Emperor's request. At the conference HIRANUMA supported acceptance of the Potsdam Declaration. While the witness was not present, he knew personally that HIRANUMA attended, and learned his position from conversations held with him and other persons who were present. At the end of the conference, the Emperor approved acceptance of the Potsdam Declaration, and surrender was decided upon.

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29270 * The witness stated he was present at the Elder Statesmen's meeting 5 April, 1945, when SUZUKI was recommended as Premier. HIRANUMA strongly advocated his appointment, and the witness had a conversation about it in which
 29271 HIRANUMA gave his reason for supporting SUZUKI. * The reasons were that the next Premier must be a statesman who would be able to keep in some form the basis of Japanese political life so that it would retain its fundamental character. If that basis were destroyed, Japan would have to fight to the last man, and a man who could preserve the nation intact was necessary.

29273 The witness identified exhibit 3230 as a letter from him to KONOYE dated 13 August 1943. * The letter stated that the present situation was grave and greatly concerned them all. OKADA thought that it was the Elder Statesmen's duty to talk with the Premier and other Ministers, and proposed that KONOYE, HIRANUMA, and himself invite Premier TOJO, SUZUKI, KAYA, AOKI, and SHIGEMITSU, to lunch on August 30 at the Peers Club. The hosts would be the Chairman of the Privy Council, HARA, WAKATSUKI, HIRANUMA, KONOYE, YONAI, HIROTA, ABE, and OKADA. KONOYE was asked to reply if he agreed.

CROSS-EXAMINATION BY MR. KEENAN.

29274 * The witness stated that the Genro was the group of distinguished Japanese who brought about the Meiji Restoration and that they held a special position of reverence and standing in Japan. It became the duty of the Genro, as a matter of tradition, to recommend to the Throne the succeeding Premiers at the termination of each Cabinet. As the members of the Genro passed away
 29275 there was no means of succession. * The last Genro was Prince Saionji, who died in November, 1940. Prior to that time, it was well known that he gathered information to enable him to make recommendations to the Emperor, and this function was understood and accepted.

29276 The Senior Statesmen consisted of former Prime Ministers and the President of the Privy Council. They were first organized at the time of the selection of the Premier for the second KONOYE Cabinet about 22 July, 1940. At that time, Prince SAIONJI, being advanced in years, was ill, and it was found necessary to provide a plan to continue the Genro function in making recommendations to the Emperor. * The plan evolved was that the function of the Genro on the death of SAIONJI should be performed by the Lord Keeper, who should advise with the Senior Statesmen.

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Page This was approved by them, and it became a practice. The witness did not know whether KIDO had much relationship with working out the plan. The second meeting of the Senior Statesmen had to do with the selection of KONOYE in his third Cabinet, and the third function concerned selecting TOJO as Premier.

29277 * The witness thought it was highly necessary that the Senior Statesmen be well and completely informed on vital matters affecting Japan's national and international problems. When asked if unless this was done if the meetings of the Senior Statesmen would amount to a meaningless gesture and a fraud, the witness stated that to some extent that information was imparted to them by the Lord Keeper. It was necessary for the functioning of the statesmen that information be possessed before they advised the Emperor. The witness thought the meeting of 29 November 1941 was held with the Emperor's consent, but was not brought about by the Grand Chamberlain. * They would not have been there unless the Emperor wanted to know their views. This was the only time that the Senior Statesmen had been called upon to function on any occasion other than the selection of a Premier. This gave the meeting a special significance. It was understood by the witness and the other former Premiers and the Privy Council President that it was one of the most important occasions in modern Japanese history.

29278
29279 * They were called upon to confer with the Cabinet and deliberate so they could faithfully give advice to the Emperor at this fateful moment. It was well known to everyone present that there was grave danger of war breaking out with the U. S., Britain, and the Netherlands.

At the time of the Russo-Japanese war, the witness was on the ship "Admiral Togo", and he participated in the Japanese-Russian naval engagement in that war. When asked if he learned then that war could break out with Japan attacking very suddenly, he replied that he didn't know anything about that.

29280 * At the meeting of 29 November 1941, state secrets were not disclosed. Although they asked for the
29281 information, it was refused on that ground. * The witness
29282 did not know which or how many Senior Ministers or the Privy Council President were not trusted by the Cabinet. * He did not know after they were refused this information by the Cabinet whether it was likewise withheld from the Emperor.

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Page He had not heard any information that at the
meeting of 29 November, 1941, the most important information
29284 * they desired to obtain was whether an attack against the
U. S., Britain, and the Netherlands had been definitely
29285 determined. * The Senior Statesmen all desired to know
the true domestic and international situation. They wished
to know whether the government intended to strike at the
U. S., Britain, and the Netherlands by way of war, but were
not told of it. At that time the witness was not a War
29286 Councillor. * He did not know whether if he had been one,
if he would have had that information on 29 November, 1941,
although he had been a War Councillor at one time.

He believed there were elements attempting to
control Japan's future by the employment of force, who
29289 were difficult to ascertain. * They did not know that
war had been decided upon when they were to advise the
Emperor. Six weeks before, the Cabinet had been chosen
with the approval of the same Statesmen that sought
29290 information on 29 November, 1941. * After the conference,
they lunched and advised with the Emperor.

It was not so that the most important thing to
advise him was whether or not war should be instituted
against the U. S., Britain, and the Netherlands. This was
a very important thing, but up to that moment they had not
heard a word as to whether the government was actually
intending to open hostilities. He did not know that at
the time they were seeking information from TOJO'S Cabinet
a fleet was on its way, prepared and under orders to strike
at Pearl Harbor. At that meeting, each Statesman expressed
29291 his views to the Emperor. * Eight statesmen were present,
and the witness thought that he expressed to the Emperor
that he had sought information as to affairs with the U. S.,
Britain, and the Netherlands, and that he had been refused
such information on the ground it was a state secret. He
did not remember others expressing this.

The Lord Keeper, KIDO, was present at the luncheon
and at the meeting following. When asked if he had specif-
ically stated that he had sought this information and it
had been denied, the witness stated that he expressed it
in much milder terms.

29292 * When asked what he meant in his affidavit by
the words "Negative opinion was expressed" or "Dissuasive
opinion was expressed," the witness stated that the meaning
was that they could receive no worth-while information from
TOJO, and were worried about this. This was told the
Emperor, who listened only and did not talk.

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29302 From exhibit 1282, another excerpt from the KIDO Diary. HIRANUMA stated that there were two phases of opinion in regard to concluding the war. They must have a person who would fight it out, and they could not recommend any peace advocator. From this import, the choosing of a Premier had important bearings. He was unable to say if * this means that all they have to do is appoint the Premier and the rest be left to him. He stated he was strongly opposed to any advocacy for peace and cessation of hostilities.

29303 When asked if the purport of his affidavit was to the effect that HIRANUMA, on 5 April, 1945, which was the date of the excerpt read, was a real advocate of peace and the cessation of hostilities, the witness stated that in order to bring the war to an early conclusion it was necessary to have a man who would go at it with a fighting spirit to the end. * He did not mean something by way of a suicide attempt, but it was a little different. What he meant was that to bring the war to an early conclusion, it was necessary to go about things with the spirit of carrying the war through to the end with firm determination. Unless one went at it with that spirit, it would be difficult to conclude the war.

He believed HIRANUMA's contention was to bring the war to an end as early as possible. HIRANUMA did not indicate to the witness on 5 April, 1945, that he wanted to accelerate the end of the conflict by way of negotiations for peace.

29304 * The witness did not recall if, during the discussions of the Elder Statesmen about 29 November, 1941, there was any that concerned advice that efforts should be made to subdue and control lawless elements before attempting to rectify things in China, the U. S., and Britain.

The witness could state definitely that on the eve of the Pearl Harbor Attack the Emperor was not concerned in winning or losing the war. He disliked war, but was unable with all his power to avoid it.

CROSS-EXAMINATION BY DR. KIYOSE,
Counsel for TOJO.

29306 * The witness stated that at the meeting on 29 November 1941, the government refused to give information on all points, saying they were state secrets, and did not reply to any questions. The witness did not mean there were no replies. TOJO made many, but he did not give information as to what steps were to be taken.

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 OKADA - Cross

Page 29307 * That the witness wanted to know was information * regarding not only the present situation, but also the future. He wanted to ask what the government intended to do, but they did not know of the present situation either.

29308 * The morning session began around 9.30, and continued until about 11.30. He did not recall clearly as to whether the meeting continued longer than that, and that finally upon the Emperor's permission, the questions and answers continued until past noon. The government, through Foreign Minister TOGO, explained the impasse in Japanese-U. S. negotiations, and TOJO gave a general explanation of events, but these were things of which they were already informed. * They learned nothing of what they really wanted to know.

29309 * When asked if there were nothing else, the witness stated he did not understand distinctly. Perhaps there was an explanation given by the accused SUZUKI, President of the Planning Board. That they wanted to know pertained to the resources of Japan and her national strength. He did not recall that SUZUKI gave a detailed explanation, but he did recall he gave some. He believed SUZUKI gave them figures taken at random and that the explanations were haphazard and not reliable.

29310 * Asked if he had the knowledge necessary to be able to describe SUZUKI's explanations as haphazard, the witness stated that in certain connections, he himself had made a study and had his own figures. He did not ask SUZUKI if his figures were correct.

29311 * During the audience with the Emperor after the luncheon, he told him that the morning session was devoted primarily to government explanations, and the more the witness heard from the government the more concerned he became. TOJO had stated that if he gave them the figures and statistics he believed they would understand, but since they were state secrets he was unable to do so.

29312 * When asked what figures, the witness stated he would rather have TOJO asked about that, but the figures refer to the answers which had been made to his questions. In reply to the witness' questions, TOJO had stated that he believed he would be able to understand if he quoted figures, but he could not do this * because they were state secrets.

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OKADA - Cross

Page The witness believed the Emperor's first words were that the situation had become impossible. After that he just listened. This could either be construed as a question or a statement.

29313 The witness knew the Emperor's feelings very * well. He was not concerned with winning or losing a war as much as his hatred for war from the standpoint of human welfare. The witness agreed with this sentiment. After the meal, each submitted his dissuading opinion to the Throne.

When it was suggested to the witness that in view of what he had said previously it would not be thought that the question of dissuasion or of carrying things ahead could arise, the witness stated that that was how he felt, but did not know exactly what the other senior statesmen felt.

29314 In the morning session the government had made explanations concerning the impasse in Japanese-U. S. negotiations. He believed this was the purpose for the government's convening the meeting. * The witness had not heard the Emperor say that there was one question to be settled. He believed the purpose of the meeting was to explain the situation vis-a-vis the Japanese-U. S. negotiations.

CROSS-EXAMINATION BY MR. BLAKENEY,
Counsel for TOGO.

29315 At the meeting of 29 November, 1941, TOGO explained the progress of Japanese-U. S. negotiations in considerable detail. He believed that two or three questions were put to TOGO. * TOGO replied to the questions, and the witness believed those who asked them were satisfied with the answers.

REDIRECT EXAMINATION BY MR. WARREN.

29316 * The witness stated that he had heard from HIRANUMA himself, that HIRANUMA thought the war could be brought to an end if SUZUKI accepted the portfolio of Premier. * When asked if HIRANUMA told him the reason he had not stated publicly the reason he gave the witness in private as to why he thought SUZUKI would make a good premier, the witness said he had heard the reasons from HIRANUMA. HIRANUMA told him privately that SUZUKI'S appointment would bring about early peace. This statement could not be offered in public, because if he did so this would not have been peace and it would prevent the formation of a succeeding Cabinet.

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RE-CROSS EXAMINATION BY MR. KEENAN.

29318

* The witness stated that the meeting of the Elder Statesmen to which he referred was not held in extreme secrecy, but was not exactly public. There were no newspaper reporters present, nor were its deliberations published in the press or in any manner made public.

When asked if the refusal to give vital information on the course intended by the Cabinet at the meeting of 29 November, 1941 was not apparent to him that the calling of the statesmen together was a mere gesture and fraud. the witness replied that it might have been described that way.

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 HIRANUMA, S. - Direct

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Page DIRECT EXAMINATION OF HIRANUMA, Setsuko,
 by Mr. Warren.

29319 * The witness identified and verified exhibit
 29322 3231 as her affidavit. * The affidavit stated that the
 accused HIRANUMA was her mother's uncle, and since he was
 old and without anyone to care for him, he lived with her
 family.

29323 On the night of August 14-15, 1945, there were
 two air raid alarms, the second about 5.30 a. m. They
 learned that on the second raid the planes were not
 bombers, so they did not go into the shelter. * Suddenly,
 the witness heard a terrific noise and loud shouting
 outside the house. Looking through the window, she saw a
 gang of men coming through the front gate, making for the
 house. She had been warned by the police guards stationed
 in the house that something unpleasant was likely to happen.

The day before, one of the guards told her he
 didn't like the way Japanese army planes had been flying
 low over the house, and that they had better be prepared
 in the event they should drop bombs on them. She knew the
 mob had come after HIRANUMA, because they had the fifteen
 police guards lined up with their hands over their heads.
 She heard the leader of the gang, whom she later learned was
 an army captain named SASAKI, shouting. He was shouting,
 "Don't you know what sort of a _____ HIRANUMA is? He is
 a notorious leader of the pro-Anglo-American group and a
 traitor." SASAKI asked if they didn't realize the country
 was going to collapse and be destroyed. They should be
 ashamed to guard an arch traitor.

29324 * The witness rushed to HIRANUMA's room. By
 this time uniformed soldiers had entered and were throwing
 gasoline all over the house and setting fire to the rooms.
 She got about half way to HIRANUMA's room, but because of
 smoke could not advance.

She heard one gangster say they could not find
 HIRANUMA, and another had shouted that he would be burned
 to death in a minute. When she heard this, she felt that
 someone had managed to take HIRANUMA from his room in the
 nick of time.

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HIRANUMA, S. - Direct

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29325 She was worried about her children and their nurse, * and when she asked one of the soldiers where they were, he replied brusquely that they had gone out. She then went around the house toward a neighboring building which was the office and library of a cultural organization known as Mukyukai, the president of which was HIRANUMA. She thought he might be hiding there. She found the nurse and her children there. The gang had guarded the front and side gate with machine guns in the event HIRANUMA came out, but overlooked a third gate leading to the Mukyukai library.

In the library was a lone police guard, who made a sign to her indicating HIRANUMA was hiding in the building. Some of the gang appeared to have been students and one of them threatened the nurse and children with a drawn sword in an attempt to tell where HIRANUMA was.

29326 * The house was completely destroyed by fire, and the mob left in a truck. She estimated there were roughly forty men, mostly soldiers and a few students.

The attack occurred the same morning Premier SUZUKI's house was assaulted, but his house escaped with only small damage.

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Opening Statement by Mr. Kamaoka.

29381

* Exhibit 3232, an excerpt from the Tokyo Asahi Shimbun of 15 October 1932 described a newspaper interview with HIROTA, the then Ambassador to Moscow when he arrived in Tokyo from his post. HIROTA stated in the interview that Japan's despatch of troops to Manchuria after the outbreak of the Incident there temporarily shocked Russia, who concentrated military strength on the Soviet Manchurian Boundary. At that time Russia had serious financial and other difficulties. There seemed to be a rumor in Japan that Russia was at the bottom of the recent Manchuli Incident. This was an instance which a great nation should be ashamed of. It was the Soviet policy to make previous arrangements for the peaceful settlement of disputes. This was reflected in her apparent intention to conclude a non-aggression pact with Japan and Manchukuo.

When former Foreign Minister YOSHIZAWA called at Moscow, Karakhan and Litvinov advanced a proposal for concluding a similar pact, and later declared the same intention.

29383

HIROTA stated that he believed Ambassador Troyanovsky had undertaken negotiations in Tokyo on this problem. * There were apprehensions in some quarters that even if Russia concluded such a pact, she would still attempt aggression in ideological warfare, but there was no need of such apprehensions. Italy had concluded a non-aggression pact with Russia but no trouble had arisen although in Italy Red propaganda was strictly prohibited. In Germany the existence of Communists was officially admitted, yet that did not end disputes with Russia. In HIROTA's opinion, Japan might conclude the same pact. It was meaningless for Russia to conclude a non-aggression pact with Manchukuo. The other party to the pact ought to be Japan. The Soviet had given de facto recognition to Manchukuo and not only desired a Manchukuan Consul in Manchukuo but also suggested that the Japanese Ambassador hold Manchukuan consulship concurrently. Russia would formally recognize Manchukuo if it benefitted her and negotiations for formal recognition would be pushed forward after consular exchange. * Delimitation of the Soviet-Manchurian boundary had not yet become a subject of discussion.

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NODA - Direct

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Page DIRECT EXAMINATION OF NODA, Kengo
BY MR. LAZARUS

29394 * The witness had previously identified and verified Exhibit 3202 as his affidavit. The affidavit stated that after the resignation of the YONAI Cabinet, the witness, as Chief of the Personnel Affairs Bureau used scrupulous care in recommending HATA's successor as War Minister. He considered the views in the War Ministry of the General Staff and consulted fully with War Vice-Minister ANAMI. The witness decided that TOJO was suitable and recommended him to HATA. There were others who were considered but they are already in other important positions.

29395 TOJO, on the other hand, was in Tokyo as Inspector General of the Air Force and had formerly been Chief of the Military Affairs and of the Maintenance Bureaus and had been War Vice-Minister in the HIRANUMA Cabinet. The witness considered him a suitable administrator and Army circles felt that no one except TOJO would do. In accordance with the recommendation, HATA submitted TOJO's name to the Three Chiefs Conference on 18 July 1940 and the latter were unanimous in recommending TOJO. The witness' recommendation and HATA's submission of TOJO's name to the Three Chiefs was in accordance with standing procedure. Neither HATA nor the witness had personal relations with TOJO * in the past nor any intimate relations with him.

29397 * DIRECT EXAMINATION BY MR. COLE
Council for MUTO

The witness stated that as Chief of the Personnel Affairs Bureau, he had, among other duties, the responsibility of observing and reporting on how Army officers performed their duties. During his tenure, he did not recall whether any officer in the War Ministry was ever punished for opposition to HATA's orders or policies. He never observed any movement to discredit HATA or oppose his policies.

29398 * He did not think the Chief of the Military Affairs Bureau had any right to voice his opinion.

For about nine months the witness was Chief of the Personnel Bureau under TOJO and during that time

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Page MUTO was Chief of the Military Affairs Bureau. Once or twice MUTO approached the witness informally, expressing his desire to resign. No steps were taken as it was not considered proper in light of the existing situation to permit a person to resign at his own request.

29399

* CROSS-EXAMINATION BY MR. SUTTON

29400

The witness stated that the Three Chiefs Conference, which selected TOJO as War Minister, consisted of War Minister HATA, Chief of Staff Prince KAN'UN, and Inspector General YAMADA. The name recommended by the witness was submitted by HATA to the three chiefs. HATA had authority to recommend some person other than the one suggested by the witness. HATA asked the witness to suggest a successor immediately after he tendered his resignation * and the witness received no such request from HATA at any time prior to the YONAI Cabinet resignation. The witness did not know if YONAI asked HATA to recommend someone nor if HATA replied that the successor would be decided in the Three Chiefs Conference. HATA did not tell the witness on 16 July 1940 that he reported to Premier YONAI that there was no one who would be his successor. The witness had no knowledge that HATA made that statement to YONAI. The witness did not know if this failure of HATA's to recommend a successor caused the YONAI Cabinet to fail.

29401

When asked if HATA was very desirous that TOJO replace him, the witness stated that he expressed his views recommending TOJO * and HATA merely agreed.

The witness did not know if HATA, before KONOYE formed his Cabinet, went to the Emperor and recommended that TOJO be appointed. When asked if this was done secretly by HATA, the witness stated he did not think anything was done secretly. He did not know if the Emperor stated that he thought the procedure was wrong because KONOYE was still forming his Cabinet and had not accepted TOJO. The witness did not know if the Emperor stated that he considered HATA's action in secretly recommending TOJO as being over-hasty and out of order.

(Reference was made to Exhibit 539)

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29402

* Exhibit 3205-A, a certificate of the First Demobilization Bureau, stated that after searching for the letter sent in July 1940 from Chief of Staff Prince KANIN to War Minister HATA, it could not be found in their files.

29403

* Exhibit 3205-B, sworn statement of KANZAKI, Masayoshi, stated that to obtain the letter demanding resignation sent from Prince KANIN to HATA in July 1940, the deponent had requested the First Demobilization Bureau to take all measures possible to search for the letter but it could not be found. Further, with the help of HATA's wife and son, HATA's house had been searched but the letter could not be found. (In spite of the previous two exhibits, the Court sustained an objection to proving the contents of the letter by secondary evidence.)

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TANAKA - Direct

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29406

* DIRECT EXAMINATION OF TANAKA, Ryukichi
BY MR. LAZARUS

The witness identified and verified Exhibit 3233 as his affidavit.

29408

* The affidavit stated that the witness knew the accused HATA very well since December 1924 and their relations had been very close. When HATA was War Minister in the ABE and YONAI Cabinets, the witness was in the Military Service Bureau and he knew HATA well and was very conversant with the workings of the War Ministry. The witness knew that HATA was strongly opposed to the Tripartite Pact and this was known in Army circles. The Army was in favor of the Tripartite Pact and because of HATA's opposition * his orders in the War Ministry were not obeyed.

29409

At the time of his fall, HATA was War Minister in name only because a successor had already been decided upon in Army circles. On 14 February 1945 the witness met General ANAMI, who told him he regretted the part he had played in opposing HATA and in bringing about his resignation. ANAMI had been Vice Minister of War in the YONAI Cabinet. There were other reasons why the Army opposed HATA. Hatred and dislike of him persisted from the day he first supported the readjustment plan of the Army when UGAKI was War Minister and increased when he became War Minister in the ABE Cabinet.

29410

* Other incidents served to heighten hatred and dislike for HATA. Another man had been recommended by the Three Chiefs in the ABE Cabinet, but the Emperor ordered that HATA should have the post. Also, HATA was strongly opposed to participation by Army officers in politics and when he became War Minister for the first time, he told the officers in the War Ministry Building that the present Army was not trusted by the Emperor and it was their first duty to endeavor to recover this trust. All military personnel should cease any participation in politics and return to their regular duties of soldiering. In 1939, when HATA learned that a Colonel made a speech attacking the U.S. and Britain, he became

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29411

indignant and ordered the witness to have that officer brought to Tokyo. * HATA reprimanded him and transferred him to an outlying post. In the fall of 1939 when HATA was War Minister in the ABE Cabinet, the witness began, under HATA's instructions, negotiations with Chiang Kai-shek for the peaceful settlement of the China Incident. HATA told the witness he wanted to bring about peace by the reduction and then withdrawal of all troops from China. Because of opposition they would have to work under cover and unofficially. Arrangements for the dates and place for the messengers from HATA and from Chiang to meet was a point on which they were to work and the basis of the peace treaty would be the evacuation of all troops from China. HATA said that during negotiations he would show his good faith to the Chinese by reducing troops in China from 900,000 to between 500,000 and 600,000 when he made the next budget. The witness knew that in the 1940 budget he did reduce the number of troops in China * to about 600,000 despite great opposition in the War Ministry and General Staff. It was insisted that Japanese troops should be permanently kept in the Shanghai and North China areas. HATA opposed this and stated they must evacuate all troops and that if they did not evacuate there would be no hope of concluding a peace treaty with Chiang Kai-shek.

29412

The negotiations with Chiang were so secret that at first steps had to be carried out with signal codes. It was difficult to convince Chiang's side that a sincere attempt was being made. Gradually, they were convinced and came to believe that a peace treaty was possible and started deciding on dates and places for future meetings.

29413

* In September 1941, when HATA was Commander in China and when U.S.-Japanese relations were steadily deteriorating, HATA sent his Chief of Staff USHIROGU to Tokyo to see the witness and tell him that HATA wanted to withdraw all troops from China to avoid war with the U.S. HATA asked the witness to help push this plan in the War Ministry. USHIROGU told the witness that HATA instructed him to go to the War Minister, Navy Minister, Chief of Staff and the Premier and give them the same message. After USHIROGU had seen them, he told the witness their answers.

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TANAKA - Direct and Cross

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29414

In the spring of 1940 it was proposed to use Chinese prisoners in Japanese coal mines, but HATA opposed it and the plan did not go into effect. In 1942 this question again came up and HATA, who was then Commander of the forces in China, again opposed it and the plan was not carried out. The witness knew that in 1944 Chinese laborers were brought to Japan. This was through the Greater East Asia Ministry. HATA had nothing to do with it and he had no control over it because labor supervision * had been detached from army control and had come under the Greater East Asia Ministry.

29415

CROSS-EXAMINATION BY MR. SUTTON

The witness stated that USHIROGU told him after he had met TOJO that TOJO had said that if the U.S. would accept Japanese demands, peace would be secured between the two countries.

29416

After 1939 HATA became Commander of all Japanese forces in China. In 1939 he advocated the withdrawal of troops. From 1 March 1941 to 22 November 1944, he extended the theater of military operations to large portions of China. Troops under his command in 1941 captured Fuchow * and Ichang. In 1942, 1943 and 1944, his troops captured Lungling, Tunchung, Changteh, Chinchow, Loyang, Changsha, Hengyang, Kweilin, and Liuchow.

Reference was made to Exhibits 1590 to 1608; testimony at 13,112; Exhibits 1888 to 1896; 1900 to 1902; 1904; 1907-1909; 1911; 1914; 1915; testimony at 3270, 4614 and 4618.

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KAMEYAMA - Direct

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Page DIRECT EXAMINATION OF KAMEYAMA, Kazuji

29427 The witness had previously identified and verified Exhibit 3234 as his affidavit.

The affidavit stated that the witness had served in the Foreign Office from 1922 to 1946. From 1930 to May 1935 he took charge of business concerning the Soviet, holding a post in the first section of the Bureau of European and American Affairs. He was directly in charge of the business concerning the conclusion of the Soviet-Japanese Non-Aggression Pact and the purchase of the East China Railway. He had served in the Embassy at Moscow between May 1935 and November 1937 and from December 1940 to March 1945.

29428 On 2 May 1933 Foreign Minister Litvinov proposed to Ambassador OTA, who had succeeded HIROTA, to open negotiations for selling the ECR and negotiations started on 27 June 1933 at Tokyo. * The crucial point was the selling price of the railway and negotiations dragged on for about a year and often came to a standstill. The Soviet side demanded at the beginning of July 1933 about 625,000,000 yen at what the Soviet claimed the official rate of exchange. The USSR maintained that the retiring allowance for Soviet employees of the railway should be paid by Moscow. Manchukuo proposed to pay 50,000,000 yen and later the Soviet proposed to reduce the selling price by 50,000,000 rouble. After more bargaining on 23 July 1934 Foreign Minister HIROTA suggested an intermediary plan that the selling price be 120,000,000 yen and the pension * for Soviet employees be paid by Manchukuo. Manchukuo agreed but the USSR rejected this and demanded 160,000,000 yen. Negotiations deadlocked in August 1934. Conversations were then held between HIROTA and Ambassador Yurenev which progressed smoothly. Agreement was attained by the end of the year and on 23 March 1935 the agreement concerning the ECR between Manchukuo and the Soviet was signed. The price of the railway was fixed at 140,000,000 yen and the pension was to be paid by Manchukuo.

29429

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 KAMEYAMA - Direct

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Page DIRECT EXAMINATION BY MR. BLAKENEY
 COUNCIL FOR TOGO

29430 * The witness stated that at the time when he was first in the Bureau of the European-American Affairs, TOGO was Section Chief serving from 1923 to 1925 while the witness was in that section.

29433 * There was no cross-examination of the witness but the attention of the Court was called to Exhibits 692, 693, 748 and 749.

29436 * Exhibit 3235-A, an excerpt from a pamphlet entitled "Collection of the Publications in connection with the Negotiations for the Purchase of the Chinese Eastern Railway" gave the reply of the Soviet delegate at the first formal conference on 26 June 1933. The delegate expressed gratitude to Japan for offering its good offices as an intermediary in connection with the settlement of the question of the Chinese Eastern Railway. The USSR sought to carry out its policy of peace and placed special emphasis on friendly relations with Japan. From the beginning of the outbreak of the Manchurian Incident, the Soviet had given ample proof that it adhered to a policy of strict neutrality and non-intervention. * It had shown it had due respect for Japanese interests and that it observed its treaty obligations and was prepared to guarantee friendly relations with neighboring countries and respect mutual interests. The Soviet had discussed methods for settling the CER dispute with Japan which had pledged not to infringe on USSR interests in North Manchuria.

29437

Since the railway had become a source of dispute among USSR, Japan and Manchukuo, and since certain influences sought to aggravate their relations, the Soviet informed Japan that it was prepared to negotiate to settle the question by selling the railway.

29438

* As Foreign Minister UCHIDA had stated, the CER was constructed by Czarist Russia to attain aggressive and imperialistic aims, but the Soviet does not have such aims, but changed the railway to a purely commercial enterprise, and granted to the

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Page nation owning the territory on which it was constructed the right of joint management and division of profits. However, the Soviet believed that it had a duty to protect the material interests of the railway which was constructed through Soviet labor and capital. The CER had important international significance.

29439 * In connection with the recent Incident in Manchuria, the deteriorating economic situation of the railway would be improved with the future development of Manchukuo. The Soviet delegation had entered into negotiations for the sale of the CER to secure mutual friendly relations. They desired that Manchukuo, which by note dated March 12 recognized obligations arising out of the Sino-Russian Convention and the Mukden Agreement, would manifest equal sincerity.

29440 The delegation hoped the negotiations would produce expected results through the kind assistance of Japan.

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29448

Exhibit 3236, excerpt from Grew's diary, reported Grew's first interview with Foreign Minister HIROTA. It stated that HIROTA received Grew warmly and in the course of a short talk HIROTA said the cornerstone of his policy would be the development of better relations with the United States. This was the primary reason he had accepted the appointment which had come to him as a complete surprise.

29452

*Exhibit 3236, the address by Foreign Minister HIROTA before the diet on Jan 23 1934 stated that Japan was obliged to serve notice of withdrawal from the League on March 27th of last year because the Manchurian Incident and questions regarding Manchukuo showed no agreement on fundamental principles of observing peace.

The Imperial Rescript pointed out clearly the path the nation should pursue. The Rescript read that now that Manchukuo had been founded the Empire deemed it essential to respect its independence and encourage its development, so that an enduring peace may be established. The advancement of international peace is what they desired and the attitude toward peace was not changed.

29453

By quitting the league and embarking on a course of its own Japan did not mean it would stand aloof nor isolate itself. It desired to promote confidence between other powers and Japan and make known the justice of its course. HIROTA was convinced that if they united and acted in accordance with the Emperor's wishes the world would come to realize the justice of Japan's position. He was determined to carry out the national policy by diplomacy in the interest of world peace.

29454

Fortunately after withdrawal from the League, commercial and diplomatic relations with friendly powers in general have become even closer than before. Thanks to the efforts of the Regent and government authorities * and the collaboration extended by Japan, Manchukuo has made steady progress. In the various institutions, in the development of industry, communication, national finance, education and culture success has been achieved.

A decision was about to be made on the establishment of a monarchy which has been so eagerly awaited by her people and which would go far to solidify the foundations of an independent Manchukuo. HIROTA thought it behoved Japan to exert her efforts in assisting the healthy growth of the new state. The government had serious responsibility for the maintenance of peace in East Asia, but most essential was the stabilization of China.

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29455

* The government sincerely hoped for the political and economic rehabilitation of China and that she would be able to unite with Japan in performing their mission to contribute to the peaceful development of East Asia. Unfortunately the situation in China belied such hopes. It had been reported that the Chinese Government realizing the mistake in an anti-Japanese attitude had decided to take steps toward rectification Sino-Japanese relations. But so far no concrete evidence had come to confirm the report. Should China give tangible signs of sincerity Japan would reciprocate and meet her more than halfway.

29456

It was gratifying to note that North China under the Peiping Political Committee was comparatively quiet. In view of Japan's rights and interests there and its territorial contiguity with Manchukuo and from the standpoint of the Tangku Truce Agreement, the maintenance of peace and order in North China was of special concern to Japan. She expected China to see to it that nothing would happen that might bring chaos to that area.

They were also watching with misgivings the activity of the Communist Parties and Red Armies in China. Regarding relations with the Soviet it might be recalled that after the Peking Basis Treaty in 1925 normal contact was maintained between the two countries and even after the Manchurian Incident there was a mutual understanding of their respective positions and no difficult question was encountered.

Recently however, the Soviet attitude had changed. It was surprising and regrettable that the Soviet should broadcast unwarranted criticism against Japan and circulate exaggerated stories for political and diplomatic purposes. Japan had consistently preserved a fair attitude toward the Soviet before and after the Manchurian Incident.

29457

* Despite fundamental differences that divided the two countries they had endeavored to keep on good terms with the Soviet and solve all questions by pacific means. Since Manchukuo's establishment, Japan had been acting upon the conviction that the proper adjustment of the relationship between Japan, Manchukuo and the Soviet was of paramount importance for East Asia's peace. Japan was setting up no military troops along the Manchukuo-Soviet frontier, Moscow propaganda notwithstanding.

Between Japan and the U.S. there was no question intrinsically difficult of solution. Far from picking a quarrel Japan fervently desired U.S. friendship. HIROTA was confident the U.S. would not fail to appraise correctly Japan's position in East Asia.

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For a time after the Manchurian Incident, U.S. public opinion was against Japan and there was a temporary estrangement.

29458

* It was hardly necessary to repeat that Japan was activated by no ulterior motive other than a desire to establish peace. If the U.S. would perceive the actual condition and realize Japan's role as a stabilizing force the emotional tension between the two peoples would disappear. He hoped the two would continue to join forces in cultivating their historical friendship and good understanding.

Japan's traditional friendship with the British Empire remained unshaken. The two powers occupying geographically similar key positions could serve the cause of peace through sympathetic appreciation of their respective stands and whole-hearted collaboration. It was in this sense that Japan was seeking to readjust whatever conflicting interests regarding trade there might be and to strengthen friendship.

29459

* The negotiations with India over commercial problems had been substantially concluded and was a source of gratification. A survey of the world revealed economic disorder, political unrest and conflict of ideas threatening to destroy international equilibrium while mutual confidence appeared to have wilted. HIROTA stated that no unreasonable difficulties need be anticipated in settling any question if the nations showed sincerity and met in a generous spirit.

What was wanted was the abandonment of jealousy and antagonism and the reinforcement of unity and mutual independence. But international trade barriers were fast multiplying. Of late Japan's industries had taken strides and extended overseas trade. Owing to economic nationalism one country after another had set up obstacles against the advance of her export industries.

29460

* Since mutual understanding of one another's unique national culture was of value in fostering good will, Japan was planning measures for facilitating cultural intercourse with the outside world. HIROTA could not deny that foreign relations were then and would be in the future beset with serious problems. The path of a rising nation always had this. So long as they were united and prepared to face difficulties and retained composure and strayed not from the path of rectitude he was confident Japan had nothing to fear and the future would be full of hope. They should not forget that Japan in East Asia bore the entire burden of responsibilities. It is in this important position and responsibilities in which her diplomacy and national defenses were rooted.

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29461 Her national defense was organized for self-protection. At the same time diplomacy had no claims to put forth except what was legitimate with the national mission. He believed that eventually Japan's position would be rightly understood by other powers.

29463 Exhibit 3238, Minutes of the Proceedings of the House of Peers, February 7, 1934, reported the answer of Foreign Minister HIROTA. HIROTA stated that since the outbreak of the Manchurian Incident there had been considerable difficult problems. He believed the relations between China and Japan was destined to be improved through generations. Times were when these were anti-Japanese activities and the Japanese cried for punitive measures. These were passing phases and ultimately the two were destined to be friendly.

HIROTA intended to cope with the Chinese question with this fundamental belief and it was hard for him to even imagine that trouble would occur between China and Japan.

29469 * Exhibit 3239, Personal message of Foreign Minister HIROTA to Secretary of State HULL, dated Feb. 21 1934, stated that it was significant that ever since Japan and the United States opened their doors to each other the two had always maintained a relationship of friendliness and cordiality. They produced very few commodities representing conflicting interests in foreign trade. Each supplied what the other wanted and they were strengthening this relation of interdependence year after year.

When the situation was studied from all angles no question fundamentally incapable of amicable solution existed. He did not doubt that all issues would be settled when examined with mutual understanding, frankly discussed and approached with a spirit of cooperation and conciliation.

29470 HIROTA could state emphatically that Japan made it a basic principle to collaborate in harmony with all nations and had no intention to provoke trouble. It was her sincere desire that peaceful relations would be normally established with the United States. To this end he had been exerting his best efforts since he became the foreign minister. On the occasion of the arrival in the U.S. of the new ambassador SAITO he availed himself of the opportunity to lay before HULL, through SAITO his thoughts as to the necessity of promoting their traditional friendships. He hoped

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and believed that Japan's desires would be reciprocated.

29474

* Exhibit 3240, excerpt from Grew's Book "10 Years in Japan" stated that the Soviet Ambassador Yurenev agreed with Grew that important pacific influences were at work in Japan including the Emperor, Prince Saionji, Count Makino, a considerable body of liberal opinion and especially HIROTA, but Yurenev added that in the last analysis the decision would lie with the military.

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29475 DIRECT EXAMINATION OF KUWASHIMA, Kazuo.

29432 The witness identified and verified Exhibit 3241 as his affidavit. The affidavit stated that the witness was in the diplomatic service from 1908 and was appointed director of the Bureau of East Asiatic Affairs from August 1933 to January 1937. He was Envoy Extraordinary and Minister Plenipotentiary to the Netherlands and held the same post to Brazil from January 1939 to November 1940.

He was transferred from the consulate at Tientsin in August 1933 to the directorship of the Bureau of Asiatic Affairs. The foreign minister then was UCHIDA. About one month after that UCHIDA resigned and HIROTA succeeded him. Relations with China and the western powers were gloomy at the time of Foreign Minister UCHIDA because of the Manchurian Incident.

29483 * Diplomatic relations with China were half broken off though ministers were still exchanged. It was HIROTA's firm resolution on becoming foreign minister to alleviate the oppressive tension and HIROTA had told the witness that frequently and made newspaper statements to this effect. At the Diet HIROTA made it clear that his policy aimed at alleviating the tense relations with China. People called UCHIDA's diplomacy "burnt ground diplomacy" and that of HIROTA the conciliatory diplomacy.

HIROTA carried out his resolution steadily. The Ambassador to China when HIROTA became foreign minister was ARIYOSHI who was eager for rapprochement. ARIYOSHI had exerted all efforts to alleviate tenseness but could not attain the desired object easily. After the Manchurian Incident the Chinese avoided association with the Japanese and this worked as an important restraint for ARIYOSHI's activities.

29484 * Because of ARIYOSHI's efforts the attitude of the Nationalist-Government toward Japan changed considerably after 1934. It resumed the payment of private loans on a small scale. ARIYOSHI opened conversations with WANG, Ching-wei, Home and Foreign Minister of the Nationalist Government. The ARIYOSHI*WANG conversation progressed. WANG at first maintained that the settlement of the Manchukuo question was a requisite condition for the improvement of relations. ARIYOSHI however explained that Japanese public opinion would not allow the government to retract recognition of Manchukuo since Japan had already recognized it and any government which would venture to do that would find it difficult to exist. WANG seemed to understand Japan's awkward position.

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HIROTA (KAWASHIMA - direct)

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29485

* The Nationalist Government however had to consider its own public opinion and the main subject of the ARIYOSHI-Wang conversation thereafter lay in harmonizing the contradictory standpoints of both governments. The documents concerned were said to have been lost by fire during the war, but Telegram 368 of April 20 1934 addressed to HIROTA from the Consular General at Nanking escaped the fire and reported the contents of the ARIYOSHI*Wang conversation of April 18. Thus the efforts of HIROTA to improve relations appeared hopeful in 1934.

29486

On April 17 1934 when negotiations between ARIYOSHI and Wang had hardly been open there arose the question of the so-called unofficial statement of spokesman AMAU. At that time Monnet an expert financier of the League Secretariat was in China. The foreign office frequently received information that Monnet was drafting a plan for cooperation to China from which Japan was to be excluded, in concert with those antagonists of Wang, Chin-wei.

The Foreign Office thereupon instructed the Minister to China and other officials to keep in touch with Monnet and restrain his activities in China. Instructions to the same effect were frequently given to the representatives in China from the Bureau of East Asiatic Affairs in which rather exaggerated reports were used to impress Monnet strongly.

29487

The statement of AMAU to the newspapermen was a patchwork of the contents of those telegraphic instructions. When this was reported by the press as if it had been a government policy, that gave rise to public discussion. HIROTA told the witness that he had nothing to do with the ama statement before it was * published and to reprimand AMAU.

HIROTA emphasized his policy for rapprochement between Japan and China as well as his confidence in the nationalist Government in his Diet address on Jan 22 1935, and in his Committee Statement afterwards. At the Committee he declared he had no doubt about Chiang Kai-shek's sincerity for the improvement of Sino-Japanese relations and aroused public attention.

On the other hand, Wang, Chin-wei, and Chiang-Kai-Shek expressed their intention in response to HIROTA's statement. After that the Nationalist Government resumed control of anti-Japanese movements in real earnest. Trade between the two countries regained its activity.

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29488 Early in May HIROTA took the initiative to submit to the cabinet conference the question of raising the Japanese and Chinese Legations in their respective countries to Embassies. * The Cabinet Conference passed this, the Nationalist Government agreed, and the raising of them to status of legations was decided on May 17th. The exchange of ambassadors had been advocated by pro-Chinese for a long time but when ARIYOSHI returned at the end of April the rumor was already abroad that it would be realized.

The North China situation had generally been calm since the Tangku Truce agreement of May 1932. But it began to change at the beginning of 1935; especially after May, various matters occurred. There were frequent skirmishes between the Kwantung Army and the Chinese near the Jehol border and Hopeh and Chahar provinces which were out of the way places where no foreign office official was stationed. The Kwantung Army and sometimes the North China forces would lodge direct protests with the Chinese government on the ground they were provocative acts.

29489 They would impose strict conditions such as the withdrawal of Chinese forces from these provinces or the extermination of the Kuomintang branches and enforce fulfillment with an ultimatum. The Chinese government regarded these as systematic plots of the Kwantung Army or the North China Forces on small occurrences or troubles. The Foreign Office was not so credulous as to believe everything the Chinese government pleaded but still recognized that the military in China were prone to raise a storm in a teacup. They earnestly hoped they would act more prudently and warned them.

29490 The envoys had hardly returned to Tokyo before trouble arose in defiance of the new policy. The Chi-tung Regime was established demanding self-government against the Nationalist Govt. rule, at the end of November * 1940 the unfortified zones established by the Tangku Truce Agreement, in the border between North China and Manchuria. The foreign office suspected this regime had a close connection with the Kwantung Army.

In November, the foreign office received information the Kwantung Army was concentrating mechanized troops at Shanhaikwan to intimidate North China. They warned the army. In the middle of December the Chi-cha Administrative Committee was formed. The Foreign Office suspected that military authorities in China had a hand in its organization. However this committee corresponded with the Nanking Government and was admitted by the latter to enjoy a degree of independence within the limit that it did not overshadow the sovereignty of the Central Government.

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* The foreign office opposed the establishment of the Chi-tung Regime. The smuggling in North China caused by that regime's low tariff rates was disadvantageous to Japan. The witness engaged directly with the Kwantung Army about this and inspected the actual circumstances when he was sent to Manchukuo and China by orders of Foreign Minister ARITA from the beginning of June to July.

The foreign office took different attitudes toward the Chi-cha Administration Committee. It had nothing to do with its formation but consuls in those areas dealt with it after they learned that the Nanking Government had approved its formation.

29492

* Negotiations for the improvement of the Sino-Japanese relations progressed and ambassadors were exchanged in May 1935. The national sentiments of China however seized this opportunity to take an unfavorable turn for Japan and in November and December the situation got serious. Wang Ching-wei barely escaped assassination in November and his cooperator Under-Sec'y for Foreign Affairs, Tang Yu-Jen was assassinated in December. The witness considered such a change in Chinese sentiments due to the activities of the Japanese military against North China.

29493

In HIROTA's address to the Diet Jan 21 1936, the three principles became known to the general public for the first time. But the principles had been decided on on October, 4, 1935, and it was shortly after that HIROTA showed the three principles to the Chinese Ambassador Chiang Tsuo-Pin, and Chiang-Kai-shek's opinion was revealed to Amb. ARIYOSHI in response.

After the announcement of the three principles, the February 26th Incident broke out. The OKADA Cabinet collapsed and HIROTA received an Imperial mandate to form a new ministry.

The Foreign Office was anchoring its hope upon the future development of the negotiation when the SUIYUAN Incident broke out owing to the activities of some officers of the Kwantung Army in Inner Mongolia. The Chinese Government's attitude toward negotiations changed suddenly and went so far as to disapprove the results of the past negotiations on the pretext of this Incident. Negotiations came to a standstill and no progress was made in spite of Japan's efforts.

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29494 The Diet was to open in mid-January of the following year. From the government's political standpoint it was considered untoward to leave the negotiations as they were at a deadlock. The Foreign Office was thus compelled to close the negotiation except for the settlement of the Chengtu and Pakhoi incidents upon which perfect understanding had been reached.

The HIROTA Cabinet resigned in January 1937 at which time the witness also resigned as director of the East Asia Affairs Bureau and was then transferred to the post of Japanese Minister to the Netherlands.

CROSS-EXAMINATION BY MR. BLAKENEY, Counsel for UMEZU

The witness stated that he thought the accused UMEZU was Commander of the North China Garrison in the spring of 1935.

29495 * The witness was asked whether he knew of any border incident in the spring of 1935 which was participated in by the North China Garrison. The witness stated that the incidents were small clashes around the borders between Jehol, Chahar and Hopeh Provinces between the Kwantung Army and the Chinese troops and negotiations pertaining to them were conducted principally by that army.

The witness had however been told that at times the military attache in Peking and at times the Tientsin Garrison assisted. The instances he had mentioned of direct negotiations with the Chinese by Japanese forces included the Ho-UMEZU Agreement in the general negotiations. He did not particularly include it with regard to negotiations pertaining to border clashes.

29496 The Ho-UMEZU Agreement did not come about as a result of a border clash. That agreement was in connection with the assassination of a pro-Japanese newspaper man residing in the Japanese concession in Tientsin. Asked whether the Ho-UMEZU agreement was an instance as having been enforced by an ultimatum the witness stated that in his recollection it was the result of a considerable strong demand but he did not think it had a time limit.

29497 At that time UMEZU was about to leave for Hsinking or some other place and his chief of staff SAKAI told him that in his opinion a rather friendly and moderate warning should be given. To this UMEZU was said to have replied if that was the case it would be excellent.

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Page CROSS-EXAMINATION BY MR. OKAMOTO,
 Counsel for MINAMI.

29500 * The witness recalled that he visited Manchuria or China in 1936. MINAMI was Ambassador to Manchuria in 1935, under the Foreign Minister, and the witness was Director of the Bureau of East Asiatic Affairs at that time.

29501 He didn't recall any instance of MINAMI's acting contrary to the Foreign Minister's instructions, nor that MINAMI ever sent an ultimatum to the Chinese contrary to the wishes of the government. The affidavit of the witness had stated that there were frequent skirmishes after May between the Kwantung Army and Chinese forces near the Jehol border and Hopen and Chahar Provinces, where no Foreign Office officials were stationed. The witness was asked if he remembered the Northern Chahar or Chang Pei Incident in June, 1935. He replied that he didn't remember the details, but remembered that three or four small incidents occurred. * At that time there was a Japanese Consul at Kalgan, but he didn't remember if his name was HASHIMOTO.

29502

Regarding the statement in the affidavit that the Kwantung Army and sometimes the North China Force would lodge direct protests with the Chinese Government, the witness was asked if that statement also applied to the Northern Chahar Incident. The witness recalled that these border incidents were the first and second North Chahar incidents and the first and second Chang Pei incidents. In these the army negotiated directly.

29503

* The witness was quoted a statement of Ching Teh-chun in exhibit 199 describing the incident; which stated that after the departure of four Japanese soldiers retained by the Chinese, Consul HASHIMOTO at Kalgan protested and demanded the punishment and assurance against recurrences. The witness did not recall receiving such information from the Consul at Kalgan. * It was remarked to the witness

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that according to exhibit 199, the matter was referred to Japanese garrison Force Headquarters in Tientsin, after Consul HASHIMOTO negotiated, but the witness stated he didn't recall this. He didn't know if the Tientsin Garrison Force was independent from the Kwantung Army, but had heard that this was so. He had never heard that the Northern Chahar Incident was the only case in 1935 of which General Ching Teh-chun made complaint in exhibit 199.

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- Page Regarding the statement in his affidavit that the Kwantung Army or North China Garrison enforced fulfillment of these conditions with an ultimatum, the witness
- 29505 * recalled he got this information from the Peking Legation and not from U. S. or British newspaper reports. The witness knew nothing about Ching Teh-chun accusing Japan of many things in exhibit 199 but never mentioning an ultimatum.
- 29506 * The witness was reminded of his testimony in the DOIHARA phase, that he received information from newspaper articles, conversations, rumors, etc. He was asked if his information on this occasion was the same as the statements he had made earlier. He stated that when he testified relative to DOIHARA's action, the telegram was actually sent by himself. At that time, the Consulate made reports to him on information obtained from the sources mentioned. However, he had no means of knowing on what basis the telegram sent from the Peking Legation was made.
- 29507 * Reference was made to testimony at 19792.
- CROSS-EXAMINATION BY MR. YAMADA,
 Counsel for ITAGAKI.

- 29508 The witness stated that regarding the Suiyuan Incident, the Foreign Office, and especially himself as Director of the Bureau of East Asiatic Affairs, knew nothing about it * when it occurred, since it was in a remote place. It was only when they received a protest from the Nationalist Government that they first became aware of it. * The witness immediately sent a query to the
- 29510 central military authorities concerning it. An officer there told him that this was the activity of one or two junior officers in the Kwantung Army.

CROSS-EXAMINATION BY MR. COMYNS-CARR.

- 29511 The witness stated that he was always in very close contact with HIROTA while he was Foreign and Prime Minister, and believed he always disclosed to him his real opinions and intentions. * He could testify to anything HIROTA told him while he was Director of the East Asiatic Bureau, but since this was over ten years ago his memory might fail him on some points. He had stated in his affidavit that it was HIROTA's firm resolution on becoming Foreign Minister to alleviate the oppressive tension in Sino-Japanese relations, and that HIROTA carried out his resolution steadily.

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29512

The witness was quoted a purported statement of HIROTA, that he was constantly trying to work out a smooth * relationship between diplomacy and national defense. In consequence, the war budget problem would become urgent. HIROTA said he intended to clarify his position, standing between as a third party. They would expand their utmost by foreign policy, and when this policy arrived at its limits they would leave the matter to the army and navy for disposal.

The witness was asked if this quoted statement did not represent HIROTA's real opinion and intentions when he first took office as Foreign Minister in 1933. The witness replied he didn't know when and in what connection HIROTA made such a statement, but did know that in September 1933, when HIROTA became Foreign Minister, he told him that because of the critical stage of Sino-Japanese relations it was his intention to bring about closer relations with China and also third powers. HIROTA considered this his sole mission.

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* It was suggested to the witness that HIROTA made the quoted statement to Baron HARADA in the Foreign Ministry on 11 October 1933, but the witness said he never heard of such a statement. He recalled that the Prime, War, Foreign, Finance, and Navy Ministers attended the 5 Minister's Conferences.

29514

He was convinced that HIROTA never had any idea of securing Japan's expansion by negotiation if he could, or use threats and ultimatums by the army, to secure compliance with his negotiation demands. When the army conducted negotiations directly with the Chinese, there never was an instance when they consulted either with HIROTA or the Foreign Office. HIROTA never allowed the army and navy to enforce its demands by force. HIROTA's negotiations were all conducted through regular diplomatic channels.

29515

* Regarding the conversation between ARIYOSHI and Wang Ching Wei in which the question of Manchukuo was raised, in which the witness had said in his affidavit that ARIYOSHI told Wang that Japanese public opinion would not allow retraction of Manchukuo's recognition, the witness stated that this was not only HIROTA's or ARIYOSHI's opinion, but the public opinion in Japan at that time. Japan had recognized Manchukuo the previous year.

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Page Wang often asked ARIYOSHI that Japan withdraw recognition. In reply to such requests ARIYOSHI made the statement referred to. The witness was convinced this reply had nothing to do with Japan's attitude toward Manchukuo, but was directed to showing the impossibility of withdrawing recognition which had already been granted.

29516 * In his affidavit, the witness had stated that the main subject of conversation lay in how to harmonize the difficult and contradictory standpoints of both governments, and he was asked if he thought chances of harmonizing the two opinions were improved by action taken in Manchukuo by the government of which HIROTA was a member. The witness stated that they had adopted this policy because they felt if the difficult questions were set aside or conversation avoided for the time being and an effort was made to attain mutual understanding in other spheres, the solution of these problems themselves would become much simpler.

29517 * It was suggested to the witness that HIROTA and his government took action to strengthen Japan's grip on Manchukuo and made it impossible for any peaceful negotiations to succeed. The witness stated his view was completely different. At the time of the ARIYOSHI-Wang negotiations, one of them compared them to a little boat trying to go upstream; if the rock could be avoided, the boat would succeed. The witness did not know if the Cabinet of which HIROTA was a member greatly strengthened Japan's grip to secure raw materials.

29518 * He didn't recall on 22 December, 1933, the East Asia Bureau issued a decision of the Cabinet concerning preparations for enforcing the monarchy in Manchukuo. (exhibit 234). He did hear about a controversy with the U. S. from August 1934 to April 1935, about the establishment of an oil monopoly in Manchuria, but since the negotiations were conducted by the Commerce Bureau he did not know the details.

29519 * Asked if he knew that on 5 November, 1934, HIROTA informed the U. S. that control of the oil industry in Manchuria was not within the concern of Japan as it was the act of a state recognized as sovereign and independent, (exhibits 939, 941, 965), the witness stated he had heard nothing about this matter at that time, because the Commerce Bureau was handling it.

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Page Asked if these statements were made by HIROTA or they were false, the witness stated that the matters were not within his confidence, and he could say nothing about it. He could speak with confidence as regards the structure of the Foreign Office. The Commerce Bureau handled economic matters, whereas his Bureau handled mainly political matters.

29520 * His Bureau may have issued a statement on a Cabinet decision on 20 March, 1934, a few months before these discussions began, entitled "The Summary of Japanese-Manchuria-Economical Administration Policy", the economic policy of Japan vis-a-vis Manchukuo was through peaceful exploitation of resources to reap the fruits of happiness for both Manchukuo and Japan.

The witness had no recollection in regard to details of a Cabinet decision, which was that certain enterprises would be operated by special companies which held a dominant position in Manchukuo, and as a general rule they would be directly or indirectly under the Empire.
29521 * The witness did not recall if the list of industries to be controlled in that manner included the petroleum industry.

He didn't recall clearly if there was an agreement between Japan and Manchukuo in July, 1935, with regard to economic control, * nor did he remember whether HIROTA attended the Privy Council meeting on 3 July, 1935, to explain this to them. Asked if he would be one of the officials who would go with HIROTA to the Privy Council, the witness stated that he did not remember exactly who went on each occasion, but that on economic matters it was the director of the Commerce Bureau who accompanied him.
29522

When an agreement was actually signed, other bureaus other than the competent bureau would be privileged to see the relevant document, but since the matter was outside his jurisdiction he didn't remember it too distinctly. He did know that a joint Manchukuo-Japanese Committee, to deal with all economic matters, was set up in Manchukuo with four members from each country. * He did not recall whether HIROTA explained to the Privy Council that it was quite all right because one of the Manchukuo members would always be a Japanese who could be trusted to support the Japanese side. (Exhibit 850)
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29524 Regarding the AMAU statement, the witness heard from HIROTA that he had reprimanded AMAU, but did not believe he was punished. What was wrong about the statement was that the Chief of the Information Bureau, AMAU, published the statement in the newspapers without first receiving HIROTA's understanding. * Also, the statement was not in harmony with Japan's foreign policy at that time.

The witness was reminded that he had said that it consisted of a patchwork of telegraphic instructions which had been sent to Japanese representatives in China. The witness stated that from the summer of 1932, the League sent experts regarding economics.

29526 The Foreign Office received repeated information that Monnet was drafting a plan for international help to China, from which Japan was to be excluded. To get Monnet to stop or put off the plan, the Bureau of East Asiatic Affairs announced that such a plan would have no good results for China and that its execution without Japan would be utterly unacceptable. With such a view, the Bureau sent telegraphic instructions to carry on negotiations with Monnet on that basis to Ambassador ARIYOSHI in Nanking and to the consul-general in Shanghai. The telegram was sent merely as an indication of how to conduct negotiations to get Monnet to stop or put off the plan, and it * certainly did not represent Japanese foreign policy.

Asked if the reprimand of AMAU was a punishment, the witness replied that according to Japanese law a reprimand is a punishment, but he did not know whether in this case it was in that category or not. It was in the records of his Bureau that HIROTA reprimanded AMAU, but he recalled that it was not made public.

29527 Asked if AMAU's real fault was that he disclosed to the world what the Foreign Office was doing in secret, the witness stated that in his view it furnished an indication to the representatives in China in negotiating * with Monnet with a view to discouraging his activities and did not represent foreign policy. The instructions only concerned Monnet's activity and not general policy.

The AMAU statement appeared in the morning papers on 17 April, and in a press conference two or three days later HIROTA declared it was not government policy. Immediately after the statement, the U. S. and British ambassadors appeared at the Foreign Office, and in reply

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Page to their inquiries either HIROTA or the Vice Minister, on HIROTA's instructions, told them more or less the same thing.

29528 * Asked again if AMAU's real fault was that he had disclosed the instructions being sent to the Japanese representatives in China, the witness stated that he believed he was reprimanded not only for having been careless, but also because he made his statement so as to cast suspicion on Japan that that was the real foreign policy, whereas it was not. By saying it was not the real policy, he did not mean it was an instruction to make false statements to Monnet.

29529 The witness was in the Foreign Office on 17 April, 1934, but did not know whether HARADA visited HIROTA then. Asked if HIROTA and SHIGEMITSU told HARADA that the AMAU statement was nothing serious, * the witness stated that since he did not know HARADA came to the Foreign Office and was not actually present if it did take place, he could say nothing about it.

29530 * In his recollection, the instructions were sent only to the diplomatic representative in China.

29531 With regard to the Ho-UMEZU agreement, he did not know about a time limit being set. He knew nothing about that agreement, but since he had heard through documents that in regard to many other minor negotiations they were carried out with ultimatums, he had put in the mention about time limits in his affidavit. He himself had never conducted or participated in such negotiations, and he could not say whether there was a distinction between a strong demand with a time limit and an ultimatum. His interpretation was that in an ultimatum the right was reserved to take free action after the time limit expired. In the case of a demand with a time limit, he believed it was merely a demand to reply within a certain period.

29532 Asked if he didn't know that the demands were accompanied by a threat of military action at the end of the time limit, the witness stated he recalled they were demands to reply by a certain date. He had used the word "ultimatum" in the sense of time limit. Since at that time in the Foreign Office documents referred repeatedly to ultimatums, he included that term in his affidavit. * He agreed that his distinction was that when the threat of force was only a bluff he called it a time limit, and when it was really intended he would call it an ultimatum.

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29533 The witness remembered that when the agitation in favor of an independent North China was created in November, 1935, that the Kwantung Army was concentrating mechanized troops at Shanghaikwan to intimidate North China. However, Japan was not actually conducting agitation to foment an independence movement, for this was done by junior officers of the Kwantung Army. At that time there was a branch office of the Consulate at Tientsin at Shanghaikwan, with a vice-consul, and he received this information from him and immediately called on the central military authorities to express strong * disapproval and to state that such news was alarming. The authorities told him that they had no intention to threaten China.

29534 * In the report from the Vice-Consul, words were used to the effect that that was the ideology of the junior officers, and the military authorities told them also that the junior officers were trying to set themselves up against their superiors. He did not know whether mechanized troops could be concentrated without the orders of MINAMI and ITAGAKI.

The witness did not recall if HIROTA first obtained a promise from MINAMI that troops would not actually be sent beyond Shanghaikwan on the Great Wall without Imperial command. He did remember that liaison officers of the military authorities told him repeatedly words to this effect.

29535 * He did not recall HIROTA's giving instructions to the Foreign Office that the fact troops would not move without Imperial command must not be allowed to leak out to China. Asked if the reasons given were that if it leaked out the Chinese would cause trouble and take the Japanese for fools, the witness remembered something to that effect from the army authorities. He didn't recall if HIROTA's other reason for taking extreme precautions that it did not leak out was that the army would be very angry if it did.

He had never heard that the North China and Kwantung Armies had threatened that if the new independent councils for Hopeh-Chahar and East Hopen were not established by a named day, military action would be taken.

29536 * He had never heard that on 18 November, 1935, DOIHARA announced in China that if autonomy for the North was not proclaimed he was prepared to send five divisions into Hopeh and six into Shantung.

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He did not know that North China authorities, or on behalf of the North China Army, DOIHARA had fixed an ultimatum to expire at noon on 21 November if the formal proclamation to autonomy was not issued. He didn't know that on the same day DOIHARA told newspapermen in Peking that he expected a formal announcement of the new regime shortly. Until the actual establishment of the East Hopeh anti-Comintern Autonomous Regime and the Hopeh-Chahar Political Council, the Foreign Office and East Asia Bureau knew nothing, either verbally or through documents, of the proposed establishment of such regimes.

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Asked if he personally made a collection which was filed in the Foreign Office of U. S. and other newspaper reports on this matter. the witness stated maybe his subordinates did this, * but as director he did not know anything about the two regimes until they had been established.

On being handed a document, the witness recognized his own seal, and thought it also looked like SHIGEMITSU's seal on it. It was a report from Charge d'Affaires FUJI in London to HIROTA.

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Exhibit 3242, * a telegram from FUJI to HIROTA dated 16 November, 1935. containing the seals of SHIGEMITSU, the witness, and AMAU, of the Information Bureau, stated

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* that since the previous telegram, newspapers with one or two exceptions had become more quiet. However, considerable attention was aroused by reports on the situation of the independent movement by Japanese military authorities, and that North China had come under Japan's control and that landing of Japanese marines in Shanghai did not give a shock to the Chinese residents, etc.

29541

The witness stated that he had no recollection of his bureau making a file of newspaper reports, but remembered that they received many press telegrams from representatives in Europe and the U. S. * The witness was handed a document and asked if it was not a file of newspaper reports on this subject made in his section. He stated it was compiled by the Information Bureau, but did bear the seal of his Bureau and the seal of the Chief of the First Section. In his recollection, it was not true that newspaper clippings came to the East Asia Bureau, and after study were sent to the Information Bureau for filing. Newspaper and magazine reports went direct to the Information Bureau, and from it were circulated to the various interested bureaus, including his own.

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Page 29542 * The witness had noticed that the document was addressed to HIROTA from Ambassador ARIYOSHI in China.

29543 Exhibit 3242-A, the message identified by the witness dated 22 November 1935, stated that with regard to the North China Autonomous Movement, the gist of the editorial in the "Journal de Shanghai" was reported to HIROTA on 21 November, 1935. Its full text was forwarded to him for reference. * The witness stated that he was sure his Bureau did not see these newspaper reports. He did not recall if he reported to HIROTA on their contents. Even if it was not reported directly to the Foreign Minister, he was sure they reported it to Vice-Minister SHIGEMITSU.

29544 Asked if he had forgotten that the reports contained all the matters which he asked about, the witness stated that since they were numerous it was difficult for him to recall their contents. * He did not recall, either from the Evening Post of 18 November 1935 or from consular reports, that DOIHARA had announced that if autonomy for the North was not proclaimed, he was prepared to send five divisions into Hopeh and six into Shantung. * He did not recall from the 20 November 1935 issue of the same paper or from consuls that DOIHARA had announced the ultimatum would expire at noon the next day.

29545 One of the ultimatums to which he had referred in his affidavit did include that ultimatum, but he did not know of the details of the events occurring then. He did not recall, either from the Los Angeles Daily News of 20 November 1935, or from consuls, that DOIHARA informed newspapermen that he expected a formal announcement of the new regime by the Chinese shortly.

29546 * It was not part of the Foreign Ministry's policy to support the army in the move for compelling the Chinese to establish an autonomous government in North China. * The witness did not recall a message received by HIROTA from the Chinese Ambassador on 18 November to the effect that it was desired of the Nanking government to promote negotiations for improving Sino-Japanese relations, or whether Charge d'Affaires Ting had an interview with SHIGEMITSU on the 19th. He did not know if SHIGEMITSU told Ting that he wanted to caution China, particularly about her activities in North China.

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Page 29548 * The witness stated he was convinced that HIROTA's China policy was an endeavor to effecuate conciliation and cooperation and to take steps to prevent the Army in China from taking action which would prevent conciliation. It was absolutely not so that the Foreign Ministry, the witness, HIROTA and SHIGEMITSU were themselves pushing this policy and using army threats to get it adopted.

29549 * He could not believe it would be right for SHIGEMITSU to say that it would be true to some extent that this was the result of a Japanese plot. Asked if it would not be in accord with HIROTA's policy for SHIGEMITSU to tell Ting that for North China to meet her development properly she must strive for harmonious rapprochement of China, Japan, and Manchukuo, the witness replied that it was necessary that Sino-Japanese conciliation be effective all over China, especially in North China, which bordered Manchukuo.

29550 * Asked if Ting denied the truth of that situa-
29551 tion, the witness stated he didn't remember this so-called conversation and could say nothing about it. * The witness stated he was in constant touch with Vice-Minister SHIGEMITSU, as well as HIROTA.

To the witness were quoted statements that it was desired that the army make an autonomy statement with regard to North China. It was desired to send the Kwantung Army into Shanghaikwan and Hopeh to put a scare into them. It was desired to have everything done the way the army wants it before the Emperor returns.

29552 * The witness was asked if these statements
29553 did not represent the real policy of both HIROTA and SHIGEMITSU. * He replied that he was convinced SHIGEMITSU could never have made such a statement. He had never heard HIROTA say on the same day that he would like to have the autonomy declaration issued at such a time that it would not aggravate the Nanking government.

29554 Reference was made to his affidavit where the witness said that meanwhile, during the period when the North China autonomy movement was going on, negotiations for the improvement of Sino-Japanese relations were making steady progress. The witness stated that by "meanwhile" he had not meant during the same period while the autonomous movement negotiations were going on, but meant the word in a general way. * He just meant that relations with China continued generally.

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* At the end of December, 1935, HIROTA was as anxious as ever to improve relations. At that time, the Kuomintang government said it was prepared to accept HIROTA's principles as the basis of negotiations, but that because of various incidents in North China it was difficult to continue them. This report came by telegram. Since the Chinese government made this representation, it was difficult for them to continue the negotiations and so it was also difficult for the Japanese.

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* He didn't recall that HIROTA was not willing to continue the negotiations, nor had he ever heard that he was hesitating about giving China any decisive reply. Asked if HIROTA's reply was that they should continue the matter only after anti-Japanese movements were under control when the Chinese government proposed a Nanking Conference, the witness stated HIROTA never told him he was not willing to continue negotiations unless anti-Japanese movements were given up.

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It was in December, 1936, when HIROTA was Premier, that the so-called Suiyuan Incident broke out, owing to activities of the Kwantung Army in Inner Mongolia. * He knew that HIROTA exceedingly regretted this incident.

To the witness was quoted a statement, that probably a military operation would be impossible in the Suiyuan area due to weather conditions; therefore, he wanted the problem settled diplomatically. They should have the determination to take action in the event the Chinese Central Army entered Chahar. The witness was asked if this was a correct representation of HIROTA's real views about the Suiyuan Incident. The witness stated that since he was a mere Bureau Chief he never asked HIROTA his opinion, but it was his view that since HIROTA while Foreign Minister had striven earnestly for Sino-Japanese rapprochement, it was but natural he would try to solve the Suiyuan and Chahar Incidents through peaceful diplomacy.

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Suiyuan is in Inner Mongolia. * Asked if the Japanese established their independent regime under Prince Ter, he stated he had never heard to what extent Japan was concerned with the Mongolia autonomous regime. He had heard that the Kwantung Army did have considerable interest in it to maintain peace and order in Manchuria, and also from other viewpoints.

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Asked if one of the other viewpoints was that it was a convenient place from which to attack Outer Mongolia, the witness replied he had not made the statement with that in mind. From the viewpoint of maintaining peace and order in Mongolia that was true, but as to the other viewpoints, he stated them in a general way and did not know anything about what was suggested to him.

29559

* Asked if it was the policy of HIROTA's government for a subordinate of Prince Teh to make a secret overture to the Chinese Army, and if HIROTA thought that the combat morale of the enemy would be very high, the witness stated that from the information he obtained, he gathered that the government and military authorities knew nothing about the Incident right up to the moment it occurred.

29560

* The first news he heard of it was that when Mongolian troops had invaded Eastern Chahar from Suiyuan and suffered a heavy defeat by the Chinese, but he could not give the exact date. So far as he knew, the Kwantung Army itself did not participate in the battle, and he never heard that the Inner Mongolian troops operated in conjunction with that army.

29561

* The witness was again quoted a statement that they would expand their utmost by foreign policy, and when this arrived at its limits they would leave the matter to the army and navy for disposal, and he was asked if this was not HIROTA's real policy. He stated that all in the Foreign Office from HIROTA down were convinced they should strive to remove the obstacles the army put in the way of negotiations with China, and to try to settle outstanding issues through diplomacy. They were convinced that these negotiations would bear fruit.

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Page REDIRECT EXAMINATION OF KUWASHIMA
 BY MR. OKAMOTO
 Council for MINAMI

29562 * The witness stated that when he said the Foreign Office did its best to eliminate all obstacles put forward by the Army in the way of peaceful negotiations, he did not mean to limit his answer to any specific individual such as MINAMI.

29564 * RE-CROSS-EXAMINATION
 BY MR. KATO
 Council for DOHIHARA

29565 * The witness stated that he had never heard that DOHIHARA had anything to do with the East Hopei Regime.

29569 * Exhibit 3243, a telegram from Consul General
 29570 SUMA in Nanking to Foreign Minister HIROTA received by the Foreign Office on 20 April 1934, stated * that it was addressed to HIROTA from Minister ARIYOSHI. On the 18th ARIYOSHI told Wang Ching-wei that it was a matter of satisfaction that the conversation on radio communication between Japan and China had been started and was making progress. If progress on other questions was made in this manner, it would contribute toward improving the situation. ARIYOSHI explained to Wang HIROTA's peaceful policy and explained the interview HIROTA gave to U.S. correspondents.

29571 He told Wang that if he had any desire to lay before them, he would transmit it to HIROTA on his return to Japan. Wang stated he had great admiration for HIROTA's peace policy and desired to take steps to improve relations. Wang stated that this was not in the nature of a diplomatic proposal but by way of consultation. To improve relations, he thought it would be effective to establish general principles and to proceed in accordance with them. Such principles were the two countries should live and let live and that co-prosperity should be a hundred year policy. If Japan did not treat China as England treated India, but entered into a relationship with China similar to that
 29572 * between Germany and Austria, co-prosperity would be realized. Japan could profit more than England was in her relations with India. The cause of estrangement

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Page of relations was the Manchurian question and positions of the two toward it were fundamentally at variance. In view of the fact that the present situation shows that improvement of it was impossible without touching this question, he would like to set up a principle that they settle the Manchurian question sincerely and peacefully and agree that Japan would not use arms nor would China counter-act with force.

29573

ARIYOSHI replied that with regard to Wang's statements about co-prosperity, he had expressed agreement when he took his post. * There was no objection that the two co-exist and co-prosper. In regard to the Manchurian question, he stated that he had repeatedly said the existence of Manchukuo was a fait accompli admitting of no change. If Wang's proposal touched that fact, there could be no room for consideration. Wang stated that from the Chinese point of view, ill feeling would not terminate as long as the Manchurian question remained unsettled. Friendship with Japan was difficult as the Chinese were making restoration of Manchuria a prerequisite. It was necessary to show them some guiding basis.

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ARIYOSHI told Wang that he presumed he was aware of the causes of the Manchurian Incident. He reviewed the state of things after the Russo-Japanese War, the past independent status of Manchuria, wrongs * committed by the Chang family, etc., and stated it was their earnest hope that China would make a clean sweep of past ill feeling and would adopt the policy of co-prosperity.

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* Wang said he understood the past circumstances. It was his view that although there was a good chance of settling the Manchurian question during the INUKAI Cabinet, the opportunity was lost. It was now impossible for the Chinese to understand if they were told to shake hands with Japan and leave the situation as it was. The Manchurian question was a reef between the two and must be removed. It was difficult to remove it all at once and he intended to temporarily retain the reef to let the ship go through. ARIYOSHI told Wang that he understood from what he explained that since the Manchurian question was difficult, it would be reserved as it was but by

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Page establishment of this principle he intended to secure
a basis to give guidance to the people and open the
road for friendship. He told Wang that he would re-
29576 port the matter to HIROTA * for his consideration.
Wang said he had entertained this opinion for a long
time but refrained from proposing it before because
he thought it would cause opposition and mar success
if he made it public without knowing the prospect
of its realization. If the Japanese would agree to
this principle, he was confident in carrying it out
on his side. He asked ARIYOSHI to make efforts to
realize the plan. ARIYOSHI told Wang that it was
necessary for both countries to remove suspicion
and to calm public feeling to meet the situation.

29577 He pointed out to Wang that it was a mistake
that China had hitherto asked help from European and
American countries and adopted the policy of checking
one by using another. * He pointed out instances of
favoring Europeans and Americans by the Chinese.
Wang replied that China had asked for a little help
from European and American quarters but had not had
a policy of checking one country by using another.
He understood it displeased Japan to consult only
with these countries without asking Japan's help.
At present it was difficult to shake hands positively
with Japan but he would make efforts to avoid stimu-
lating ill feeling on the Japanese side. He referred
to the Fukien Incident and hoped Japan would refrain
from becoming involved in such Chinese disturbances.
This would be effective in giving guidance to the
Chinese people.

29578 * Exhibit 3244, a telegram from HIROTA to
certain Japanese Embassies and various Consulates
on the subject of the HIROTA-Lindley conversation of
April 25, concerning the Problem of Informal Statement,
29579 stated * that Ambassador Lindley called on the 25th
and read his telegraphic instructions. The substance
of them was that it was presumed that the source of
the recent statement was authoritative and Britain
could not ignore it. The Nine-Power Treaty stipu-
lated equality of rights and Britain insisted they
be respected, although it recognized exceptions in
the case of special agreements.

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* Insofar as the statement was motivated by concern over Chinese integrity and peace, it concurred with Britain's aim but if it was assumed that Japan alone was entitled to decide what measures were prejudicial, Britain must take exception. Under Articles I and VII of the Treaty, Japan had the right to invite attention to measures of other signatories she considered injurious to her security. Since this right guarantees Japan's security, it was presumed the statement did not purport to repudiate the common rights of the parties toward China or that Japan sought to violate treaty obligations.

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* Foreign Secretary Simon stated in Parliament that it appeared the statement was due to apprehension that certain activities of the powers in China were injuring peace in the Orient or Sino-Japanese relations or Chinese security. There was no reason for such apprehensions as far as Britain's policies were concerned and she was avoiding injurious measures. The British government wished to inquire of Japan concerning the statement in a friendly spirit.

Lindley summarized his instructions as being (1) notwithstanding that Japan under the Treaty possesses the right to invite attention to measures she considered injurious, why should she find it necessary to issue such a statement, (2) If Japan sought to be the sole judge of injurious measures, it would be tantamount to claiming something over and above the equal rights of the Nine-Power Treaty. The British Government was not by any means blaming Japan for violations.

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* HIROTA then requested clarification on Lindley's inquiries and stated that he appreciated Simon's statement that Britain would take no measures injurious to peace in the Orient and to Chinese integrity. However, Japan had adhered to the Treaty, never violated it, and had repeatedly given assurance that she did not intend to violate it. It was strange that other nations should entertain doubts and he found it difficult to understand why Britain had referred to the Nine-Power Treaty and what points of it had come into question.

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* Lindley answered that the statement of the 17th had created the impression that Japan was claiming rights over and above those she possessed in common with the Powers under the Treaty, and that she especially claimed judgeship as to whether the policies of the other Powers were injurious to peace in the Orient and to Chinese integrity.

To HIROTA's remarks that the conscience of the conspirators was the most accurate judge and that as to claiming rights under the Treaty over the common rights of the others, it could not be thought of so long as that Treaty was not denounced. Lindley nodded agreement.

HIROTA said that Japan respects the principles of the open door and equal opportunity and did not object to bona fide commercial activities of the Powers with China but the situation was such that she did not enjoy equal opportunity due to the Chinese boycott, and Japan had more reason than the others to insist on the principles of the open door and equal opportunity.

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* With respect to investments in China, while China was neglecting the loan consortium, in view of the present situation, their investments would not only mean money thrown away but would give rise to harmful results for China. While it appeared that persons claiming to represent the League or under the pretext of doing business were pouring into China and engaged in activities from ulterior motives, Japan could not view this with indifference. In view of their geographical relations, was it not logical for Japan to feel greater concern if a fire broke out in China?

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Lindley said he understood HIROTA's explanations and would telegraph his government. HIROTA told him that he felt he had in general answered him, * but would reply further if it were necessary.

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Exhibit 3245, a telegram from HIROTA to various Embassies and to Peiping and Nanking, dated 26 April 1934, regarding the situation arising out of the unofficial Amau statement of March 1934 *

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Page stated that on the 26th Ambassador Grew called and stated he had a telegram from his government to obtain a translation of the Amau Announcement of the 17th. HIROTA explained that this unofficial announcement was not only not official in any sense but was merely printed in the newspapers from replies made by the official in charge to various questions asked by reporters and therefore there could be no translation. However, the replies appearing in the newspapers generally explained the standpoint of the Japanese Government and HIROTA handed him a translation of their gist.

He had handed the contents of the separate telegram also to the British Embassy with explanations and added in both cases that there was no objection to quoting the contents.

29587 * Exhibit 3246, a telegram from HIROTA to various Embassies and the Consulate General at Nanking, dated 26 April 1934, concerning the question of the Amau Unofficial Announcement, stated * that Japan
29588 had not infringed upon Chinese independence or interests nor intended to do so. She sincerely desired the preservation of Chinese territorial integrity and her unification and prosperity. These ends should be attained by China herself.

Japan had no intention to trespass upon the rights of other powers in China. Their bona fide financial and commercial activities would redound to Chinese benefit which was welcome to Japan. She subscribed to the open door and equal opportunity in China and was observing all existing treaties and agreements. However, Japan could not remain indifferent to any one's taking action under any pretext prejudicial to law and order in East Asia for which she, in view of her geographical position, had the most vital concern. She could not afford to have Chinese questions exploited for the execution of a selfish policy.

29591 * Exhibit 3247, the address of Foreign Minister HIROTA before the Diet of 22 January 1935 stated that Japan was paying particular attention to the naval disarmament question. The fundamental policy of the government in the present negotiations was to carry
29592 out a sweeping reduction * of armaments and total

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Page abolition or drastic limitation of offensive arms. The Washington Naval Treaty of 1922 having now become incompatible with basic policy, the government notified the U.S. on December 29 of last year of Japan's intention to terminate the Treaty according to provisions. The Washington Treaty in consequence would cease to be in force as from the last day of December 1936. This did not mean they intended to expand armaments which was far from their thought, but they looked forward to the conclusion of a new pact based on a new formula consonant with the spirit of disarmament. The preliminary conversations in London were averted December 20 as it was deemed advisable for the delegates to consult their home governments on the results. It was * arranged, however, that close contact be maintained during the recess and that negotiations be reopened at a proper moment. They sincerely hoped for and were devoting efforts for the resumption of the negotiations to achieve a new equitable agreement embodying the principles of non-aggression and non-menace for a sweeping armament reduction. Japan and the U.S. have been bound by vital economic relationship and a historical bond of friendship. There was no question between the two, which was intrinsically difficult of an amicable solution. It was unimaginable that there be any cause of conflict.

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As for Britain, while it was true that to safeguard overseas trade, they had yet to discuss various matters with her, he could not think of any part of the globe where adjustment of interests might be considered unattainable. * Good understanding and cooperation between Japan and Britain were an important contribution to world peace.

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It was consideration of these relationships that Japan had carried on negotiations with the U.S. and Britain. It was in the spirit of this policy that they wished to deal with all countries, especially neighboring states. They had been guided by the same spirit in negotiations with the Soviet. Negotiations on the transfer of the NMR had made progress and it would not perhaps be long before agreement was reached. If the transfer eliminated the source of disputes along that railway and strengthened friendship between Japan, Manchukuo and the Soviet, the prime objective would have been attained.

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They were planning to hasten the peaceful development of Soviet-Japanese relations by redoubling their efforts.

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* Hearty cooperation by the Soviet was essential and HIROTA hoped that the Soviet would give special consideration to the erection of military works in the Far East, especially along the Soviet-Manchukuo frontiers with a view to promoting mutual trust. The political situation in China had lately become somewhat quiet. Except for fighting between the Communists and government armies, there was no civil war, but it could not be denied that many serious possibilities were still latent in the Chinese political situation. While the main strength of the Red armies appeared to have been driven away from Kiangsi and Fukien, their remaining units were said to be establishing contact with allies in Kueichow and Szechwan and moving westward. Coupled with the reports of the Sovietization of Sinkiang, Japan would be obliged to continue to watch with concern * Communist activities in China. It was to be regretted that in certain localities, anti-Japanese agitation had not been completely ended. Japan attached importance to friendship with other states in East Asia and counted on their participation in maintaining peace and order. He hoped that not only would the Chinese recover stability but would awake to the whole situation of East Asia and undertake to meet the general aspirations of Japan.

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In view of Japan's position as Chinese neighbor and as a stabilizing force, it was their policy to assist China in this goal. Japan was glad to acknowledge the fact that there was a growing trend among the Chinese to appreciate her true motives and he hoped China would collaborate further in that direction.

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* HIROTA was sorry to state that the policy of trade restriction was as prevalent as ever among foreign countries. Such a situation was extremely regrettable not only for the sake of Japan but from the broader viewpoint of the world's economic rehabilitation. They were trying to come to a fair agreement with the powers concerned to have trade restrictions modified or removed to promote mutual interests. For Japan, with a vast population and meagre natural resources, foreign trade was an important peaceful means of livelihood. The advance of Japanese commodities on world

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Page markets was the fruit of the nation's united labors for many long years. They were resorting to no unfair devices to expand trade while the development of their industries benefited countries producing raw materials.

29598 * Foreign trade, though expanded, amounted to only 3% of the total volume of world trade and Japan was only 7th or 8th place among the principal trading nations of the world. This meant there was room for even more efforts. These facts were being understood more and more by the intelligent public of all countries. While upholding their position on a fair and just basis, they would strive to obtain the adjustment of mutual interests with other powers.

The negotiations with the Netherlands had reached no concrete conclusion owing to the complexity and variety of questions. However, the delegations had succeeded not only in clarifying the respective positions of the two countries with reference to trade removing misunderstandings, but also in laying an important foundation for the negotiations to follow.

29599 * HIROTA wished to stress the need for extreme caution and strong determination in the midst of complicated and unsettled international relations. Japan's withdrawal from the League would become effective on March 1927 and their burden of responsibility would be greater, but the road for Japan had long been chosen. The foreign relations were a reflection of the moral and material strength of a country's people. If all worked together and did what was in their power, it would not be difficult to surmount obstacles. In the face of the grave international situation, he wished to appeal for the united support of the whole nation.

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Page 29603 Exhibit 3248, a record of the House of Peers of the session on 25 January, 1935, gave an answer of Foreign Minister HIROTA to the question of the Japanese foreign policy toward the U. S., Britain, and others. HIROTA stated that Japan had been compelled to withdraw from the League owing to the Manchurian Incident, but this did not mean she separated herself from the whole world. The League was a place of conference, and not to attend it would not mean that diplomatic relations with the nations in it would be severed at once.

In connection with diplomatic relations with the U. S. and Britain, there was the problem of naval disarmament. Japan would follow a policy of peace in dealing with this problem, and he was reluctant to speculate on measures in case the effort to reach an agreement failed.

29608 * In exhibit 3249, an answer of HIROTA to a question in the House of Representatives on 21 February, 1935, he stated that he thought there were Japanese who were suspicious of Chinese moves. For himself, he had not the slightest suspicion of Chang Kai-shek's attitude.

29612 * In exhibit 3250, minutes of a House of Representatives Committee Session on 1 March, 1935, in response to a question, HIROTA stated that as it would be difficult under present conditions in China for her to promise special privileges to Japan, he had suggested that China should treat her in the same manner as others and take an impartial attitude and extend the same privileges.

29614 * Exhibit 3251, telegraphic messages between HIROTA and Litvinov in celebration of the signing of the agreement concerning the C.E.R. stating that in the message from Litvinov to HIROTA dated 23 March, 1935, Litvinov expressed satisfaction with the signing of this agreement. He offered congratulations on the completion of the negotiations in which HIROTA took so active and fruitful a part. He was sure they would continue further cooperation to limit any cause for conflicts and misunderstandings and for strengthening friendly relations between the two countries.

29615 * The message from HIROTA to Litvinov dated 25 March, 1935, stated that HIROTA reciprocated the feeling of satisfaction concerning completion of negotiations concerning the railway. He took this opportunity to express appreciation for Litvinov's efforts in the negotiations. The agreement would promote cordial relations between the USSR and Manchukuo, and a foundation had been laid for the development of friendly relations between Japan, USSR, and Manchukuo. The same spirit of cooperation

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Page would insure amicable settlements of other pending questions.

29616 * Exhibit 3252, a statement from Litvinov's "Foreign Policy of the Soviet Union" published in 1937, gave a statement of Litvinov to Japanese correspondents on the meaning to Soviet-Japanese relations of the
29617 initialling of the agreement on the C.E.R. on 14 March, 1935. It seemed to Litvinov there could not be different opinions, that the agreement must be regarded as a solution of one of the most complicated Far Eastern problems, and was also a great event in the development of Soviet-Japanese relations.

29618 The Soviet, over ten years before, showed its readiness to dispose of the C.E.R., entitling China by the Peking Treaty of 1924 to purchase the railway, and began negotiations on cession of the railway to the former de facto regime of Manchuria, * since the changes of 1931 the Soviet was unable to be convinced that the C.E.R. could not but become a source of conflict with Japan, disturbing its peaceful policy. The facts showed the correctness of this supposition, and from the first few months of the appearance of a new regime in Manchuria there began conflicts between it and the Soviet section of the Railway Administration. The conflicts threatened to bring serious consequences, and Litvinov on 2 May 1933, declared to Ambassador OTA the Soviet readiness to begin negotiations on the sale of the C.E.R. to Manchuria.

29619 Looking on the sale as a source for strengthening Far East peace, the Soviet had shown utmost good will and concession in the negotiations, * departing considerably from its first position. Tribute must also be paid to the Japanese-Manchuria side, which gradually came to meet their concession.

The negotiations continued about two years, and they attributed success to the efforts on both sides. In overcoming these difficulties, HIROTA had rendered no small service, and his residence in the Soviet as Ambassador had no doubt helped establish mutual understanding.

29621 * Exhibit 3253, a telegram from HIROTA on 5 August 1935 to the Japanese Ambassador to China, Charge d'Affaires at Peiping, and Consuls-General at Tientsin and Nanking, stated that in view of the change in the situation, he directed the bureau concerned to conduct in strict secrecy with army and navy authorities, a fundamental reinvestigation with regard to China policy. He was forwarding a plan made by the Bureau of East Asiatic Affairs.

Page 29622 On the part of the army and navy there seemed no objection to the purport of the plan, and it was expected to be decided upon shortly, and the addressees would be informed as soon as a decision was made. Meanwhile they were to keep the matter strictly confidential.

29623 It was the essential point of foreign policy to secure stabilization in East Asia by cooperation between Manchukuo, Japan, and China, and the three should enter into friendly relations. This was the foundation of China policy. The principles on which they resolved to attain this object were that China should control anti-Japanese speeches and activities. * Japan and China should make efforts to establish and promote friendship and cooperation by mutual respect and assistance. The two should work for development of relations between Manchukuo and China. These relations made as their ultimate aim China's formal recognition of Manchukuo, and all three nations would conclude an agreement to regulate relations in accordance with these principles.

For the time being, China was to agree not to deny the fact of Manchukuo's existence at least in North China and the Chahar district and stop anti-Manchukuo policy, and enter into relations in the economic and cultural fields with her.

29624 * Since the Bolshevik menace from Outer Mongolia was a common menace to the three nations, cooperation at least between Japan and China should be worked out in districts bordering Outer Mongolia to remove such menace.

29625 * Exhibit 3254, a telegram from HIROTA on 28 September, 1935, addressed to Ambassadors in China and Manchukuo and other diplomatic posts in China, stated that the future policy toward China had been a matter of consideration for some time, with army and navy cooperation. As a result a draft policy was being forwarded to the addressees, * and steps were being undertaken to have it understood by the Ministers of the Departments of Foreign Affairs, War, and Navy. The addressees would be further informed when decision was made, but were requested to keep the matter confidential. They were, however, authorized to give a copy of this and separate telegrams to army and navy representatives upon request.

The separate telegram stated that it was the fundamental basis of their foreign policy to secure East Asia stabilization and work common prosperity through cooperation by Japan, Manchukuo, and China, with Japan as the center.

Page This was the aim of China policy. To accomplish
29627 it, it was first essential to invite China to regulate
relations with Japan and Manchukuo * to bring about a
situation establishing fundamental relations between the
three countries. China should control anti-Japanese
speeches and activities and stop depending on European
and American countries, and adopt a friendly policy toward
Japan and carry it out, cooperating on concrete questions.

Although it was essential that China formally
recognize Manchukuo ultimately, for the time being she
should give tacit consent to Manchukuo's independence and
cease her anti-Manchukuo policy. China should, at least
in North China, enter into relations in the economic and
cultural fields with Manchukuo.

In view of the Bolshevik menace from Outer
Mongolia, which was a common menace to the three nations,
China should cooperate in measures in districts bordering
Outer Mongolia to remove such menace.

29628 * If these points are executed and Japan felt
convinced of China's sincerity, the general agreement to
establish relations between Japan and China should first
be concluded, and then an agreement for the regulation of
new relations between the three countries should be
included.

29630 * Exhibit 3255, a telegram from HIROTA on 4
October 1935, to the Ambassadors in China and Manchukuo
and diplomatic posts in China, stated that with regard to
the telegrams (in exhibit 3254), the matter was decided on
4 October, according to them as a matter understood by
the Ministers of Foreign Affairs, War, and the Navy. The
Premier and Finance Minister also acknowledged. The
addressees were requested to keep close connection with
the Foreign Office with regard to application of the
principles. They were not expecting at present active
application in any post other than the Ambassador to China
at Nanking, Peiping and Tientsin. Other than this, they
were requested to keep the matter strictly personal.

29631 * They should also maintain contact with army and navy
representatives.

29633 * Exhibit 3256, telegram from Consul-General
SUMA at Nanking to HIROTA dated 14 November 1935, stated
that opinions toward Japan within the Nationalist Govern-
ment had suddenly grown hostile. Communists and other
elements were suspected to be at work.

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As to the attempted assassination of Wang Ching-wei and other accidents, they were not to regard them as mere contingents in dealing with them. If there occurred some more serious events in North China, there would be danger that the pro-Russians, war advocates, pro-Europeans and pro-Americans among the Chinese people might be driven to desperation.

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* According to SUMA's observation in North China, there were signs that undesirable events might take place against these three fundamental principles decided at the recent Cabinet council. There were again fears that British assistance to China, in response to the monetary system plan, might urge an unfavorable turn of the situation. SUMA stated he was secretly informed that Japanese mechanized troops were being concentrated at Shanghaiwan for the past several days. Grave events might be caused if wrong measures were taken. Proper steps should be made so that authorities in North China might act strictly in conformity with the Cabinet council's decision.

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* Exhibit 3257, two telegrams dated 21 November 1935, from Consul-General SUMA in Nanking to HIROTA, reported a conversation between Ambassador ARIYOSHI and Chiang Kai-shek. Ambassador ARIYOSHI stated that pursuant to the conference, he asked Chiang his opinion on the three principles recently proposed by HIROTA. He frankly replied he completely agreed and had no "counter proposals" to make. He was determined to learn Japan's desire

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immediately, * to discuss the matter concretely, and carry it out promptly. He desired that Japan give due consideration to the present North China situation, because if something happened there, discussions on this question would be impossible.

ARIYOSHI then asked Chiang if he intended to decide whether he wanted to carry out the three principles on condition the North China situation would be peacefully settled. Chiang replied he didn't mean to make it a condition, but the three principles were closely connected with North China and it would be impossible to carry out the articles regarding formal recognition of Manchukuo and cooperation against the Bolshevik menace, if an incident broke out in North China.

ARIYOSHI told Chiang that he also was worried about this point, which was why he first drew his attention to the North China problem. He told Chiang he would consult him as to the manner of carrying out the principles.

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* He also referred to the enforcement of the Silver Nationalization Law and the problem of Japan-China air communication, and he requested him to check the anti-Japanese atmosphere resulting from the recent Sailor Incident, and the incident in which Japanese stores in Shanghai were attacked. He said if the three principles were enforced immediately, Japanese suspicion would be cleared and it would promote diplomatic relationship.

Chiang replied there would never be anti-Japanese movements. He was by no means anti-Japanese, and sincerely hoped for friendly relations. The Chinese who love China would never start an anti-Japanese movement.

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* In Exhibit 2434, a speech of Foreign Minister HIROTA at the House of Representatives on 21 January, 1936, he stated that the establishment of a joint committee was now talked about. The Manchurian Government insists on clarifying the Manchukuo borderline. The point they were concerned about was the excessive military preparations by the Soviet in East Siberia. This incited the feelings of the Manchurians and Japanese, and they were demanding the sincere consideration on this point of Soviet authorities.

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* They sent Ambassador Debuchi to Australia to reciprocate the friendly mission of Foreign Minister Latham, and they made DEBUCHI visit New Zealand to promote friendship there. As for the South Sea Islands, Japan looked forward to amicable relations, expecting the development of commercial intercourse with them. They sought the development of the Philippine Commonwealth which had been lately founded.

Last year Japan was unfortunately obliged to apply the Protective Trade Law on Canadian merchandise, but later compromise was reached with Canada and their intentions were understood and they ceased to apply the law.

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Page DIRECT EXAMINATION OF TSUGITA, Daisaburo,
by Mr. Hanai.

29645 * The witness identified and verified exhibit
29649 3258 as his affidavit. * The affidavit stated that in
spite of the reformation of the system of the War and
Navy Ministries, there was a way left for those on the
reserve list to be appointed War or Navy Minister.

29650 The witness participated in the attempted forming
of the UGAKI Cabinet. On that occasion UGAKI was warned
by a gendarmerie that the army would raise an objection to
his forming a Cabinet. This proved true as soon as he
set about selecting members. * War Minister TERAUCHI and
an Inspector General advised him to give up the idea. It
was hardly possible then to appoint a War Minister, and
this proved fatal, and there was nothing to do but give up
all thoughts of forming a cabinet. However, UGAKI did not
change his mind, but saw the Lord Keeper YUASU and reported
to him the progress of his negotiations with the army.

29651 UGAKI suggested three counter measures for the
army veto. 1, form a Cabinet without a War Minister and
then have the Premier take charge of the War Minister's
business; 2, appoint a general or lieutenant-general from
the reserve list after placing him on the active list;
3, ask the Emperor to order a general or lieutenant-general
on the active list * to cooperate as War Minister.

The Lord Keeper replied that he feared that either
of these measures would trouble the Emperor, which he
didn't want to do. The difficulty concerning the appoint-
ment of the War Minister from the viewpoint of government
organization was out of the question, and the key of the
problem lay in strong army opposition. YUASU feared that
even if UGAKI succeeded in forming the Cabinet, it would
be doomed to collapse owing to army opposition. It would
be impossible for UGAKI to receive an Imperial audience
and ask for decision in this connection. Thus, he gave up
all hope and excused himself on 29 January.

0.162 0002 4644

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29651 In March, 1936, the HIROTA Cabinet was formed. In May, 1936, the House of Representatives passed a resolution on parliamentary reform, and in July the government established the Parliamentary System Investigating Committee. Towards the end of October, * army opinion on the reform was published and evoked much comment and criticism. Especially, representatives who had a majority in the Committee, were indignant at it, saying this was a retrogressive step.

The Committee requested the War Minister, at its meeting on 2 December, and plied him with many questions, but this failed to satisfy the Committee. The tense atmosphere was brought over into the Diet session resuming on 21 January, and developed into HAMADA's interpolation demanding hara kiri of War Minister TERAUCHI.

Thereupon the War Minister demanded dissolution of the House of Representatives, but the government rejected this, asking Imperial sanction for a two day recess. The government expected the excitement to be quieted, but the War Minister resigned January 22.

29652 * Because of army opposition, HIROTA judged it difficult to maintain the Cabinet any longer, and it resigned en masse the following day. The date and reasons for the resignation of War Minister TERAUCHI were different from those of the other Cabinet members.

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29657

DIRECT EXAMINATION OF INO, Hiroya
by MR. HANAI

29659

* The witness identified and verified Exhibit 3259 as his affidavit. * The affidavit stated that the witness was vice-president of the Planning Bureau under Pres. HIROTA from June 10 1937 to Aug. 30 1937. The bureau was abolished the following October 25th shortly after the resignation of the witness. At that time HIROTA also retired from the presidency. The chief business of the Planning Bureau was preparation for the establishment of the insurance and sanitation ministry. HIROTA attended the office once a week or so.

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The whole business in general was under the charge of the witness. As President, HIROTA charged himself with political negotiations with cabinet members who objected to the draft plan of the * bureau concerning the constitution and competency of the Insurance and Sanitation Ministry, among whom was Mr. NAGAI, Ryutaro, Communications Minister.

HIROTA also had charge of signing documents in connection with the business of the Bureau at the Cabinet Conference.

CROSS-EXAMINATION by Mr. Comyns Carr.

In the witness' recollection when HIROTA was appointed president of the Bureau June 10 1937 he was not also appointed vice-premier. In the witness' recollection he was Foreign Minister only.

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DIRECT EXAMINATION OF HOURINOUCHI, Kensuke
by MR. YAMOKA

29667 * The witness identified and verified Exhibit 3260 as his affidavit. The affidavit stated that during the period 1911 Dec. 2
29684 *to Dec 21 1940 the witness was among other positions, vice-foreign minister under ARITA in the HIROTA Cabinet from April 10 1936 until he was appointed Ambassador to the U.S. October 15, 1938.

29685 He was also under Foreign Minister HIROTA in the first KONOYE Cabinet from June 4 1937 to May 26 1938. The foreign office did not have the slightest inkling of the Marco Polo Bridge Incident. The telegram reporting its outbreak reached Tokyo July 8 1937. The following day HIROTA was at Kugenuma when he received a telephone call from the foreign office reporting the outbreak. The foreign office policy was to make its utmost effort to seek an amicable settlement of the matter as soon as possible. An extraordinary meeting of the cabinet council was held Sept 9 which decided the government attitude was to hold fast to the policy to arrest the scope of the disturbance and seek an immediate local settlement. The decision was largely due to HIROTA's opinion.

In North China Maj Gen HASHIMOTO, Gun, chief of staff of the North China affairs, and others negotiated with the Chinese 29th Army reaching an agreement at 8 PM on the 11th. The 29th Army accepted Japanese Army demands that a representative should express regret, punish the responsible and make a vow that recurrence of such event should be prevented. As the concentration of Chinese troops near Fengtai where Japanese forces were stationed was liable to cause incidents, the Chinese troops stationed at the citadel of the Marco Polo Bridge and Lungwangmiao should be withdrawn and replaced with police forces. Anti-Japanese forces should be strictly controlled.

29686 * These terms seemed to be carried out by the Chinese before July 22. But in the meantime there were frequent skirmishes between Japanese and Chinese troops as the latter after withdrawal reappeared in the areas and the situation called for prudence and caution.

29687 * Prior to this it was arranged that an extraordinary session of the cabinet council be held July 11th and it was reported the army would propose preliminary measures for mobilization. Foreign Minister HIROTA arrived from Kugenuma on July 11th and at the foreign office assembled the witness, East Asiatic Director ISHII and European Asiatic Director TOGO to deliberate on the reported army's proposal.

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29688 It was decided the proposition should be opposed. Foreign Minister HIROTA attended the cabinet meeting at which the War Min. SUGIYAMA explained the plan for the preliminary arrangements for mobilization. The plan was not to make immediate arrangements but just a preparation for the preliminary arrangements for mobilization. It amounted to a Cabinet decision to envisage eventual preparatory measures for mobilization if the situation became more serious.

HIROTA said however that the matter might already have been settled locally and that consideration of the army's proposal should be postponed until further reports reached the government. The discussion was once postponed. But the awaited report being late in coming, the cabinet council assembled again the same day and was compelled to approve the army's proposal. This provided that to secure the apology and future guaranty by the Chinese, necessary forces in the homeland and contingents from the Kwantung and Chosen armies should be mobilized and despatched to reinforce North China forces.

All possible efforts should be made for peaceful settlement in conformity with the policy of local settlement. The despatch of troops should be immediately stopped when this object was attained and the apology and future guaranty fulfilled by the Chinese.

29689 *HIROTA consented with reservations that the despatch of troops should be exclusively for protecting Japanese residences and securing the safety of the North China forces which were comparatively small in strength, and that the decision for mobilizing home troops was nothing more than an attitude of preparedness as contended by War Minister SUGIYAMA. Holding fast to the policy of speedy local settlement, the foreign office was determined to spare no effort for its attainment. By HIROTA's order, the witness asked the Chinese Charge d' Affaires to call at the foreign office on July 11th and called the attention of the Chinese Government to the critical North China situation urging quick local settlement.

29690 The witness told him that instructions to the same effect had been given orally that morning to the Japanese Ambassador to China, *Mr. KAWAGOYE. KAWAGOYE was on his way to North China, leaving Shanghai the day the Incident broke out and Councilor HIDAHA executed the instructions on his behalf.

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They received reports that the Nanking Government however, was despatching reinforcements to North China. The Chinese 29th Army, probably influenced by Nanking's military actions, came to show a dubious attitude regarding execution of the terms of settlement agreed upon on July 11th. The Foreign Office ordered Councillor HIDAKA to call upon Nanking not to interfere with the execution of the three terms and to check the northward movement of the Chinese central armies. Nevertheless these armies were reported still advancing northward.

In view of China's attitude, the cabinet decided on July 20 that preparations should be made for mobilizing three home divisions.

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* The Foreign Office did not give up the hope of amicable settlement and had Councillor HIDAKA pursue the Nanking negotiations in earnest. Unfortunately there were clashes in North China since July 25th or 26th and orders for mobilizing the three home divisions were issued July 27th. From the 28th onwards hostilities in North China spread and the situation in Shanghai vicinity became disquieting. Thus all efforts of HIDAKA in Nanking proved fruitless.

29692

In Tokyo, British Charge d' affaires Dodds called on the witness July 15th and asked if Britain could be of service. The witness told him he thought there were prospects of local settlement. From then until July 20th, Dodds came almost every day and kept him informed of conversations between Ambassador Huggessen and the Chinese Foreign Minister. The witness told Dodds they had not yet given up hope for a local settlement * . On the 22nd Ambassador Grew made an offer to HIROTA that his government would render services short of mediation.

HIROTA replied that in the light of the North China situation on the 19th there was still some hope that the agreement of August 11 might be carried out. The foreign office had not given up the hope of local settlement but was making desperate efforts.

In July a draft of terms was worked out by the authorities of the foreign and war offices and the navy minister. Its main points were the establishment of unfortified zones along the Pai-ho River, the withdrawal of Japanese and Chinese troops from the areas specified, and no annexation of territories and no indemnities. The Foreign, War and Navy Ministers and the premier approved the draft on August 5th.

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29693

* In early August HIROTA made up his mind to send FUNATSU, an authority on China to Shanghai to attempt to restore peace. FUNATSU was to have talks on the lines of the August peace terms with KAO Tsung-wu chief of the Asiatic Bureau of the Chinese Foreign Office who had direct contact with Chiang Kai-shek.

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FUNATSU arrived in Shanghai on the 7th at which time Amb. KAWAGOYE returned to his post there. The two decided that KAWAGOYE negotiate with KAO Tsung-wu. At the interview on the 8th KAWAGOYE revealed the terms of the August plan as his personal propositions. KAO said he thought there were prospects of peaceful settlement upon the terms and promised he would immediately return to Nanking and report to Chiang Kai-shek. But it happened that a Japanese Naval officer was killed by Chinese soldiers on August 9 (OYAMA incident) * and after the 13th Japanese and Chinese forces entered into hostilities in Shanghai district, suspending communication with Nanking. The KAWAGOYE-Kao interview thus ended without results. Even then HIROTA did not give up hope of an amicable settlement.

He asked ARITA, the foreign Minister in the HIROTA cabinet to go to Shanghai where leading figures of the Nanking Govt. often gathered and stay there for a chance of having informal talks with them. ARITA accepted and it was arranged he would first visit Manchuria and North China until HIROTA wired him of the proper time to start for Shanghai. ARITA left on the 28th on his tour of inspection but as the situation did not become favorable for his Shanghai visit, he was compelled to return to Tokyo the end of September.

29694

* In September after the failure of the KAWAGOYE-Kao conversations, chiefs of bureaus of the foreign office, and war and navy ministries talked over how to deal with the peace problem. They agreed that if the peace endeavor was to be continued, they must ask for the good offices of a third power to find a settlement on the terms of the August plan. This opinion was approved by the premier, the foreign, war and navy ministers.

At the same time the chiefs of the bureaus assembled to discuss government policy in connection with the China affair but could not attain agreement on two or three points. The witness conferred with the war and navy vice-ministers and settled the points and this was decided as government policy on October 1st, with the approval of the premier and the foreign, war and navy ministers.

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29696 The point demanding special attention was that the gist of the policy for the settlement of the China affair * stipulated to bring the affair to the quickest possible conclusion, to act in conformity with international law, to limit the scene of battle chiefly within the Hopei, Chahar provinces and the Shanghai district and strive for the settlement of the North China question along the lines that the said area should be placed under the administration of the Chinese Central Government.

On Sept 21 the League asked Japan to participate in the 23 Power Consultative Committee. Japan however had seceded from the League and had maintained a firm attitude not to participate in League political activity. On September 25th Japan replied that it could not accept.

29697 October 20th and November 7 1937 Belgium invited Japan to participate in the Brussels Conference which was to be held in accordance with article 7 of the Nine Power Pact. Japan was compelled to reply to the Belgium request * that it could not accept.

29698 * article 7 of the Nine Power Pact states that the contracting powers agreed that whenever a situation arose which in the opinion of any of them involved application of the treaty and rendered desirable a discussion of applying it there should be full and frank communication between the contracting powers concerned. The foreign office interpretation of this was that either in the light of the wording or in consideration of the circumstances under which this article was discussed at the first meeting of the sub-committee for the Pacific and Far Eastern Problems of the Washington Conference December 2 1922, it was evident that "communication" meant communication in any form and not necessarily in the form of a conference.

Proceedings of the subcommittee showed that generally communication should be made through ordinary diplomatic channels and communication in the form of conference was not in the least expected. In accordance with this interpretation the foreign office understood that to reject participation in the Brussels conference was not against the provisions of the Nine Power Pact inasmuch as participation was expected to be detrimental to Japan's internal affairs.

29699 * Early in September British Amb. Craigie arrived at his post. He set about settling the case of Amb. Huggessen's accident of Aug. 26 and solved this after talks with vice-navy minister YAMAMOTO and the witness.

10 162 0002 4651

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Oct. 27th HIROTA in an interview with the Ministers of Britain and the U.S., Germany and Italy told them Japan could not accept the invitation to the Brussels Conferences but desired either of the four powers to use its good offices to bring about direct peace negotiations on the terms of the August plan. As Craigie informed HIROTA of Britain's willingness to use its good offices, HIROTA accepted and there were several exchanges of views. It was realized later that there was strong army opposition against Britain as a go-between and the scheme had to be held in abeyance.

29700 * A similar offer was also made by Grew at about the same time on condition that both Japan and China asked for it. This offer did not materialize. The army maintained that the good offices of Germany should be asked but HIROTA hesitated and doubted if the services of Germany alone which did not have a strong voice in China, were really effectual. In the meantime Craigie suggested the joint services of Britain, the U.S. and Germany. But the army's objection against participation by Britain and the U.S. was too obvious.

29701 HIROTA then asked Craigie to take the initiative in requesting Germany to let the other powers participate, for inasmuch as Germany herself had agreed to act with Britain and the U.S. the army also might consent. But Craigie reported later that the German ambassador told him that as the approach to China still remained in the stage of sounding * consideration would be given later to the British and U.S. proposal when China responded to Japan's efforts.

In December, HIROTA received a personal letter from German Amb. Dirksen that he had an important matter to discuss with him. HIROTA called on Dirksen and was told that when the German ambassador to China, Trautmann, met Chiang Kai-Shek on Dec. 2, Chiang Kai-shek revealed he had no objection to starting negotiations on the basis of the Japanese terms.

29702 Derksen asked HIROTA if there was no alteration in the peace terms of the August plan yet. HIROTA then had the director of the East Asiatic Bureau confer with authorities in the War and Navy Ministers and it was made clear that neither had objection to the terms of the August plan. The question had to be submitted to the Liaison Conference * of the government and army and navy and it was placed on the agenda for the December 20th meeting.

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The fall of Nanking on Dec 13 stiffened Japanese feeling toward China. For example Home Minister SUYETSUGU was known for his drastic attitude toward China and against the peace negotiation itself. At the Dec.20th meeting of the Liaison Conference, SUYETSUGU laid his strong opinions before it and after a heated discussion the conference decided upon the four fundamental terms which were less compromising than those of the August plan.

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These terms provided that China shall be requested to give up its pro-Comintern and anti-Japanese, anti-Manchoukuo policy and cooperate with Japan and Manchukuo in their anti-comintern policy. Unfortified zones shall be set up and special administrative machineries established in needed areas. *Close economic relations should be created among the three nations. China was requested to make necessary reparations.

Japan expected a reply before Jan 5 or 6 of the following year. These terms were presented to Dirksen and submitted to China through Trautmann on Dec. 26th but no reply came by the appointed date. The foreign office urged the reply several times through Germany and as late as Jan 13th the Chinese Foreign Minister replied to Trautmann that as the peace terms were too wide in scope, China wished to know further details in order to make a final decision.

29704

Dirksen conveyed the Chinese reply to HIROTA January 14th. As to the contents of the four fundamental terms a detailed explanation had already been given through the German government. It was incomprehensible that China * should request further details. In the light of the progress of past negotiations between the two governments since the outbreak of the Incident Japan could not but regard it as an artifice to delay settlement and the foreign office was greatly discouraged by this reply.

The reply was discussed at the cabinet council January 15th. The council also regarded it as a delaying artifice and decided to close the negotiations. The declaration not to deal with the Nationalist Government hereafter was made on Jan 16th. Regarding the term not to deal with the Nationalist government hereafter, it was first decided to use the expression "to discontinue the negotiation" but the Foreign Office opposed such an expression.

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* It was decided that the more or less vague expression be adopted. This proved that the foreign office intended to leave scope enough to resume negotiations.

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In March Italian authorities at Shanghai frequently transmitted to the Japanese Embassy the Nationalist Govt's intention concerning the peace terms. The witness remembered that HIROTA gave tacit consent to the Shanghai Embassy to keep in touch with Italian diplomatic authorities. HIROTA always considered the safeguarding of third power interests in China even after the outbreak of the Incident. He mentioned this several times in announcements of the government and exerted all efforts in its favor.

29706 * In April or May 1938 he ordered the witness in response to a British offer to discuss with Craigie questions regarding the maintenance of the Chinese customs system and the modification of tariff. *As a result of several meetings an agreement was concluded and made public. The agreement restrained the modification of the tariff rates within a certain limit so it might not be against the interests of third powers. It also aimed at forestalling seizure of Chinese customs by the Japanese Army.

Craigie had kept close contact with the United States and French Ambassadors before the agreement was arrived at and he told the witness that both countries had no objections to the agreement. HIROTA exerted efforts to keep the effects of military measures upon the interests of third powers within the least limit through negotiations with those third powers.

The originals and copies of the telegrams referred to in the affidavit had been lost by fire and were not in the files of the foreign office.

Exhibit 3261, the deposition of HAYASHI, Kaoru of the foreign office testified that the telegrams referred to in the witness' affidavit were lost by fire and could not be found in the files of the foreign office was received in evidence but not read.

29708 * The witness was handed Exhibit 3260. He stated that he remembered HIROTA's having a conversation with the British Ambassador before Oct 27 1937. HIROTA unofficially requested Craigie to offer his good offices to enable Japan and China to conduct direct negotiations between themselves.

29709 * Conversations between the two were held from the end of Sept. to the beginning of October. Since the Incident HIROTA had met several

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times with Chinese ambassador, Hsu-Shish-ying and had talked with him regarding settling the matter.

29711 * The witness stated he did not attend on every occasion.

29712. * HIROTA always told the witness about these matters and Craigie later told him that on such and such a day he had such and such a conversation with HIROTA. These reports were received from HIROTA in his capacity as vice-foreign minister. It was the witness' duty to keep in close touch with HIROTA on all such matters.

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29740 The witness stated that at the conversations * between Craigie and HIROTA prior to 27 October, 1937, Craigie proposed he would do anything within his power to assist in recovering peace. HIROTA replied he desired the assistance of Britain, which he felt was held in confidence and trust by China.

29741 At first HIROTA expressed the desire that inasmuch as he hesitated to present terms as a representative of Japan, he would like to have the terms proposed as though coming from very reliable quarters. * Craigie said that that would not do, and they would like to convey the proposal as coming from the Japanese Foreign Minister.

HIROTA then said his name might be quoted, but only as his individual views. Craigie consented. This procedure was customarily used in diplomatic negotiations. At first there were informal talks, developing into more formal conversations.

29742 One of the personal views HIROTA expressed was to have a demilitarized zone in North China, from which Chinese and Japanese troops would withdraw. He also desired to adjust relations on a practical basis between Manchukuo and North China. * He desired to have China control anti-Japanese movements and to have recognized the principle of equal economic opportunity in North China. These views were conveyed by Craigie to the Chinese government, which conveyed their desires two or three times to HIROTA by Craigie.

CROSS-EXAMINATION BY MR COMYNS-CARR.

29745 * The witness stated that he was not present at the Cabinet Meeting on 9 July, 1937, but he got information about it from HIROTA. He had referred in it to their seeking a prompt local settlement.

29746 * In regard to the terms agreed between General HASHIMOTO, Gun, and the Chinese 29th Army on 11 July, they were decided on the spot, and not discussed by the Cabinet on 9 July. He was not saying that the Cabinet on 9 July left it to the local commander to enforce any terms he thought fit. Two major principles were decided by the Cabinet on 9 July. The first was that every effort be made to seek a peaceful settlement, and the second was that settlement be made locally.

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29747 * The Cabinet policy decided on at the meeting was to see that the incident was settled promptly on the spot, and the military authorities there were to negotiate with this policy in mind. Inasmuch as the Cabinet was not informed of full details of the situation as of 9 July, their decision was only with reference to general policy. It was not left to the local commander to decide terms. Negotiations were to be conducted on the spot, but final decisions were to be made by the government.
- 29748 * With regard to agreements between governments, any terms the local commander might secure from the local Chinese commander would not be effective unless approved by both governments. The terms were effective insofar as they concerned the armies of both sides on the spot.
- When asked if it was also left to the local commander's discretion what means he should adopt to compel the Chinese army to accept his terms, the witness stated that general policy was to effect and promote local settlement in accordance with the policy of non-expansion and non-aggravation. The local commander was permitted to conduct negotiations on terms of settlement in so far as they accorded with this general policy.
- 29749 * When again asked if it were left to the local commander's discretion what means he should adopt to compel the Chinese to accept his terms, the witness answered that he was instructed or ordered to carry on negotiations. It was not so that it was obvious to the witness and HIROTA that nobody would have accepted the terms except under threat of force.
- 29750 * It was true that the Foreign Office had representatives in various parts of China. He didn't recall any special instruction to them to find out the real facts as to the original outbreak of the Incident. * He didn't recall any special instruction to that effect, but the representatives, as a matter of course, reported anything they heard or learned about to the Foreign Office.
- 29752

Asked if they discovered that the Chinese denied the Japanese Army's version of the matter, the witness stated they confirmed some. The Chinese confirmed some parts of the Japanese version and denied others.

The Foreign Office considered and studied information from all possible sources, as well as the views of the Chinese authorities. HIROTA did not accept all the Japanese Army's story.

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29753

* The witness did not think the trouble had arisen because the Japanese chose to hold maneuvers up against the position where Chinese forces were entitled to be stationed. Asked why the Chinese had to withdraw from a place where they were entitled to be in order not to cause untoward incidents, the witness stated it was his understanding that both sides negotiated to satisfy their mutual interests to avoid further trouble. It was discussed between the two to satisfy their interests to arrange that troops on both sides would be kept apart.

29754

Regarding the results of the Cabinet meeting of 11 July which he had mentioned in his affidavit, the witness heard this from HIROTA. * It was not true that the actual result of the meeting was that the Cabinet made an important determination and decided to take necessary steps regarding the dispatching of troops to North China. As he had said in his affidavit, in the case of any eventuality preparations needed to be considered. He didn't recall HIROTA taking a hasty measure for strengthening diplomatic staffs in North China.

The witness did not know that what the prosecutor had been reading to him was from the Office Report for 1937 published by the Secretariat of the Foreign Ministry on 1 December, 1937. (Exhibit 260).

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* The witness had not heard that the War Minister insisted on sending immediate reinforcements to the five thousand men in Tientsin, or that the whole Cabinet, including HIROTA, consented to his proposal. He did not know if the War Minister said to the Emperor that he would send a large force to smash the opposition and settle the issue in a short time.

He did not recall that immediately after the Cabinet meeting of the 12th, a message came in stating that the Chinese had agreed to the terms, nor did he recall that the message said that the Chinese answer was very sincere. He did not recall the Army General Staff expressing the view that this was a Chinese ruse to make the Japanese stop military preparations.

29756

* Asked if the reinforcements from the Kwantung and Chosen armies were sent in spite of Chinese acceptance, the witness stated that they accepted but did not carry it into execution. Reference was made to the witness' affidavit where he said "These terms seemed to be carried by the Chinese into execution somehow or other before July 22".

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Asked if he now said that was untrue, the witness replied that he didn't know how his words had been translated, but in Japanese he said it seemed as though the terms would be carried out. He did not say they were carried out.

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* When shown the English copy of his affidavit, the witness stated the English might convey such a meaning, but what he really wished to say was set forth with clarity in the Japanese text. He wanted to point out that even in the English text, the words are "seemed to be" and not "to have been".

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He had never thought of the agreement by the Chinese as merely a ruse to stop Japanese military preparations. * Asked if contingents from the Kwantung and Chosen armies were in fact sent to North China immediately after 11 July, the witness stated that at that time the Foreign Office was not familiar with the details of military movements. Asked if it were not essential for them to find out what they were doing if they were trying to check military expansion, the witness stated that every effort was made to inform themselves, but as to the time and type of military actions these matters belonged to the category of strict military secrets, known only to those vitally or directly concerned.

29759

* Asked if HIROTA took any steps to find out whether reinforcements had been canceled when news came of the Chinese acceptance of the army's terms, the witness stated that as he had said, the Chinese military authorities accepted, but at that time they received no reports that they had carried out the terms. He did not know whether HIROTA took any steps to find out what measures had or were being taken. * He did not recall whether HIROTA took any steps to find out whether reinforcements had, in fact, been sent. The witness heard later that they had been sent.

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* They got reports that the Nanking government was dispatching reinforcements to North China from the army as well as Foreign Office authorities. The troops were being moved by the Chinese government in Chinese territory, it was true. When asked what right they had to object, the witness said not object but negotiate. It was not true that the position they took was that the army could send what reinforcements it liked into Chinese territory, but the Chinese army must not move reinforcements within its own territory.

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Page Asked if that was not what it amounted to, the witness stated that such negotiations were carried out mutually between the two to avoid opportunities for clashes. By that he didn't mean that there would be no clashes if the Japanese troops went there and Chinese troops did not.

29762 * Reference was made to the witness' affidavit where it stated that the Foreign Office ordered Councillor HIDAKA on 16 July to ask the Nanking Government not to interfere with the execution of the three terms and check the northward movements of its armies. When asked what right they had to do that, the witness stated it was natural that by such negotiations a peaceful settlement could be effected.

The witness was reminded that he had said it was not left to local commander's discretion to settle what terms they pleased, but that the two governments would have to confirm them. He was then asked why HIROTA called upon Nanking not to interfere with them. He stated there were prospects that the matter could be settled locally. Because they entertained these prospects, they desired that Nanking approve the idea of a local settlement and assist in the execution of the terms.

Regarding the draft of terms referred to in his affidavit which he said was approved on August 5 or 6 by HIROTA, SUGIYAMA, the Navy Minister and the Premier, he did not know where the draft was now. He had taken steps to find it, but because many of the Foreign Office files had been burned he could not locate it.

29763 * Asked why he had not included it in his affidavit as having been burned, the witness stated he thought there was no objection to testifying from memory.

29764 HIROTA did his best to have the Shanghai Incident settled locally. Asked if he expressed approval of increasing Japanese marines in Shanghai and of sending additional warships there for the purpose of local settlement, the witness stated that HIROTA had no alternative but to give his approval to this action. In spite of the existence of a demilitarized zone in Shanghai, the Chinese Peace Preservation Corps infiltrated, causing a need to protect the lives and property of Japanese residents and the safety of the very small naval landing party there.

29765 * The witness thought HIROTA did give his consent when the question arose at a meeting of the Cabinet.

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Asked if HIROTA said that on 13 August, 1937, the causes of the Incident were the assassination of Lieutenant OYAMA, the rousing of excitement in Shanghai by the increased number of Japanese warships and of marines to three thousand, the witness said he had no recollection of ever having heard that. Various reports on the OYAMA case were assembled and studied.

29766 It was not true that they came to the conclusion that the reports from the navy on the spot were obvious nonsense. Every effort was made to compare the reports sent also by Foreign Office authorities to find out the true facts. * He did not consider the navy reports nonsense.

To the witness was quoted a purported statement of HIROTA that if they should announce the issuing of a mobilization order, the situation would be troublesome, so that at the Cabinet meeting of 12 August it was decided mobilization orders would be issued but not announced. The witness stated he had no recollection of this statement.

29767 Regarding the negotiations of 24 September, 1937, he thought there was something to the effect that the Cabinet decided to mobilize four divisions and have another four in readiness.

* Regarding the discussions between HIROTA and CRAIGIE, the approach was made by Craigie, who said he would be happy to assist in the negotiations.

To the witness was quoted a purported statement of HIROTA's that his personal idea would be to draw a line slightly south of Tientsin and Peiping, and work out a demilitarized zone in which neither Japanese nor Chinese troops would be stationed. The witness stated that he could not acknowledge the expression was correct or accurate, word for word.

29768 * He didn't recall whether the word "recognition" was used, but the terms "ceasing of anti-Japanese movements" and "defense against communism" were used. In the phrase, "The maintenance of equal rights in China", he understood the words were "equal opportunities".

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29769 Regarding the demilitarized zone, the place to be demilitarized was Chinese territory. Asked what right they had to demand that Chinese troops be turned out of Chinese territory, the witness stated there was no permanent meaning to that at all. It was simply a temporary measure to avert possible clashes. * Japan had the right to station troops in North China under the provisions of the Boxer Protocol. They did this in accordance with the original provisions, but there were some gradual departures from the Protocol.

Asked if by 26 September 1937, they were not covering a large area not mentioned in the Protocol, the witness stated that was as a result of hostilities.

With regard to the terms, recognition of Manchukuo, ceasing of anti-Japanese movements, and defense against communism, HIROTA had for years been trying to persuade China to agree to those terms, but he was not now using the opportunity of Japanese Army successes to compel them to do so.

29770 * The witness understood that HIROTA considered this to be a most opportune moment to bring about fundamental peace and good will with China. It was not the case that HIROTA was using the fact of a state of warfare and army success to try to compel them to adopt what they had not been willing to adopt in years of negotiations.

It was nothing in the nature of an ultimatum, and they were merely terms HIROTA had Craigie convey to the Chinese government as his own personal views and to invite the Chinese to enter into negotiations on the basis of the proposal. They were not proposed as a way of escaping from the warfare which was in progress.

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* Reference was made to the affidavit of the witness where he referred to a document accepted by the Premier, Foreign, War and Navy Ministers on 1 October 1937. When shown a document, he stated that it bore the signatures or seals of those four Ministers, was dated 1 October 1937 and was the document he referred to.

29772

* Exhibit 3262, "An Outline regarding the settlement of the China Incident", the document being identified by the witness, stated that the present incident would be speedily concluded through the efforts of armed forces combined with diplomatic action and making China abolish anti-Japanese and pro-Communistic * policies and establishing bright and lasting friendship with China. They would make harmony and co-prosperity between Japan and Manchuria and China the main objective. To withstand lengthy use of military force, necessary measures would be taken.

29773

The objective of military operations was China's speedy relinquishment of hostile intentions. Occupation of any points and other necessary operations would be taken to achieve this. The objective of diplomatic measures would be to urge China's reconsideration of her hostile attitude and induce her into a position they desired. With China and third powers, negotiations and operations would be carried out. On concluding the incident, China would be made to give up anti-Japanese and pro-Communistic policies and diplomatic negotiations would be conducted along lines of epoch making diplomatic readjustment unbiased by past circumstances.

29774

* In employing military, diplomatic and other necessary measures, utmost care should be exercised not to overstep international law. The principal areas where land forces would operate were mainly Hopeh-Chahar and Shanghai. In areas where necessary, sea and air operations would be conducted. To make operations smooth and to cope with a possibility of a change for the worse in the international situation, nationwide mobilization, wartime laws and realization of durable national unity would be resorted to.

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The minimum of Japanese demands in North China was that if necessary Japan would reveal her intentions to reduce voluntarily as much as possible the number of occupation troops, limiting it to the number at the outbreak of the Incident.

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* Another minimum demand was the Tangku Truce with the various arrangements concluded in accordance with it. Those arrangements, such as seizure of the Gateways of the Great Wall, through railway traffic, establishment of custom houses, mail service, and air service would be excepted and the DOHIHARA-Chin-T-Chen Agreement and UMEZU-Young-Chin Agreement would be dissolved. Central forces in Hopei would be withdrawn. Control over anti-Japanism and prevention of Bolshevization in the demilitarized areas would be strictly enforced.

The Hopei-Chahar and Eastern Hopei Councils would be abolished and administration would be conducted by the Nanking Government, but it was desirable that administrative leaders of the area be influential for bringing about realization of Sino-Japanese friendly relations. Japan would make an agreement aiming at economic collaboration with China. The collaboration depended upon joint management on an equal footing.

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* A designated demilitarized zone around Shanghai would be established where international police or restrictedly-armed Chinese police would be responsible for peace and order, assisted by the Settlement Municipal Police. It would be unnecessary except for the anchorage of warships for each country to retain land forces in the settlement. Simultaneously or subsequent to the truce parleys, negotiations for readjusting Sino-Japanese relations would be conducted without being influenced by past affairs. Upon the conclusion of the intended truce parley, the two countries would issue a statement that they had entered upon a new deal to bring about close friendship.

29781

* China would grant formal recognition to Manchukuo, an Anti-Comintern Pact would be concluded and especially strict control would be enforced in the North China demilitarized zone.

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In addition to the abolition of the Hopei-Chahar Council and Eastern Hopei Regime, Japan, with regard to Inner Mongolia, would try to persuade China to concede to Japan's righteous demands in that area, recognize the present status of Prince Teh in the SI and CHA Banners which would be made a mutual zone.

China would undertake control over anti-Japanism and effect the Ordinance of Friendly Relations with Powers, especially in demilitarized areas.

29782

* Free aerial flights would be abolished, custom tariffs would be reduced and Eastern Hopei special trade would be abolished and restoration to the Chinese of freedom to control smuggling in the sea off the demilitarized areas would be made.

The plan regarding settlement of the situation was to minimize danger of future conflict by establishing demilitarized zones and removing deep-rooted causes for clashes by readjusting diplomatic relations.

29783

Pending issues were to be solved through normal conversions, as establishing cheerful diplomatic relations. * Along with the expansion of the aspects of war, the people's expectation of the fruits of war would grow larger and they would be anxious to secure more tangible conditions, such as indemnities. Accordingly, they must be consistent and broad minded in the settlement of the situation but at the same time they must negotiate on readjusting diplomatic relations.

Regarding such conditions, indemnities for direct damages to Japanese properties and rights which China had assumed responsibility for protecting, and direct damages due to illegal use or disposal by China of Japanese owned properties and rights would be required.

29784

Another such condition was the formation and operation of a large scale Sino-Japanese joint syndicate engaged in * marine transportation and aviation. Whether air service between Asia and Europe was to be operated by the syndicate and whether it was to be dealt with in a special negotiation required further

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Page study. However, for the present, the Asia-European Air Service would be amalgamated into the syndicate with German holdings in the company bought up by Japan. The syndicate would also operate railroads, including the Shangtung Railroad and Tsingshih Railways. It would operate gold, iron and coal mines in North China and agriculture and other suitable enterprises.

29785 * Settlement of pending issues would come in the following order:

(1) Conclusion of a Sino-Japanese tariff treaty with reduction or removal of import and export duties,

(2) Removal or modifications of the ban and restrictions on import and export,

(3) Removal of restrictions on the production and export of salt.

29786 * Another document was handed the witness, and he stated it was on stationery customarily used by the Foreign Office.

When it was suggested that it came from Foreign Office files, he stated he had no basis upon which to confirm its authenticity since it did not bear the signatures of the Foreign Minister, Vice-Minister or Bureau Directors.

With respect to the document, he had no positive recollection and when asked if he recognized it as a decision reached by the three ministries, including the foreign, he stated he could not reply as he had no assurance as to its authenticity or correctness.

Regarding the account of the negotiations he included in his affidavit, it was impossible to remember all details. He could say there may have been such a thing as the decision mentioned in the document but he had no positive recollection whether the document itself was a result of discussions.

29788 * Based upon the document, the witness was asked if HIROTA, together with the War and Navy

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Page Ministers in October 1937, decided that Japan would reject intervention or arbitration founded on placing Japan in the position of a defendant. The witness stated it was the fixed policy to reject intervention or arbitration by third powers. When asked if those three ministers on October 22, two days after the first invitation to the Brussels Conference, immediately decided to reject the invitation, he stated he did not know whether it was two days later, but the government decided to reject it.

The witness was quoted the statement which said that with the advance of the military movement, when its purpose should be practically attained, the Nanking Government would under pressure of force want to sue for peace.

When asked if the three ministers decided this, he stated he had no recollection whether it was decided that China would be forced to take such measures by pressure.

29789 * It was not true that this was the whole object from the beginning.

Asked if the three ministers on that day desired that when the purpose of the military movement was practically attained, the good offices of the U.S., Britain and other third parties would be advantageous, he stated that he thought it was their policy, that this would be welcome if the means were proper.

The good offices of Germany and Italy were welcome and HIROTA also welcomes those of the U.S. and Britain.

29790 * Asked if the three ministers decided on or about 22 October 1937 to refuse to exclude hasty intervention or arbitration by third parties, the witness said it was Japan's policy to reject intervention or arbitration whether it was early or late. The good offices of third parties were always welcome, but the policy of the government was to effect fundamental settlement through direct negotiations with China. Asked if they decided that they might accept the services of third parties

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Page when Japan had nearly achieved the purpose of her military movements, he stated that as far as Foreign Office authorities were concerned * the purpose of military operations was to protect the lives and interests of Japan and when that purpose was realized Japan was prepared to accept.
29791

Asked if by October 22, the situation had got far beyond any question of protecting anything, the witness stated Japanese interests were to be found throughout China. Asked if that was a sufficient excuse for occupying all China, he stated that complete occupation of that large territory would be impossible but they believed that their purpose could be carried out by occupying important points.

Asked if they were not willing to accept the services of third parties until the military purpose had been nearly achieved, the witness stated that informal negotiations were already in progress and if the meeting of the three ministers mentioned actually took place, he would presume that when the proper time came they would like to place negotiations on an official level.

29792 * The witness was asked if they decided not to publish their intention of accenting third parties' services or make known to foreign governments because that would indicate weakness within Japan. He stated that such a possibility could exist as such precautions are common in diplomatic practice. He thought that was HIROTA's policy at that time but he did not recall that they decided on that day that they would only notify the policy beforehand to Germany and Italy. He did not recall that they decided that they would have another meeting to decide when the purpose of military movements toward China had nearly been accomplished and when they should notify Germany and Italy of the policy.

29793 * The witness was asked if after these questions from the document which had been handed him were put, if he still doubted as to whether it was an authentic Foreign Office document. He stated that what he had said in reply to such questions came from his recollection and he could not say more. He recalled a meeting at the end of October, in which

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HIROTA invited a number of industrialists to tea. The witness attended the meeting and at that time there was an anti-British movement in Japan. The witness was quoted a statement from a document that the anti-British movement was very bad. If England was disregarded, there would be no country that would act as an intermediary with China. * If such things were done, the government would be troubled. In the end they might have to fight England or collide with her sometime, but such things were absolutely out of the question right now. Diplomatically, if such things were done, the government would be greatly inconvenienced. The witness was asked if HIROTA said this to the industrialists. The witness replied he did not recall all HIROTA said on that occasion but HIROTA did say that inasmuch as Britain was the most proper country to bring about reconciliation with China, the anti-British movement would be troublesome and embarrassing.

The witness did not recall his saying that in the end they might have to fight England. He would be surprised if he himself had told HARADA that HIROTA had said that.

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* Asked if HIROTA had not in the previous fortnight agreed with the War and Navy Ministers that it would be much better to have Germany and Italy as intermediary, the witness stated he had no recollection but HIROTA had no objection to using those two countries for the purpose. However, HIROTA constantly stated it was not proper nor effective to rely only on Germany and Italy.

Ambassador Craigie told HIROTA that even after the good offices of Germany and Italy were requested inasmuch as they would not have the trust of China, it would be more advantageous and effective to rely upon the good offices also of the U.S. and Britain. HIROTA replied that he heartily approved of this suggestion.

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* HIROTA in no case ever entrusted sole responsibility for negotiations to any Ambassador Dirksen. * The witness did recall that HIROTA did ask Dirksen to undertake negotiations. The witness

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Page thought this was in early November but he did not recall whether HIROTA received a visit shortly before the 5th of November from Craigie as he frequently visited HIROTA.

29798 Asked if HIROTA said that in view of anti-British agitations, he thought that England would not be the best country to conduct the negotiations, the witness stated that his recollection was that it might have been difficult if Britain alone handled the matter. Asked if HIROTA said England was the most suitable country and nothing could be settled if Germany and Italy came into the picture, the witness said he thought such a conversation was possible because HIROTA always thought Britain was the most reliable to serve as mediator. *

Asked if HIROTA said that immediately after he had asked Dirksen to initiate negotiations, he stated there was no objection to Germany and Britain participating together but he thought he recalled HIROTA telling Craigie that there were no objections to their working together. Because of the army's opposition to British mediation, the witness recalled HIROTA telling Craigie he would like to have him talk over the matter with Dirksen and to take a cooperative role.

The attention of the Court was called to Exhibits 270, 486 and 2235.

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29801 * The witness stated he did not have the letter referred to in his affidavit, which HIROTA received from Dirksen, and did not know what had become of the letter. He received the account of the conversation between HIROTA and Dirksen from HIROTA, but was not present himself.
- 29802 * He did not know if some time in November or early December the army stole a telegram between Dirksen and Trautmann. Asked if the army discovered the terms and said that owing to the advance which Japanese armies had made the terms would have to be stiffened, the witness stated he did hear there was a certain element in the army holding such opinions. HIROTA did not agree to stiffen the terms. He asked Ambassador Dirksen to use his good offices on the conditions agreed upon between the Foreign, War, and Navy Ministries. From the beginning, there was an element, especially among younger officers in the General Staff, opposed to these terms, and they said the Foreign Minister's attitude should be firmly opposed.
- 29803 * The witness did not recall if, a few days before the fall of Nanking on 13 December, the Japanese Cabinet decided that when Nanking fell they would issue a statement of non-recognition of Chiang's government. Asked if it were true that HIROTA, at a Cabinet meeting on 18 December, brought up the terms he had submitted to Dirksen and a detailed proposal of terms for China, the witness stated he didn't remember those proposals were presented to that Cabinet conference or not.
- He did not recall if the General Staff at that date put forward the view that war in China must be stopped at the earliest moment. He did not know if they gave as their reason the necessity to prepare for war against Russia. * He did not know if they insisted that the full terms in detail which Japan was prepared to accept, should be put before China.
- 29804
- 29805 The witness stated he could testify as to whatever HIROTA told him as far as he could remember, but he didn't remember HIROTA's saying anything about the Cabinet meeting of 18 December. * Regarding the manner in which he got information from HIROTA, it was necessary to divide the problem into two parts. First was the question of whether HIROTA thought it necessary to tell the witness of what transpired on every occasion, and he would not go so far as to say that HIROTA always told him all he had on his mind. The second question was whether the witness remembered all HIROTA told him.

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Page 29806 * Asked if it was not necessary for him as Vice Minister to know whether the terms to be presented to China were the detailed terms of what Japan was really going to insist upon, he stated that he remembered that HIROTA told him of the Cabinet decision in relation to the terms and HIROTA handed notes of the Cabinet decision to him. He didn't remember whether the details of the terms were discussed in the Cabinet meeting of the 18th or 20th. When asked where the notes were that HIROTA gave him the witness stated he had meant that HIROTA handed them to Dirksen.

29807 HIROTA did not tell the witness that the Cabinet, at the insistence chiefly of KIDO, had refused the General Staff's proposal for lenient and detailed terms to China, and had insisted that only the four vague terms should be presented. * HIROTA did not tell the witness that he agreed with the proposal that only vague terms should be given the Chinese. The witness stated he was not present at the Liaison conference on 20 December, but got his information about it from HIROTA. Asked if HIROTA told him that on that occasion the General Staff had expressed strongly for immediate peace with China, the witness stated he had not heard of that. HIROTA had, up to 2 December, continued to inform the German Ambassador that the same terms he had offered before were still open.

29808 * The witness did not remember exactly if a Cabinet meeting was held on 21 December. (Exhibit 2259). Asked if there was not immediately after the Liaison conference of 20 December a Cabinet meeting which settled the draft of the answer to Dirksen with regard to the negotiations, he stated that he remembered that new terms were presented to Dirksen and that his further good offices were requested. According to his recollection, the terms were the four general principles. It was also decided that if necessary additional explanations could be given by HIROTA, and the points on which the explanations were to be made were also decided. * He repeated that what was presented to the German Ambassador were these four terms.

29810 As to the detailed explanation, some of them related to unfortified zones, specifying them, and there were also details of demilitarized areas around Shanghai. In relation to reparations, explanations were made that they would be asked for damage suffered by Japanese nationals, the government, and other public organizations. It was further explained that these were reparations and not indemnities.

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Page 29811 * Details about economic relations among Japan, Manchukuo, and China, concerned import and export duties and postal communications. He had heard that HIROTA received a reply from Dirksen stating that the four terms, together with the additional oral explanations, had been transmitted to the Chinese Government through Ambassador Trautmann in China. HIROTA told the witness that details were transmitted at that time.

29812 * When asked if there was a Cabinet meeting on 24 December, 1937, which decided the outline of measures for the China Incident, the witness stated he remembered that some time about then, this outline was decided on. The witness was shown a document and asked if it were a record of the Foreign Office of such a decision. He stated that it was not on official paper and there was no signature or seal on it. * The title of the document was "The Outline of Measures for the China Incident", and he 29813 29814 * recognized it as a copy of the decisions.

29817 * Exhibit 3263, the "Outline of Measures for the China Incident" and "Decision of the Cabinet Council on 24 December, 1937, being the document identified by the witness, stated that since the outbreak of the China 29818 * Incident, the government hoped Nanking would abandon its anti-Japanese and pro-communist policy and act in concert and contribute to stabilization in East Asia. If China would reconsider they would strive with her to save the situation, but they must be prepared for China's advocating further resistance and showing no sign of reconsideration.

With the development of their military activities, the occupational area had become extensive and it was necessary to carry out its management. They should not necessarily expect a conclusion of the negotiations with Nanking, but in order to cope with the resistance they should take measures according to the following policy in North and Central China. The purport of this policy should be declared to the world at a suitable occasion.

29819 * In North China they should aim at the establishment of an anti-communistic, pro-Japanese and Manchurian regime, and inseparable relation between Japan, China, and Manchuria, economically. They should promote these objects and strengthen this regime, which should be supervised to become the leading power of a new China.

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In case the negotiations with the Nanking government were concluded, this new regime should be adjusted according to peace conditions. It was of vital importance to create a new North China regime capable of winning public confidence, both in North, Central, and South China. The leaders of the regime should have the confidence of all China, and the regime should have an organization appropriate for the new era. It should maintain an outline of policy worthy of being advocated to all China.

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Regarding supervision of the regime, this should be done according to a policy of non-interference in the particulars of administration, but restricted to internal supervision by Japanese advisers. The areas to be included in the regime should depend on the development of military operations, but should mainly be Hopei, Shantung, Shanhsi, and a part of Chahar, Provinces. The Chitung self-government should be dissolved and absorbed by the new regime. Likewise, the self-government of Chanan and Chinpei. Close relations should be maintained with the self-government of Mongolia.

For the time being, they should not be concerned with the concessions, to avoid disputes with third countries, but outside the concessions they should, even before establishing the new regime, supervise things to complete administrative organs with regard to customs, considerations should be made separately.

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The object of the economic development in North China should be to strengthen the relation of Japanese and Manchuria economy, and establish the foundation for co-prosperity among those two nations and China. They should develop every line of economy by combining Chinese capital with their capital and technique and thereby strive for peace and stabilization and contribute the development of production of necessary materials for national defense in Japan and Manchukuo.

They should pay attention to the harmonization of international revenues and disbursements and the adjustment of supply and demand. They should do their best to put the Chinese in the limelight so they would not get the impression that economic pressure was put upon them. They should emphasize proper management so as not to betray the expectation of the nation.

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* A national policy company for the development and control of North China economy should be organized to realize the industrial mobilization of Japan. This company should be responsible for the development and management of important industries.

As to managing the company they should be careful to exercise control according to circumstances and to comply with the industrial plans of both Japan and Manchuria. Except for major transportation, communication, electric power, generating, and transmission, mining, and salt enterprises, other industries, other industries should not be put under special control except for special reasons.

29823

In the economic development of North China, they should utilize Chinese capital and cooperate with Chinese enterprises. * Cooperative investment of funds by third countries should be permitted, and their existing economic rights should be respected as much as possible. Close connection should be kept in trade relations between Japan, Manchukuo, and North China, and suitable adjustment should be made with regard to trade between North China and any third country.

The government on the spot should gradually establish necessary facilities in regard to agricultural improvement, etc. Existing enterprises in North China, in connection with major industries, should be disposed of or adjusted according to this policy. They should immediately operate enterprises able to start at once, on condition that disposal or adjustment would be made according to this principle.

29824

The Provisional Government of China, or the Public Peace Maintenance Associations, or the district governments, should for the present be the party they should deal with in economic negotiations. * Regarding policy for the management of the Shanghai area, they should consider the establishment of a new government in areas occupied by their troops which would have connections with the New North China regime, but for the time being, the Public Peace Maintenance Associations should be established and charged with the maintenance of peace.

Policies for the concession and surrounding areas should be established separately. As to areas around the concession, they should cooperate toward their development, and consider the establishment of organizations for the security of peace in the concession.

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The areas around the concession under the jurisdiction of Greater Shanghai City, excluding the concession and roads on its boundary, * should be called the Special City and have a Chinese mayor, but a Japanese councillor should be appointed to assist the mayor. Authority for the councillor should be established separately.

A special police department should be established to conduct police administration. The chief and all lower ranking police chiefs should be Chinese, but a reasonable number of Japanese councillors should be appointed to cooperate with him. The employment of foreign councillors should be considered, if necessary. The number of Chinese police and their armaments should be established separately, and police authority for Japanese residents in the Special City should come under the jurisdiction of the consulate police.

29826

Financial administration should be maintained by revenues, including the kinds of taxes levied in the old City of Shanghai, * and would be obtained by taking over organizations under the control of the former Kuomintang government.

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In expectation of the establishment of a new regime in Central China, the Special City should be an open port, and foreign rights should be recognized. To establish Japan's economic development in Central China with Shanghai as a base, the areas around the concession should be called the Special City and a national policy * company should be established to maintain control of the various public utilities. The scale and order of the undertakings of this company should be determined separately. The capital of the company should be provided from funds on the spot, so far as allowable for that purpose.

Capital to Japanese entrepreneurs in the Special City and concession and the acquirement of real estate in the concession by Japanese, should be taken into consideration separately. Official establishments in the Special City formerly owned by Chinese authorities should be taken over and utilized. Those required by the Special City authorities for administration should be used by them.

29828

* The Special City should be utilized as the base for communications, transportation, and airways between the Shanghai vicinity and Japan, North China, and Manchuria. Suitable steamship companies should make use of Chiukiang and Chaoshang Chu piers. Facilities for communication rights in the future would be controlled.

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Page Lunghwa airfield should be controlled. The right of administration for Hongjao and Yuantung air bases should be acquired.

29829 A large market should be established in the Special City. For the present, utilizing the Shanghai fish market should be considered, * and small crafts permitted to enter and leave the port freely.

As for business which could be immediately started, this should be started promptly on condition that they be properly disposed of at the time of the establishment of the national policy company. The Public Peace Maintenance Committee or the district governments should, for the present, be dealt with in negotiations for these economic rights.

Regarding the management of North China, as for major transportation and communication enterprises, management by a single company in all of Manchuria and China should not be permitted. The North China regime's finance should be strengthened to promote public and other enterprises in North China to maintain and improve international revenues and disbursements between North China and any third country. and appropriate policy should be taken.

29830 * The gold production industry in North China should be immediately taken from the viewpoint of international revenues and Japanese disbursements. These circumstances should be considered when making future adjustments.

Regarding the management of areas around Shanghai, the national policy company should be permitted to execute business in connection with land under the control of Japanese army and civilian authorities in the Soecial City.

29831 * The witness did not recollect if on 8 January, 1938, HIROTA informed Dirksen that if the Chinese wished to ask questions to understand the four points more freely, Japan would answer them, and if he asked Dirksen to obtain them from Trautmann in China. He did recollect that HIROTA

29832 * gave quite detailed explanations in regard to the four
29833 terms. * The witness did not remember whether HIROTA, on 6 January, informed Dirksen that he would welcome questions from China, or whether HIROTA told Dirksen he expected either an answer or a query from China in the near future.

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He didn't remember whether HIROTA saw Dirksen and told him that Japan expected an answer with the utmost speed on 10 January. He did recall that he told Dirksen he hoped China would be urged to reply as quickly as possible.

29834

* He did not remember HIROTA's saying on 10 January that the military insisted upon an immediate and clear answer. (Exhibit 486-F). He did not recall if the General Staff were insisting that the terms should be clarified and that the Cabinet insisted that they should not be.

29835

He had omitted the Imperial Conference of 11 January, 1938, from his affidavit, because he had not remembered it, although he had not forgotten all about such a conference. * He did not recall who called for the conference, or whether HIROTA said he saw no need for it. He did not hear at that time that the army said that one reason they wanted the conference was that Generals TERAUCHI and MATSUI in China were urging that the government should have nothing more to do with Chiang Kai-shek. He did not hear that the General Staff said they wanted to suppress those opinions and make an immediate peace.

29836

* According to his recollection, the outline of the measures for the China Incident were recognized at that Imperial Conference and a decision was arrived at by which Japan would no longer recognize the Chinese government. (Reference was made to exhibit 270 and 2235).

The witness was handed a document and was asked if it was not the official record of the Imperial Conference. He said he supposed it was.

29837

* Exhibit 3264, records concerning the Imperial Conferences, being the document identified by the witness, stated that on 11 January, 1938, an Imperial Conference was held to decide policy toward China. The previous autumn, when the China problem became serious, there were arguments insisting on establishing a firm national policy through an Imperial Conference. Under the varying situations, it was difficult to decide policy and the government did not realize it until then. There had been on one hand the German movement for mediation, and on the other the Chiang Kai-shek regime would not collapse easily and it seemed not to reject such mediation.

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29839 * In case peace came suddenly or Chiang's regime was annihilated, the government recognized the necessity of deciding counter measures for that. The government petitioned for an Imperial conference and held Liaison and Cabinet conferences extending to the 9th and 10th. The Chief of the Naval General Staff made an offer that it was desirable that the Emperor also ask a few questions. However, as Prince SAIONJI was prudent about the Emperor's speaking, the Lord Keeper told HARADA of this on the 10th and asked him to hear SAIONJI's opinion, adding that he, the Lord Keeper, believed the Emperor's speech might be admissible unless it included a final decision. HARADA * requested SAIONJI's opinion, and he stated that he agreed with the Lord Keeper, meaning he didn't want to fix responsibility upon the Emperor and that he regarded other questions admissible.

KONOYE received an audience with the Emperor on the 10th on the matter of an Imperial conference on the 11th. He met with the Lord Keeper, and told him that in proceeding with the Imperial Conference there would be no need of the Emperor's speech, since he was going to bring a plan which was mostly already decided.

29840

* The Lord Keeper also considered the proceedings of the Conference and received an audience on the 10th, after the withdrawal of Premier KONOYE. He told the Emperor he thought it appropriate for KONOYE to manage conference procedure, and it was decided that the Emperor would grant permission to this effect. On the 11th the conference convened, and the President of the Privy Council, HIRANUMA, participated by special order. Because of the Privy Council's connection with diplomacy, KONOYE privately requested and received sanction to have HIRANUMA take part.

KONOYE stated that with the Emperor's permission, he would manage the council, and had Foreign Minister HIROTA explain the original draft. The Chief of the General Staff stated that he approved the draft from the standpoint of a permanent peace. The Chief of the Naval General Staff also approved. HIRANUMA approved, and stated that if some agreement were reached with the Chiang regime, consideration must be given to offering full protection to those hitherto in the pro-Japanese administration in North China and elsewhere. He requested the Home Minister to give special thought to domestic public order. The Emperor made not a single remark.

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Page 29842 The various circumstances were explained on the day before to HIRANUMA * by the Chief Secretary and Vice Minister of Foreign Affairs. HIRANUMA seemed dissatisfied that such measures were taken for the first time that day. On the day of the council, HIRANUMA said he had a few questions, which were replied to prior to the council.

The government issued a statement on the 16th to draw up a liaison conference and a cabinet meeting were held on the 14th and 15th. The matter had not been settled because of the General Staff's insistence upon efforts for reconciliation. The government plan was finally accepted, but individuals of the General Staff added that they still believed the reconciliation doctrine was satisfactory.

29843 * Reference was made to the document where it showed that HIRANUMA and HIROTA were present at the council in the Imperial presence on 11 January 1938. The exhibit stated that the inflexible policy of the Empire was to form an axis for peace in cooperation with Manchukuo and China. To settle the China Incident in accordance with this policy,

29844 * Japan and China would sweep away all past frictions, recognize their mutual relationship, recognize each other's sovereignty and territorial integrity. Japan, Manchukuo and China should abolish all policies liable to ruin their mutual friendship. They should be united to realize their cultural coalition and anti-communism policy. They should cooperate with regard to industries, economics, etc.

29845 Japan, by applying closely unified political and military tactics, should carry out the following measures. * If the Chinese Central Government should reconsider and ask for reconciliation, they would negotiate in accordance with the conditions of the negotiations for peace between Japan and China, as indicated on the attached sheet (A). If the Empire recognized that China had carried out the peace conditions, she should not only rescind the provisions of guarantee on the attached sheet (B), but also cooperate sincerely with China for her reconsideration.

If the present Chinese Government does not ask for reconciliation, Japan would not wholly depend upon settling the Incident by taking them as her opponent, but would assist the formation of the New Chinese Government with which to negotiate and cooperate. As for the present Chinese Government, Japan should be determined to annihilate it or take measures to absorb it under the new government.

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* To carry out this policy, they should promote rapid cultivation and arrangements of total national strength, especially defense power, and improve relations with third powers.

29847 * They should respect the rights and interests of third powers and try to obtain the predominant position in economic developments only through free competition. They should guide public opinion to make the people realize the fundamental policy for settling the Incident. The same should apply to foreign peoples.

Attached sheet (A) stated that regarding details of the conditions for peace, China should grant formal recognition to Manchukuo, renounce anti-Japanese and anti-Manchukuo policy, and establish demilitarized zones in North China and Inner Mongolia.

29848 North China should establish an organization under Chinese sovereignty to realize the co-prosperity of Japan and Manchukuo and China, and give the organization authorities and make special efforts to bring about economic cooperation. * An anti-communistic self-government in North Mongolia should be established, and its international position should be similar to that of the present Outer Mongolia Government. China should establish an anti-communistic policy and cooperate in carrying out this policy.

29849 * Non-armed zones should be established in the occupied areas in Central China, and Japan and China should cooperate to maintain public order and develop economic activities in the Greater Shanghai district. All three countries should conclude an agreement regarding the exploitation of natural resources, customs, trade, etc. China should make due reparations to Japan. Troops should be stationed in certain districts of North China, Inner Mongolia and Central China for the period deemed necessary. Talk on the armistice pact should commence after an agreement on these provisions had been reached between Japan and China.

When China had carried out these provisions and truly cooperated, Japan would not only rescind the provisions of guarantee, but also offer to cooperate for China's recovery and national development.

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Attached sheet (B), the provisions of guarantee mentioned in attached sheet (A), were non-armed zones in North China and Inner Mongolia; 2, special rights and interests established for security at the negotiations; 3, non-armed zones in occupied areas in Central China. 4, rights and interests concerning control and expansion of communications and accompanying military establishments.

The pacts and agreements to be abolished when peace was made, were the UMEZU-Ho-Ying-Chin Pact, the Tangku Truce Pact, the DOIHARA-Chin To-chum Pact, and the Shanghai Truce Pact.

At the same time, with the abolition of the provisions of guarantee, the renunciation of special rights and interests in China, which Japan had held up to then should be considered.

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29851 * The witness was asked if when the Army General Staff was negotiating with the foreign ministry about this Imperial Conference, if a representative probably Vice-Chief TADA said to HIROTA that the truce conditions were so aggressive that they might impair future diplomatic relations between Japan and China. The witness replied he did not recall hearing such a thing. He did not hear them say it was therefore necessary to hold a conference in the presence of the Emperor.

29852 * The witness stated he was mistaken when he said the decision not to deal further with the Chinese National Govt was arrived at at this Imperial Conference. He should have said that such measures were considered in such an event.

The witness was asked if the General Staff while negotiating with the Foreign Ministry prior to the Imperial Conference said that because the truce terms were so aggressive it was necessary to establish a basic policy for reconstruction of Sino-Japanese relations by holding the Imperial Conference. He stated he did not recall and added that when an Army opinion was conveyed to the Foreign Office it was the custom for an army representative to convey it. He did not recall that it was conveyed at a meeting between the War, Navy and Foreign ministries attended by the General Staff on January 10, 1938.

29853 * He heard nothing to the effect that the General Staff said it was necessary to prepare a counter policy against the aggressive domestic tendencies. The witness was handed a document and he identified his signature at the top of it. * Exhibit 3265. The document so identified

29855 "Concerning the Basic Policy for Settling the Chinese Incident (Subject Before a Council in the Presence of the Emperor) (January 10, 1938, East Asia) stated that * the Army proposed that its drafted plan of the

29856 policy for solution of the China Incident, Appendix No.1, (Dec.1,1937) should be decided at a council in the Imperial Presence after discussion among the three Ministries. But the Foreign and Navy Ministries left the army proposal as it was because it was unnecessary to make a new policy as they already had prepared a main policy. Moreover the main policy (a) had been established in case of both peace and war and all investigations concerning a peaceful solution with Chiang Kai-shek had been finished when the answer was given to German Ambassador Derksen in Tokyo.

29857 Certain opinions became more influential among the General Staff after the answer was given to Derksen. These were that conditions of truce were so aggressive that they might impair future diplomatic relations * in China and it was not necessary therefore to establish

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the basic policy by holding a meeting in the presence of the Emperor and to prepare a counter policy against the too aggressive domestic tendency.

The General Staff attended the conference of the three ministries and explained this. The Foreign and Navy Ministers thought the Army's broad view was a good thing and agreed it might be well to discuss the subject in the presence of the Emperor. Consequently the subject of discussion at the meeting in the presence of the Emperor (Appendix II) was drafted.

29858 * The witness stated that the Chief of the East Asia Bureau at that time was ISHII, Itaro but he did not recall if MATSUDAIRA was Chief of the first section. The witness stated that it was his recollection that immediately after the Imperial Conference on Jan 13th a reply from China came through the German Ambassador on Jan 14th.

29859 * The witness was asked if when the reply came HIROTA said that China through the Army General Staff Hqrs as well as through the German Military Attache was aware of the concrete proposals but despite this still insisted that the proposals were not understandable. There was no hope in that sort of a reply. It had been determined at the Imperial Council that there was nothing to do but launch the alternate plan to transfer present hostilities into a long term warfare. It was vital to strengthen their determination to this effect. After being quoted this statement the witness said he had no recollection that HIROTA ever said it to him.

29860 * When asked if that represented the witness' attitude the witness stated he did hear that was the atmosphere in the cabinet but did not hear that HIROTA was especially the one who agreed with this. He was not present on Jan 14th when HIROTA met DERksen and the Chinese reply was presented.

29862 * He had heard that HIROTA told Derksen the Chinese reply was unsatisfactory and since he had already given a detailed explanation there was no need to add to that. He did not hear that the German Ambassador told HIROTA that that was not true.

29863 When he referred to a Cabinet Council, the witness meant a meeting of the Cabinet itself and not a meeting of the cabinet councilors. * He did not hear on that occasion that the General Staff repeated their demand that further particulars of the terms should be sent to China.

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When asked if the General Staff finally gave way because of a threat that if they did not either they or the cabinet would have to resign, the witness stated he never heard the General Staff was threatened. He did hear that it expressed the opinion that they wished the negotiations to continue. They did not ask that they be continued on the basis of ameliorating the conditions but that they be continued on the basis of the conditions which should remain.

The witness did not remember that the cabinet meeting was interrupted while the General Staff retired to consider why they should do about this threat. He did not know if the General Staff capitulated and agreed that the declaration refusing to have further dealings with Chiang-Kai-shek should be issued.

29864

* He did know that the cabinet did arrive at such a decision. But he did not understand that the decision went entirely beyond what had been determined at the Imperial Conference. (The attention of the court was called to Exhibits 268, 486-B, G and I, 972-A and G, and 2260.

29865

The witness did not remember if on Jan 21 KONOYE sent HIROTA a document containing the general principles of policy after the declaration had been issued. The witness was shown a document and asked if it was not a copy from the Foreign Office of the document from KONOYE to HIROTA. He stated that he did not recall and it was difficult to confirm whether it was a cabinet decision *. He admitted it was important to him as Vice-Minister to know the new policy but he could not confirm whether this document was a copy of the cabinet decision.

29866

asked if he could suggest any reason why the Foreign Office should file a copy of a message from the Premier to the Foreign Minister if it was not authentic, he stated that generally official documents were filed by the Document Section after being looked over by the Minister, the Vice-Minister or Bureau Chief and such a document always bore his signature or seal. This document did not bear a filing number, or certificate from the chief of the Archives Section.

29867

The witness said that he was not claiming that extra copies were never made and filed separately but to ascertain later whether such copies were made there must be definite proof. * From the document was read a part which stated that military aims in the China Incident shall be perfectly attained and the status of general mobilization completed. All measures should be taken in response to the prolonged resistance of China. He was asked if that was not a part of the policy decided upon at that time and he stated he did not recall.

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He did not recall, if in February 1938 HIROTA issued instructions to Foreign Ministry representatives in China as to methods of propaganda to disintegrate the Chinese army.

29868

* The witness was handed a document and asked if it was not issued by the Chief of the Information Section of the Foreign Office from HIROTA to such representatives. He stated he did not recall the contents but it might be a telegram sent out by the chief. Asked if he observed it was from HIROTA he stated it had always been a custom that all outgoing telegrams were sent in the Foreign Minister's name even when sent by the Information Bureau Chief. It was possible to suppose it might have been sent by the chief. It did not bear either the signature of the chief nor of the chief of the competent section.

29869

* It was difficult to confirm the authenticity.

29870

* The witness stated he knew Baron HARADA. Asked if he met him on February 14th and asked HARADA if he had heard about the liaison conference of Feb 14 1938, he stated that he did not recall. Asked if he told HARADA that at the conference there had been a dispute between the army and navy as to whether the army would advance as far asanking so the navy might use it as a bombing base, he replied that he did not quite recall.

29871

* He did not recall telling HARADA that the reason of the difficulty was that the army was preparing against the Soviet. He did not recall telling HARADA that the Emperor asked the War Minister if it was possible to put into effect a simultaneous plan for long-term hostilities, military preparations against Russia and the expansion of the navy.

He did not recall telling HARADA that War Minister SUIGYAMA replied to the Emperor that he would discuss the matter with the cabinet and take proper action. The witness did not recall this matter being subsequently discussed in the cabinet.

29872

The witness was handed a document and asked if he recognized it as a foreign office record of the East Asia Bureau of "Matters regarding the Imperial General Headquarters Council in the Imperial Presence dated Feb. 18, 1938. The witness confirmed that the document was written on Foreign Office stationery but he could not confidently say it was a document of the Foreign Office.

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The Vice-Minister did not have the duty of reading all incoming documents. The witness did notice that the contents of the document were similar to the same effect as what was suggested the witness told HARADA. However, he had no recollection of having a conversation with HARADA along those lines nor had he ever seen this document.

29873

* The witness noticed that there was a pencil notation on the top of the document reading "Original copy at negotiation" but he did not know whose writing it was. When asked if the document was not of such importance that he must have seen it, he stated the document was classified as "material for research". Since the Vice-Minister was very much occupied with other matters it may have been he did not see this document.

The witness noticed that the document stated that to this statement from a naval viewpoint the navy insisted on the necessity of extending naval power for preparing against Great Britain and America. Asked if such a document which disclosed the Navy's intentions came into the Foreign Ministry if it would not be essential for both him and HIROTA to see it, he stated that he did not say that the document was not important but that he had no recollection of ever having seen it. The document merely purported to be a copy and he had no proof that it actually was an official document although it was on Foreign Office paper. It was impossible for him to state that it was an official document.

29875

* There was a distinction between official documents and other documents filed in the foreign office. He had no recollection whether the conference referred to in the document took place.

29876

* A reference was made to the witness' affidavit where he referred to the careful consideration which HIROTA took to safeguard the interests of third powers in China and exerted all efforts. The witness stated that he knew that Grew continually protested to HIROTA about breaches of the open door policy and attacks on American lives and property. HIROTA took pains on one hand to explain the real facts of the situation and on the other hand called attention of the Army and Navy to the protests and did his best to protect the interests of third powers. He sent repeated instructions to the diplomatic representatives in China to take all possible steps to safeguard the interests of third powers.

29877

The witness also recalled that there were frequent protests

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from the British Ambassador but he could not say that there was the same lack of results.

(Attention of the Court was called to Exhibits 941, 944, 954-C, 955, 968, 969, 973)

The witness remembered the "Lady Bird" Incident and recalled that December 30, 1937 HIROTA sent an official note to Britain that the firing upon the "Lady Bird" by the Japanese army was entirely due to a misunderstanding. He recalled that a similar explanation was made with regard to the attack upon the "Panay".

29878

It was absolutely not true that he knew the explanation was untrue. The witness was asked if on December 14th a fortnight before the note was sent if he saw Baron HARADA * and he replied that he did not remember whether he saw HARADA on that day. He was asked if he said to HARADA that the naval air forces bombed and sank an American merchant ship and that at about that time an English warship was shelled at Nanking and men wounded, that this was a real disaster and that the English warship was a small one. However it was 26 miles up stream from Nanking. The regiment of which HASHIMOTO, Kingoro was commander, fired on it by the order of HASHIMOTO. The witness stated that he did use words of a similar nature but did not recall ever using the word deliberately.

29879

Even if the firing was carried out under HASHIMOTO's orders it was possible that he might have mistaken the ship for a merchantman. He never at any time suggested that HASHIMOTO deliberately gave an order to * fire on the British warship knowing it was British.

29883

*Exhibit 3266. The affidavit of HAYASHI, Kaoru, certifying to the correctness of Exhibit 3267 and that it was in the archive section of the Foreign Office was received into evidence but not read.

29886

* Exhibit 3267, a Foreign Office document concerning the problem of the conclusion of a Japanese-German Political Convention dated July 24 1936, stated that the Soviet was menacing Japan. She had concluded treaties with France, Czechoslovakia and Outer Mongolia and backed Communist activities in China. It was necessary for Japan to make common cause with another nation to check the Soviet. It was considered proper and easy to choose Germany for both she and Japan had similar standpoints as regards their international situations, especially their relations with the Soviet. Moreover their relations had recently taken a favorable turn.

29887

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*There were two points demanding precaution in realizing this coalition, (1) needless to say the coalition should obtain the greatest effect in checking the Soviet. The coalition should not stimulate the Soviet unduly * and efforts in realizing it should not lead to a war against her. Germany's relations with the Soviet were comparatively simple. Japan's borders were directly contiguous to the Soviet and she held many concessions in Soviet territories. There were many questions between the two nations and it would be disadvantageous if Japan unduly stimulated the Soviet.

29888

29889

(2) The coalition should not unduly set the Western Powers especially Britain, at unrest. Anglo-Japanese relations were presently by no means friendly because of a discrepancy of views concerning Chinese problems and economic questions. It was necessary to cultivate Britain's friendship. * In view of the Soviet menace with her colossal armaments in the Far East the unsatisfactory progress of Anglo-Japanese conversations and the present stage of negotiations in Berlin for a Japanese-German coalition, Japan should be cautious lest the latter agreement stimulate Britain unduly. They should take steps toward readjusting Anglo-Japanese relations by an agreement for a frank solution regarding the settlement of important problems common to both countries.

29890

Unofficial conversations were recently made in Berlin in absolute secrecy among the Japanese Ambassador and a military attache to the Japanese Embassy and Amb. Ribbentrop to realize the political coalition. Germany has submitted to Japan a tentative anti-comintern pact and a secret political agreement annexed to it.

* The Japanese criticism of the tentative anti-comintern pact was that if they conclude it exclusively between Japan and Germany it would stimulate the Soviet Union, when disclosed and it might be used as propaganda material. It was essential to limit the scope of the agreement within such substantial necessity that the two countries exchange information on communist activities and opinions about counter measures.

Regarding the annexed political agreement it was criticized because the first article declared neither country would take any measure placing the Soviet in an advantageous situation.

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It was simply of negative import and did not restrain either nation. It would be proper to change the original conditional that in case either of the two nations were subjected to a menace or an attack, which covers too wide a scope to read that in case either were subjected to or menaced with an unprovoked attack. It was not desirable that this provision plainly name the Soviet. It would be safer to alter it as "a third state" with an understanding that this meant the Soviet.

29892

*It was further hoped that the the provision that in the above stated case both governments would hold frank consultation with each other be inserted in the first article.

Regarding the second article, it was hoped to be struck out. It was necessary to give sufficient explanation regarding Japanese and Soviet problems to convince Germany that it was impossible to deal with the matter uniformly. It was also necessary to make sure of German intentions to handle the Rapallo Treaty and the Berlin Neutrality Treaty so as to accord with the spirit of the present pact, lest there be a disproportion of obligation between the two. While proceeding with the negotiations with Germany, Japan should also negotiate with Britain.

29893

Once a British agreement is reached a firm resolution on Japan's part would be demanded to abstain from acts against the spirit of the agreement and to assure Britain that her Chinese concessions would be respected.

The undesirable effect that these pacts may have on Britain if they were disclosed could be prevented if the draft were amended and steps taken to readjust British relations in view of the present tense situation in relation with Russia and the peculiarity of relations with Britain. If this were done Russo-Japanese relations would sustain little damage and Japan's international status would be ensured.

29894

The suggested British-Japanese agreement was that * both should carry on frank deliberation with the object of cooperating on important problems. The agreement should remain in force five years from the date of signing.

29898

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29898

DIRECT EXAMINATION OF HIDAKA, Shinrokuro
 by Mr. YAMAOKA

*The witness identified and verified Exhibit # 3273 as his affidavit.

29901

*The affidavit stated that the witness was in the office of the consul general at Nanking from 1933 to 1934 and then had a post in the Foreign Office as chief of the Personnel Section for three years. He was in the office of the Councillor of the Embassy at Nanking from April 30 1937 to Aug 16 1937 and later at Shanghai from Aug 29 1937 to March 3 1939, returning to Tokyo after he had served as Consul General at Shanghai from Mar 17 to Dec 12 1938.

29902

In April 1940 he was Councillor of the Embassy at Nanking holding it until November 1942. * He first heard of the Marco Polo Bridge Incident by official telegram July 8th despatched from Peiping and also received a telephone call from the Chief of the Japanese Section the evening of the same day. The Chief of the Japanese Section TUNG said he hoped the Japanese army would be prudent so that the matter might not become serious. The witness replied that Japan had no intention to aggravate the situation and requested self restraint by the Chinese.

29903

On the 10th he received from the Chinese Foreign Department an official note that Japanese troops causing the incident should be withdrawn to their original station and wait for a judicial settlement. The Chinese Foreign Dept. would reserve all judicial demands in connection with the matter. The Japanese replied that it was by treaty right that their troops were in North China and manoeuvred *there. It was provocative conduct by the Chinese that compelled them to take steps for self-defense and the Chinese were responsible.

Japan could not accept the Chinese claim to reserve all judicial demands. On the 11th the witness received instructions from his foreign office ordering him to convey the intention to settle the matter locally and requested Nanking not to obstruct their efforts. The witness conveyed the import of the instructions to the Chinese Vice Foreign Minister and then to the Foreign Minister and demanded that Japanese troops be withdrawn and that no reinforcements be sent.

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29904 The witness asked the Chinese Foreign Minister if he was right in believing that if an agreement stopping hostilities was reached Nanking had no intention to deny or destroy it. The Foreign Minister showed no indication to deny it though the Foreign Dept. sent the witness a note to the effect that any local understanding already concluded or to be concluded would take effect upon confirmation by the Central Government. The witness also asked the Chinese Foreign Minister if the reported mobilization or northward movement of Chinese troops was true and he did not deny it.

On the 16th the witness again received a note from the Chinese Foreign Department demanding that Japanese reinforcements be instantly withdrawn, that the Japanese troops responsible for the Incident be withdrawn to their original stations and that China would reserve all claims in connection with the Incident.

29905

* On the 17th the witness received instructions ordering him to demand that Nanking not obstruct the terms of settlement about which agreement had been reached between the Japanese and Chinese military authorities on the spot July 11th, and that he should also demand that China stop provocative speeches and actions. Thereafter he called on the Chinese Foreign Minister conveying these instructions and persuaded him that the most urgent step to be taken was to prevent further aggravation of the situation by execution of the agreement of July 11th. The witness pointed out that the Japanese forces in North China was incomparably inferior to the Chinese force there and reinforcements were being eagerly awaited

29906

He emphasized the necessity of carrying out the July 11th agreement to alleviate the situation * and called his attention to the danger of further reinforcements to North China by the Nanking Government. The Chinese Foreign Minister promised to reply on the 19th. The note the witness left was translated and sent to Britain and the U.S. Ambassadors for reference.

On the 19th the Chief of the Japanese Section TUNG handed the witness an official note to the effect that Japan was despatching a large body of troops to Hopei Province. China could therefore not but make proper preparations for self defense. China proposed that both countries should simultaneously stop the movements of their respective forces and withdraw them to their original stations. Any local settlement should be affirmed by the Central Government.

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* The witness asked Tung if this was a reply to the Japanese note of July 17th but the witness got only a vague answer. On the 20th he called on the Chinese Foreign Minister and ascertained that this was intended to reply to the note of the 17th. It was however far from the practical necessity to alleviate the tense situation. The witness considered that if they wasted time in a roundabout negotiation the situation would get more aggravated and he earnestly persuaded the Foreign Minister but he only repeated his usual abstract argument.

The witness talked to Kao Tsung-wu, Chief of the Asiatic Bureau who had direct connection with Chiang Kai-shek on the 25th. Kao hinted that Chiang Kai-shek himself intended a prompt and practical settlement. The witness had a conversation with Chang Chun, governor of Szechwan Province meeting him three or four times from July 25th to July 27th and he negotiated in close connection with Chiang Kai-shek. Chun declared that China had no objection to the July 11th agreement. It was agreed that as soon as the July 11th terms were guaranteed, Japan would make a voluntary statement to withdraw and that actually Chinese Central Force would move first southwards, directly followed by Japan's withdrawal.

The witness thought the Incident was settled. But the Langfang Incident of July 25th and the Kwangan incident of July 26th had already occurred and from the 28th onward, collisions between the two forces got more serious. Thus the agreement between the witness and Chang Chun proved fruitless.

The witness informed the progress of the negotiations to representatives of other nations.

29909

After the Marco Polo Incident, Shanghai was comparatively calm. At the end of July or the beginning of August it began to grow threatening and they could perceive that many forces were being concentrated and munitions and troops being transported from Nanking to Shanghai.

On August 8th British Ambassador Huggessen presented to the witness his opinion regarding peace around Shanghai. The witness was aware that Japan earnestly desired to avert a collision in Shanghai and the witness reported Huggessen's opinion to the foreign office.

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29910 The Japanese in Shanghai including the navy had no intention of making the matter serious. The witness had been told by the vice-chief of staff of the Landing Forces who arrived in Shanghai shortly before the outbreak there that he had received a special secret order from the Naval *General Staff that collision must be averted at all hazards.

On the 11th Huggessen on behalf of the British, U.S., Germany, Italy and France representatives offered to Ambassador KAWAGOE that the representatives of Japan and China and these five powers should cooperate to maintain peace in the Shanghai vicinity. The witness reported this to the Foreign Office and on the 12th received a telegram that Japan would accept the joint offer if China would observe the truce agreement of 1932. This was conveyed to the representatives of the five powers and Chiang Kai-shek. Consul General OKAMOTO attended as the Japanese delegate.

29911 The same day the witness received a telegram from OKAMOTO asking him to request Nanking to withdraw the Chinese peace preservation *corps stationed near the foreign settlements in Shanghai and to remove military equipment and construction around the settlements. The witness called on foreign vice-minister Wang and made this request. On the 13th the witness received a telegram from the foreign office to the same effect and he called on Foreign Minister Wang and repeated the request. Wang however argued the validity of the truce agreement and there was no result.

According to a telegram from acting Consul TAKAI at Changsha the end of July, a staff officer of the Governor of Hunan Province told TAKAI that Nanking had given him a secret order to open fire on the Japanese warship off the Changsha coast in case of a collision between Japan and China in Shanghai and asked TAKAI to use his influence to withdraw the warship.

29912 The witness left Nanking on August 16th and returned to Tokyo. He talked to HIROTA on the 21st and asked for his advice in connection with his verbal report to the Emperor. HIROTA advised him that China's circumstances should be reported to the Emperor so as to suggest hope of peaceful settlement. War Minister SUGIYAMA told the witness he feared that Japan's peace proposal might be rejected. The witness replied he felt there was still hope.

The telegrams and documents the witness referred to in his statement had been lost by fire and could not be found. There was no cross-examination of the witness.

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29914

Exhibit 2373, the affidavit of HAYASHI, Kaoru of the Foreign Office showing that these telegrams and documents referred to in the affidavit of HIDAKA were lost and could not be found, was admitted into evidence but not read.

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OKAMOTO - Direct

Page DIRECT EXAMINATION OF OKAMOTO, Suemasa,
by Mr. Yamaoka.

29914 * The witness identified and verified exhibit
29916 3274 as his affidavit. * Exhibit 3275, a telegram from Foreign Minister HIROTA to Consul General OKAMOTO at Shanghai dated 4 August 1937, was admitted in evidence, and exhibit 3276, a telegram from HIROTA to Ambassador KAWAGOE in China dated 7 August, 1937, was admitted into evidence.

29917 Exhibit 3275, * the affidavit of OKAMOTO, stated that the witness was Consul General at Shanghai from 8 May 1937 to 21 March 1938. The Marco Polo Bridge Incident broke out on 7 July, while he was at that post. He did his best on HIROTA's instructions to maintain close cooperation with the Chinese to secure peace in Shanghai, when he received on 6 August telegraphic instructions from HIROTA.

29918 * Exhibit 3275. telegram from HIROTA to the witness dated 4 August 1937 stated that FUNAZU was expected in Shanghai on the 7th, and it was necessary that he hold a secret meeting with Kao Tsung-Wu immediately. Since it might attract attention if Funazu proceeded to Nanking immediately, the witness was requested to make arrangements so he could meet Kao in Shanghai on the 7th, without creating the impression that the consulate or other authorities were conducting liaison. One plan would be to send TSUTSUMI of the Cotton Mill Owners' Association to Nanking to contact Kao and ask him to go to Shanghai.

Since the matter was of the utmost secrecy, the witness was requested to exercise caution and see that Kao understood that the meeting would be kept in absolute secrecy.

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29922 * Exhibit 3277, a telegram from HIROTA to Ambassador KAWAGOE in China dated 7 August, 1937, regarding the draft proposal of the truce, stated that a designated area in Hopei Province and six provinces of Chapei would be a demilitarized zone, and the Tangku Truce would be abrogated. KAWAGOE should secure consent to the liquidation of the Hopei-Chahar and the East Hopei administration, and to direct administration of the area by the Nanking government. The principle of economic cooperation between Japan and China in North China was to be arranged.

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Page 29923 * The affidavit continued that Ambassador KAWAGOE, who had left Shanghai for North China on 7 July, was on his way back and that was the reason the instructions were addressed to the witness. Besides, the Embassy was in the Consulate-General at Shanghai at that time.

29924 Upon receipt of the instructions, the witness asked TSUTSUMI to go to Nanking to see Kao. On 7 August KAWAGOE returned to Shanghai, and the matter was reported to him. * The same day FUNATSU returned to Shanghai from Tokyo and consulted KAWAGOE, and it was decided that KAWAGOE himself meet Kao.

The conversation between Ambassador KAWAGOE and Kao, the Director of the Bureau of Asiatic Affairs, was held about 10 August at the Ambassador's residence. Kao sought the Ambassador's opinion on speedy settlement of the North China situation. KAWAGOE told him that although he had not yet received instructions to open negotiations, it was Japan's policy to settle the Incident as soon as possible. As for the terms, he thought they must be of such a nature that both governments could accept them.

29925 KAWAGOE's tentative plan was of the same line as the terms mentioned in the Foreign Office instructions, * which were establishment of demilitarized zones, dissolution of the Chi-chi Administrative Committee and the Chi-tung Regime, and economic cooperation in North China. The copies of these telegrams are at present in the Foreign Office.

29926 Kao stated that though there might be difficulties, he thought there was a hope of success if the terms were of this nature. He would return to Nanking for consultation and see KAWAGOE again. KAWAGOE told the witness the contents of this conversation. On 9 August, Lieutenant OYAMA was murdered, and a few days later Shanghai was the scene of armed conflict between the Japanese and Chinese, * and the conversation between KAWAGOE and Kao was interrupted without bearing fruit.

29927 Exhibit 3276, the telegram from HIROTA to KAWAGOE dated 7 August, 1937, on the subject of commencement of truce negotiations, stated that as a result of active consultations among the War, Navy, and Foreign Ministries on settling the present situation, it was hoped an agreement could be reached along the lines of a separate message * expected to be adopted in a day or two.

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Page It was desirable that initiative on truce negotiations come from the Chinese. Arrangements had been made to dispatch FUNAZU. Reinforcements were to be dispatched from Japan, and they thought it important that an agreement be reached before 20 August, when they finished their concentration. FUNAZU was to see Kao in greatest secrecy and inspire in him a prospect of peaceful settlement and persuade him to approach KAWAGOE with a truce proposal. It would be unwelcome if Kao responded by an indefinite proposal as a mere feeler, as it was imperative that a Chinese proposal should be founded on determination on their part. Kao's proposal to KAWAGOE must have the full understanding of Chiang Kai-shek.

29928 * If Kao made a proposal with the understanding of Chiang and if Japan had already decided on the policy mentioned before (exhibit 3277), KAWAGOE was to proceed with a preliminary conference with Kao along the lines of this policy, but if he had not received by that time a telegram to the effect that the government had decided on a policy along the lines stated in this message, he was to ask for instructions immediately, reporting the details of Kao's proposal.

29929 Pending the government's decision, it was necessary that this be kept in strictest secrecy, even from military or naval attaches. * The government was willing to open parleys for adjusting diplomatic relations. Free from considering past circumstances, this was expected to be decided on in a few days. Only a very limited number, even at the top of the army and navy, were informed of this, and they were trying to arrive at a decision first and then force it through.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

29931 * Exhibit 3278, the affidavit of HAYASHI, Kaoru, showing that the original and copies of the telegram of HIROTA addressed to OKAMOTO and referred to in exhibit 2515 were lost and could not be found, was admitted in evidence but not read. From exhibit 2515, an earlier affidavit of OKAMOTO, Suemasa, it was stated that the Marco Polo Bridge Incident brought serious anxiety to Chinese and foreigners at Shanghai. At that time the HAYASHI Cabinet had fallen, and KONOYE had formed a Cabinet with HIROTA as Foreign Minister. A few days

29932 * after the Incident, the affiant received instructions that the government was maintaining the policy of local solution and no enlargement. He should take all means to prevent any incidents at Shanghai.

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Page Answering inquiries from the Chinese, foreigners, and consuls, the witness explained the spirit of the instruction and assured them the Incident would not spread to Shanghai.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

29934 Exhibit 3279, an excerpt from the Grew Diary dated 6 August 1937, stated that Britain now proposed an Anglo-American offer of good offices to both the Japanese and Chinese to smooth out difficulties that might occur in negotiations for withdrawing troops. Before acting, they wanted Dodds' and his opinion as to probable Japanese reaction to such an offer.

29935 * Exhibit 3280, a telegram from HIROTA to Ambassador KAWAGOE dated 8 August, 1937, concerning instructions for the truce negotiation with China, stated that the object of sending troops to North China was as set forth in the Cabinet resolution of 11 July. Although they were forced subsequently to drive out the 29th Army,

29936 * a punitive expedition was no part of their intention.

If the Chinese should sue for peace, it should be the generous attitude of Japan to show appreciation and cooperate with China. On the 7th, the War, Navy, and Foreign Ministries agreed that not only would the Chinese peace proposal be entertained along the lines of separate telegram 170 (exhibit 3280-A), but also to take a big stride toward improving relations.

29937 When the Chinese should make a truce proposal and if KAWAGOE was convinced it was in good faith, he could enter into negotiations, bearing in mind his instructions, and he would see that the Chinese made the first move and report the manner of their approach and ask for instructions. * Since the Chinese seemed to at last come to talk of recognition of Manchukuo, it would be better if they could be persuaded to recognize her at this time.

Since the separate telegram (exhibit 3280-A) expressed their innermost mind, KAWAGOE was requested to keep it to himself and try to lead the negotiations as favorably as possible. He would understand that the broad-minded policy would be beyond Chinese expectation, and was worthy of winning world respect.

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Page 29938 * Exhibit 3280-A, telegram 170, from HIROTA to KAWAGOE dated 8 August, 1937, regarding conditions of truce negotiations, stated that the following would be designated as demilitarized zones in which no Chinese troops were to be stationed, and peace would be maintained by a Peace Preservation Corps.

29939 Four different plans were then described, setting out the demilitarized areas. * To indicate that they had no intention to voluntarily reduce the number of troops within the extent of the number at the Incident's outbreak, was a limit of their concession. A second concession limit was abrogation of the Tangku Truce, the DOIHARA Chin Te-Chun Agreement, and the UMEZU-Ho Ying-chin Agreement, with the exception of understandings based on the Peiping Arrangement, which were described.

29940 * The third limit of concession was consent to liquidation of the Hopei-Chahar and East Hopei regimes, and committing them to free administration of the Nanking Government. Principles of economic cooperation were to be agreed upon. The form should be joint enterprises and other similar plans standing on the basis of equality.

The UMEZU-Ho Ying-chin Agreement, though to be abrogated as a concession limit, was still effective pending consummation of present negotiations, the Chinese to withdraw from Hopei Province.

29941 * Parallel to the truce parleys, it was requested that the Chinese promise to enter into a negotiation to adjust relations unfettered by past circumstances. As soon as the withdrawal of the Chinese troops from the demilitarized area and evacuation from HOPEI Province was completed, upon consummation of the truce, voluntary withdrawal of Japanese troops would follow. It was proposed that on completion of the truce parley, both nations should issue a statement that they were entering a new era devoted to amity.

29942 * Exhibit 3280-B, telegram from HIROTA to KAWAGOE dated 8 August, 1937, (telegram 171 concerning the truce negotiation), was an explanation of exhibit 3280-A. The purpose of proposing the line designating the demilitarized zone connecting Manchukuo, etc. was to include the strategically important hills on the river banks and all important points, such as Tientsin and Taku.

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Page As for the withdrawal of the Central Army, it was natural that they should first demand this step, as they had always insisted that its presence in Hopei violated the UMEZU-Ho Ying-chin Agreement. No truce parley could materialize so long as this requirement was not carried out.

29943 As for liquidation of the East Hopei regime, the army was very reluctant to agree, but finally gave in. As for negotiations for the adjustment of relations, * it would be most desirable to carry it on side by side with the truce parley if there was prospect of quick agreement. It was undesirable that the parley be delayed on account of the negotiation for adjusting diplomatic relations.

Exhibit 3280-C, telegram 172 from HIROTA to KAWAGOE dated 8 August 1937 concerning the outline of the plan for over-all adjustment of Sino-Japanese relations, stated that China was to recognize Manchukuo, or tacitly promise not to make an issue of Manchukuo henceforth. An anti-communist pact should be concluded.

29944 * Besides the liquidation of East Hopei and Hopei-Chahar as a truce condition, Japan was ready to discuss the subject of Inner Mongolia and Suiyuan. In case they admitted Japan's just demands, they would not insist upon including Nanking's influence from these areas.

29945 China was to suppress anti-Japanese movements and enforce to the letter the good neighbor policy. Regarding military affairs, the Shanghai Truce Agreement was to be abrogated. They were to desist from arbitrary aviation, * reduce tariff rates, abolish special trade of East Hopei, and recovery by the Chinese of freedom to control smuggling on the sea belonging to the demilitarized area. There was to be a promotion of the normal increase and development of trade.

29946 * Exhibit 3280-D, telegram 175. HIROTA to KAWAGOE dated 8 August, 1937, referred to telegram 170 (exhibit 3280-A). It stated that since the War Minister keeps the truce plans and for adjustment of diplomatic relations under closest secrecy owing to strong military opposition, only a very limited number of high officers in the War Ministry and General Staff were taken into confidence.

29947 Plan one for the demilitarized area (exhibit 3280-A) was an ideal plan. They might content themselves finally with plans 3 or 4. * If the Chinese desired to fix a term with respect to the establishment of a demilitarized zone, they were prepared to consider it.

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* Exhibit 3281, an excerpt from the Grew Diary dated 20 September, 1937, stated that evidently these representations impressed HIROTA, because he saw the Emperor the next morning, and later concrete indications were noticed that the government was disturbed about the effects of indiscriminate bombings and was taking steps to control the aviators. Probably as a result of their representations and foreign reactions, the government sent an admiral to Shanghai to discuss the situation with Commander HASEGAWA, and word was sent out there would be no further bombing of Nanking after 25 September.

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* Exhibit 3282, a further excerpt from the Grew diary dated 20 September, 1937, stated * that Grew's conversation with HIROTA was prefaced by appreciation with regard to arrangements made to avoid bombing the Hankow-Canton Railway during the evacuation of Americans on September 22 and 26. HIROTA asked if Grew had received his note concerning the bombing of the American missionary hospital at Waichow. Grew replied in the affirmative and expressed further appreciation of HIROTA's regret and the offer to consider indemnification.

29951

Grew then turned to the announced plans to bomb Nanking the next day at noon, and made emphatic representations on the serious danger to foreign diplomatic establishments and personnel and other non-combatants which would occur if such a course was pursued. He spoke of the serious effect in the U. S. if some accident should occur and remarked on the steadily mounting feeling in the U. S. and other countries against Japan, * which by her action was laying up for herself distrust and suspicion. He told HIROTA that the good will between their countries which they both had been building up was rapidly dissolving. While the American people were patient, they were easily aroused by some serious incident involving their legitimate interests, and that he was constantly dreading the effects of a serious accident touching the honor of the Americans.

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Grew spoke earnestly of HIROTA's responsibility for Japan's foreign relations and for restraining military forces in China. Grew said that the military and naval forces did not understand and appeared not to care about Japan's foreign relations and her world position, and it was HIROTA's responsibility * to guide the course of action in China. The force of Grew's statements left nothing to HIROTA's imagination.

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Page HIROTA did not try to counter his observations, but listened gravely. HIROTA observed that four hours before he had ordered the naval command in China to make every effort to avoid injuring foreign diplomatic establishments or non-combatants in Nanking in connection with the proposed bombing operations. Grew reported that the press had already reported bombing operations there yesterday, but HIROTA said these were unimportant and far away from diplomatic establishments. HIROTA volunteered the opinion that the warning by the navy that bombing operations would commence at noon on 21 September was too short.

29953 * Although Grew spoke to him with unprecedented directness, HIROTA gave no indication of resentment. HIROTA received the observation sadly, but without rebuttal. While recent developments indicated that HIROTA had and was making efforts to avoid antagonizing the U. S. by cautioning the military and naval forces in local issues, the fact remained that civil government had very little influence with these forces where their general objectives were concerned.

29955 * Exhibit 3283, an excerpt from the Grew Diary dated 21 and 22 October 1937, stated that a colleague had told Grew that he made renewed representations to HIROTA to persuade Japan to participate in the 9 Power Conference at Brussels. The colleague advanced the argument that the Japanese case had gone by default at Geneva, but Brussels would offer them a further opportunity, for the powers there wished above all for a peaceful settlement of the Sino-Japanese hostilities. HIROTA replied that since his last talk he had consulted many prominent people, and sentiment against participation, especially among political leaders, was practically unanimous. However, no final decision had been reached.

29956 YOSHIZAWA told Charge d'Affaires Dooman on 21 October, that so far as the Foreign Office was concerned, the 9 Power Conference invitation would be definitely declined, * and that a favorable reply could not be expected so long as the invitation did not specify that the conference did not arise out of the League resolution and the U. S. announcement of 6 October.

29957 * Exhibit 3284, an excerpt from the Grew diary dated 6 November 1937, stated that HIROTA's talk with Grew was that according to reports from Brussels, it appeared that the draft final resolution contemplated united action against Japan. HIROTA had seen only the original draft and did not know if it was passed without amendment. If it did

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Page call for united action, HIROTA feared a very unfortunate effect on Japanese public opinion, as united action would imply some sort of sanctions and not help stop hostilities but merely encourage the Chinese. According to certain diplomatic representatives, the U. S. not only took the initiative in proposing the conference, but was also taking active leadership.

29958 HIROTA said these rumors would soon appear in the Japanese press and have a very unfortunate effect. Hitherto the Japanese public had felt * that the country foremost in developing a solid front against Japan was Britain. but if the press now reported that leadership at Brussels was by the U. S., the onus would be shifted to America. Good relations with the U. S. were HIROTA's fundamental policy, and he greatly feared these results. Up to then it was felt by Japan that the U. S. was the only country whose impartiality in the Sino-Japanese hostilities had been genuine, and it was hoped that the U. S. might play an important role in bringing about peace. This situation had been somewhat altered by Roosevelt's Chicago speech, but since he omitted mention of the Far East in his address to Congress, the Japanese public had the impression that the U. S. attitude was not quite so strict as had at first been feared.

29959 * HIROTA then said that the Japanese campaign in China was proceeding smoothly and it would probably not be necessary for the army to go any further than they had already gone. It would be to China's own interest to bring about a peaceful settlement. If the Chinese Government evacuated Nanking it would be a foolish move. Opposition was forming to Chiang Kai-shek, and his position was not too secure. Japanese terms, if peace were made now, would be reasonable, and no foot of Chinese territory would be retained. If hostilities continued, the attitude might change and more drastic terms result. The U. S. could best help by persuading Chiang Kai-shek to negotiate for peace. If a willingness to negotiate were indicated, HIROTA would send a representative to Shanghai to talk with a Chinese representative.

29960 * Grew told HIROTA that he hoped he would do everything to prevent the Japanese press from publishing unconfirmed reports with regard to the U. S. attitude. Grew told HIROTA of what Eden had said in the House of Commons and of State Department denials that the U. S. had taken the initiative in calling the Brussels Conference. HIROTA said he would do his best to keep the press quiet.

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- Page When Grew pointed out that the Chinese Ambassador was still in Tokyo and that diplomatic channels for peace still appeared to exist, HIROTA assented but made no comment.
- 29964 * Exhibit 3285, an excerpt from the Grew diary dated 13 December, 1937, stated that Grew was informed that HIROTA was coming to see him at the Embassy and realized that this was an unprecedented step and that something terrible happened, and he thought immediately of the Panay. HIROTA was in the Embassy when Grew got there, and at once told him of the reports of the sinking of the Panay by Japanese planes. He made no effort to pretend it might have been Chinese planes, and expressed the government's profound apologies and regrets. HIROTA seemed genuinely moved, saying he could not tell Grew how badly they felt about this.
- 29965 Grew cabled the State Department of this call of HIROTA and also that the Navy and War Ministers had likewise * expressed regrets through their attaches.
- 29967 * Exhibit 3286, an excerpt from the book "Behind the Japanese Mask" by Ambassador Craigie, stated that one serious incident occurred in December, 1937, when the Japanese were pursuing the Chinese up the Yangtze after the fall of Nanking. The British gunboat Ladybird was above Nanking, and every alteration in her position was promptly notified to Japan. In the middle of November the Ladybird was slightly damaged by Japanese field artillery. Her commander protested to the artillery commander, who showed no contrition.
- 29968 The reaction of Japan was both prompt and commendable. * As soon as he heard the news, HIROTA called on Craigie and begged him to convey to the British government Japan's sincere regret and an offer for compensation for the damage. HIROTA had obviously been much upset, showing more than usual emotion. Having regard to the feelings of the Japanese extremists, HIROTA displayed considerable moral courage in taking the unusual step of a personal call. Britain accepted the apology, and the cost of repairing the gunboat was promptly made good by Japan.

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ISHII - Direct

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Page DIRECT EXAMINATION OF ISHII, Itaro,
by Mr. Yamaoka.

29969 * The witness identified and verified exhibit
29970 3287 as his affidavit. * The affidavit stated that on 7
July 1937, two months after he became Director of the
Bureau of East Asiatic Affairs, the Marco Polo Bridge
Incident broke out. Japanese forces entered Nanking about
13 December. Following that, Consul-General FUKUI returned
to his post at Nanking. His first report to the Foreign
Office was about the atrocities there. This was trans-
mitted to the Director of the Bureau of Military Affairs.
29971 HIROTA, being alarmed about the matter, urged the witness
to take some steps * to suppress such disgraceful deeds.
The witness replied to HIROTA that a copy of the report
had been sent to the War Office, and that he intended to
warn the military against the deeds at the coming liaison
conference.

29972 At that time it was customary that the Chief of
the First Section of the Military Affairs Bureau, Naval
Affairs Bureau, and Bureau of East Asiatic Affairs, sat
at the conference of their respective superiors. The
witness brought forward the problem of atrocities, and
reminded the Chief of the First Section of the Military
Affairs Bureau of the high ideal of the Holy War, and
demanded he take strict measures. * The military delegate
shared his feelings and acceded to his demand. Shortly
after a written report of the Acting Consul-General at
Nanking reached the Foreign Office. It was a detailed
account of the atrocities drawn up by an international
security committee. The witness read the report closely
and reported the outline to HIROTA, and showed it to the
Chief of the First Section of the Military Affairs Bureau,
and repeated the demand. The military delegate told the
witness that a strict warning had already been given to
the Nanking occupation force, and from that time atrocity
cases grew less.

About the end of January, 1938, central army
leaders sent a special envoy to the occupation force at
Nanking. Later it was learned this was Major-General
HOMMA. After that the atrocities were exterminated.

29973 * The telegrams and reports referred to in the
affidavit were not found in the Foreign Office files, but
had been lost. HIROTA, as the witness was told, requested
War Minister SUGIYAMA to take strict measures with regard
to the Nanking atrocities. The witness was told this by
HIROTA, and at the same time made the same request to War
Office authorities.

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DIRECT EXAMINATION OF ISHII
 By Mr. ITO
 Counsel for MATSUI

- 29974 * The witness stated that the telegram from the Acting Consul-General in Nanking concerning the atrocities was written in Japanese. Asked how the term atrocities was rendered in Japanese, he stated no special term was used. By atrocities he referred to the incendiarism and looting in Nanking.
- 29975 * The questions of the Panay and Ladybird were discussed at the Liaison Conference between the Ministries of the Foreign Office, War and Navy. When asked if the despatch of HOMMA to Nanking was not for investigating means to adjust relations between foreign interests and the action taken by the military and to prevent further infringement on foreign interests in the future, the witness replied that he did not know the details of HOMMA's mission but he had heard from the War Department that it was to enforce stricter discipline.
- 29976 * The witness was asked if he were not mistaken in stating that he had discussed problems frequently with the Chief of the First Section of the Military Affairs Bureau and was shown Exhibit 3031, a chart of the Japanese Military Organization in December 1941, which showed there were no first or second sections of the Military Affairs Bureau in the War Office, the witness stated he may have been mistaken to use the words "First Section" but he recalled that the person who held the office was Col. Shibayama Kanashira. * He did not remember the date exactly when he got the report of atrocities but believed it was immediately after the entry into Nanking. He believed the Liaison Conference was one or two days after they received the report of atrocities.
- 29977

CROSS-EXAMINATION BY MR. COMYNS-CARR

Reference was made to the affidavit where the witness said that shortly after the Liaison Conference he received a detailed account in English of the atrocities drawn up by an International Committee. The

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witness was asked if he did not receive a whole series of such reports and he replied yes.

29978 * The witness was asked if although he had stated that the military delegate had told him the atrocities grew less after the warning, if he did not know in fact that from those reports they continued as bad as ever down to the first week of February 1938. The witness stated he did remember that but such cases were much less than on the large scale at the time of the occupation and entry. He did not recall receiving a report dated 2 February 1938 reporting 76 atrocities in Nanking the last four days of January. He did recall receiving a document reporting over 70 such cases but did not remember the date or period of time covered.

29979 * When he spoke of a military delegate telling him that a strict warning had been given to the occupation force, he was referring to Col. Shibayama. He did not hear Shibayama say when the warning was given * but he did not think many days elapsed after this first discussion was taken up in the Foreign Office. He thought it was shortly after the report from FUKUI, after which the question was taken up by the Foreign Office and a Liaison Conference held so he thought it was just a few days after the first Liaison Conference that he gave the warning. He had never heard the date when a warning was sent by the Central Army authorities to the Nanking Army.

29981 * He did not remember whether it was the second or third Liaison Conference when Military Delegate SHIBAYAMA gave him the information. This was soon after he received the first of the reports from the International Committee. The Liaison Conferences were not held regularly but he thought they were held once or twice a week. He took the view that Acting Consul-General FUKUI's report called for immediate action. * The report was transmitted to the Army immediately after its receipt. Two or three days later the witness sponsored a Liaison Conference calling their attention to the matter. The witness thought the Army took the matter up immediately. * Col. SHIBAYAMA did not tell the witness to whom the warning was

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Page addressed. The witness was asked what further steps he took when the reports continued to pour in from the International Committee. He replied that the words "poured in" were used in the question but he recalled that the reports came in one or two bunches.

(The attention of the Court was invited to Exhibit 323)

29984 * When these later reports came in, he had the impression that the warning issued by the army authorities was not thoroughly taking effect but he did not suspect that they had never issued it.

29985 To the witness was quoted an extract from Exhibit 329, wherein a German resident stated that the fateful days of Nanking clearly showed a lack of discipline, atrocities and criminal acts of the entire Japanese Army * and it seemed a mockery to see this bestial machinery appear as a champion of anti-Communism and the renovation and deliberation of China.

Asked if that was the impression produced on his mind when he read the reports, he stated he did not recall the German who had been referred to but the impression he still retained was that the atrocities were very severe.

All the documents forwarded by the Consul, being the reports of the International Committee, were reported to HIROTA.

29986 * The witness did not recall the date HOMMA arrived at Nanking. He did not ascertain who the Central Army leaders were who were responsible for sending HOMMA and he had never heard that anyone was sent before HOMMA to make an investigation.

29988 * At that time the Foreign Office had an Information Bureau where studies of the foreign press were made but he had no connection with that bureau. Asked if the bureau reported to him and HIROTA that the world press was full of denunciations of the rape of Nanking, he replied he received no report to that effect, but received information from time to time from the Information Bureau Chief as to what appeared in foreign publications. He reported that there were many references

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ISHII - Cross

Page to what was called the rape of Nanking. These reports were circulated to the Minister, Vice-Minister and Bureau of Directors * but he did not recall if they were circulated to the Cabinet. He did not recall if a resume of foreign press reports was circulated to the Cabinet but he did think that such summaries were prepared to inform government members. He did not know, however, what the object of the Information Bureau were. He did not recall ever seeing a reference to the Nanking atrocities in the Japanese press, but he did not know whether such items were suppressed. * He did not think the Information Bureau reported as to what appeared in Japanese newspapers.

29989

29990

Asked if HIROTA brought this matter before the Cabinet, he stated he had not heard it was presented to the Cabinet. HIROTA told the witness that he had referred the question to the War Minister. The reports continued to come from Nanking about the continuing atrocities after that. Asked if HIROTA took further steps when he reported this to him, the witness stated that he didn't think HIROTA took up the question with the War Minister frequently, but only once or twice.

29991 * He did not know if HIROTA took it up with anyone else. Asked if this was not a very suitable matter to be brought before the Cabinet Advisory Council on China, the witness stated that was not a body which could take up such a matter.

29992 * HIROTA and the witness had several discussions regarding further steps to stop the atrocities and told the witness frequently to lodge serious warning with War Ministry authorities. They never talked about bringing the question up before the Cabinet. The witness did not regard the Cabinet as a body to discuss such a question for it was not in a position to deal with questions regarding the military in the field.

In his position it was necessary to know something about international law.

0 162 0002 4111

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ISHII - Cross & Redirect

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29993

* He had not heard that any responsible person was ever punished for the atrocities but he thought HIROTA discussed the matter with the War Minister but not that he submitted it to the Cabinet.

REDIRECT EXAMINATION BY MR. YAMAOKA

29995

* The witness was asked if he and the Foreign Office accepted the Nanking reports at face value. He stated that they considered most of them to be facts and generally accepted them at face value. There were many points of duplication between foreign reports which also included reports from the Chinese. The action of the Foreign Office and himself in calling the Liaison Conferences and issuing the warnings was based on this assumption.

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* Asked why they did not take any further steps, he stated that the Foreign Office could not do more than that from the standpoint of the authority it held.

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* Exhibit 3287-A, the affidavit of HAYASHI, Kaoru, showing that the originals and copies of the telegrams and reports referred to in the above affidavit, were lost and could not be found, was received into evidence but not read. From Exhibit 328, telegrams and despatches in the files of U.S. Embassy at Nanking, was read a despatch of Grew, which stated that he had handed a formal note to HIROTA, reviewing the reports of depredations and looting of American property by Japanese forces in China, and presenting the substance of the final paragraph of the State Department's instructions. * Since he had received

29999

from the Department a comment on his oral representations to the Foreign Minister, he assured they were not disapproved and he therefore took an equally strong attitude in his talk with HIROTA. He told HIROTA that the data which he was presenting in the note disproved the reports from Japanese sources that the U.S. was depending upon Chinese information. They were now giving precise dates on which looting had been seen by U.S. citizens. He spoke of the steadily mounting evidence of Japanese depredations which was coming before the U.S. public. The inflammable

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Page effect of this should not be overlooked and U.S. patience was not inexhaustible. He told HIROTA he was increasingly disturbed at the future outlook of U.S.-Japanese relations and asked him for a precise statement in reply.

30000 * HIROTA said the strictest possible instructions had gone out from General Headquarters to all China Commanders to the effect that the depredations must cease, and General HOMMA had been sent to Nanking to ensure compliance. HIROTA said he expected immediate cessation of such looting and authorized Grew to inform the State Department that full indemnification would be made for losses and damages inflicted.

(Reference was made to Exhibit 972-G, the last address by HIROTA in the Diet, 22 January 1938.)

30001 * Exhibit 3288, the answer of Foreign Minister HIROTA before the House of Representatives Committee on the Budget, on 29 January 1938, stated that as to China's future, Japan hoped for a government to carry out an anti-Communism policy while continuing cordial relations with Japan; he wanted to help the regeneration of the Chinese.

Japan had not the slightest idea to establish a government and separate it from the rest of China. The unification of all China was necessary for its integrity.

30002 * Exhibit 3289, a statement by HIROTA before the House of Peers Budget Committee on 4 March 1938, stated that HIROTA thought it would be well if in the future there was an opportunity for the powers to discuss naval disarmament.

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ARITA - Direct

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30003

* DIRECT EXAMINATION OF ARITA, Hachiro
BY MR. YAMAOKA

The witness identified and verified Exhibit 3290 as his affidavit.

30005

* The affidavit stated that the witness was Foreign Minister in the HIROTA Cabinet from 2 April 1936 to 2 February 1937 and later was Foreign Minister in the KONCYE and HIRANUMA and YONAI Cabinets. HIROTA was appointed State Councillor in the YONAI Cabinet. The system of State Councillors had been established during the first Konoye Cabinet. The succeeding HIRANUMA Cabinet retained the system but when the YONAI Cabinet was formed, three or four Councillors resigned because they disagreed with his policies. MATSUOKA was among those who resigned. His appointment was considered to be due to his diplomatic experience, * and YONAI asked for the witness' views in choosing a man to succeed MATSUOKA. He recommended HIROTA, who was considered to have opinions contrary to MATSUOKA's and he was appointed State Councillor in March 1940. He was recommended because he was of sound diplomatic opinions and against the conclusion of the Tripartite Pact.

30006

The YONAI Cabinet resigned in July 1940 and the second KONOYE Cabinet was formed. The Tripartite Pact was concluded shortly after. The witness used to call on HIROTA to exchange views on diplomatic problems. After the conclusion of the Tripartite Pact, he had a talk with HIROTA in which HIROTA reiterated his opinion against the Pact, saying he could not understand its necessity. The most important thing should have been termination of the China Affair and the Pact would cause grave reaction on the part of the U.S. and Britain. * China would take advantage of this state of affairs and the settlement of the China Affair would become more difficult. He pointed out that so far, Japan had been able to keep its economy through friendly intercourse with Britain and the U.S. but if she fell into strained relations with them, future economic development could be expected. He pointed out the possibility

30007

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Page of an undesirable change of Soviet attitudes and expressed his deep anxiety on the disadvantageous effect the Pact might have. HIROTA told the witness that when the Cabinet called a meeting of the senior statesmen to report on the Tripartite Pact immediately after its signing, MATSUOKA was the principal speaker and explained the Pact for about two hours. HIROTA told him that he put several questions * but MATSUOKA only answered that it was a matter of opinions and no convincing replies were obtained.

30008

The witness remembered a meeting with HIROTA on 16 April 1941 when he revealed his feelings that the course of the Cabinet foreign policy seemed very dangerous. The opinion gained in influence that it would be more desirable to choose the Premier from among active or retired generals who could exercise strong control over the Army because they expected the military might become more prudent. HIROTA set forth a similar opinion in their frequent meetings.

30009 * DIRECT EXAMINATION BY MR. BROOKS
Council for KOISO

The witness was shown Exhibit 2214, an ITAGAKI KOISO radio interview, which purported to include statements by ARITA.

30012 * The witness stated he did not recall making any statements of that nature. Asked if he recalled talking to anyone that could have transmitted these to Germany, he stated that he had had occasion to talk with members of press agencies * but he had no recollection of saying anything relative to the subject matter in this document. He could not explain why his name appeared in the document.

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30014 * CROSS-EXAMINATION BY MR. CCMYNS-CARR

Reference was made to the affidavit of the witness where he said he recommended HIROTA as a State Councillor because he knew he was against the Tripartite Pact. He was asked if on 10 August 1939, a few days before the HIRANUMA Cabinet's resignation, resignation was under discussion and also if there was

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ARITA - Cross

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discussion as to the next Premier. He said he had no knowledge whether there was any indication regarding the resignation toward the end of August.

30015 * The witness was asked if on 10 August he met HIROTA and told him that in a Five Ministers Conference, HIRANUMA stood up and said that the War Minister came the other day and explained the Army proposal. Since the HIRANUMA government had recognized the necessity of a treaty, they had done their utmost, although War Minister ITAGAKI says that this Army proposal was not a hindrance, HIRANUMA could not think of it as such. HIRANUMA asked all the Cabinet members questions. The contention of the Army was that the situation required a military alliance. Its first step was to follow the pre-arranged plan. If this could not be done, the second step, being the conclusion of a military alliance, was to be followed. The witness stated he did not have any definite recollection as to saying this to HIROTA on that date.

30016 * He did not know that between the 10th and 12th of August 1939, HIROTA told KONOYE that his opinions on the question of an alliance were very similar to the Army's. He did not know that for that reason KONOYE recommended HIROTA as the next Premier.

30019 * Exhibit 329i, the affidavit of YONAI, Mitsumasa stated that the affiant was Premier from 16 January 1940 to 22 July 1940. HIROTA was State Councillor in his Cabinet. One day they had a talk in which HIROTA told him his opinions on foreign policy. At that time a German-Italian Alliance was being advocated by some Japanese. HIROTA stated that the safer course was to keep contact with Britain and the U.S. and the Cabinet should make the conciliatory attitude clear as soon as possible. HIROTA pointed out that Japan might be involved in the war * if she concluded an alliance with Germany and Italy, and professed that he was absolutely against the conclusion of the Tripartite Pact.

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State Councillors, however, had no competency to participate in a government decision and were not responsible for it.

0 162 0002 4116

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MATSUDAIRA - Direct

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30020 * DIRECT EXAMINATION OF MATSUDAIRA, Yasumasa
BY MR. HANAI

The witness identified and verified Exhibit 3292 as his affidavit.

30025 * The affidavit stated that the witness was Chief Secretary under Lord Keeper of the Privy Seal KIDO from June 1936 to November 1945, and learned many things ex-officio from the Lord Keeper or others as to the progress of the senior statesmen's meeting and the State Councillors held in the presence of the Emperor. He often had opportunity to call on HIROTA by the orders of the Lord Keeper or to sit with him at various meetings. In most of these cases, he told the witness with regard to the Cabinet that there was a necessity of adjusting the eccentric way of the military and there was no other way but to have military leaders occupy responsible positions and assume * the helm of state with a strict control over the military, and that civil statesmen lacked such capacity. As to the Imperial Headquarters, its constitution should be enlarged by appointing senior statesmen to its staff instead of constituting it exclusively with military and naval officers.

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DIRECT EXAMINATION BY MR. HOZUMI
Council for KIDO

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Reference was made to the affidavit where the witness stated there was no other way to adjust the eccentric ways of the military than to have military leaders occupy responsible posts. Asked if HIROTA was one of the senior statesmen when he expressed this opinion, the witness said that he heard from HIROTA as such. * At that time the witness was Chief Secretary to Lord Keeper KIDO and he reported HIROTA's opinion to KIDO. He had met HIROTA prior to the statesmen's conference on 17 October 1941 and knew he entertained this opinion.

The witness did not recall whether KIDO only listened to HIROTA's opinion or spoke of it.

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30032 * Exhibit 3293, the affidavit of Tadeusz Romer, stated that the affiant was Polish Ambassador to Japan from 2 November 1937 to 4 October 1941. His personal relations with HIROTA dated from the time he was in such post. It was during HIROTA's term as Foreign Minister and largely owing to him that on 1 October

30033 1937 the Polish and Japanese Legations * were raised to Embassies. He had opportunity to meet HIROTA more frequently than other diplomatic representatives and of conversing with him on current political matters. From the notes he took on their conversations, he quoted one dated 21 January 1941, which he later communicated to Ambassador Grew. The note stated that the affiant gathered confidentially from HIROTA

30034 that HIROTA judged MATSUOKA's policy with the utmost * severity. According to HIROTA, Japan, by her hasty and thoughtless access to the Axis, pointlessly deprived herself of all freedom of manoeuvre. She was being forced down a dangerous slope and may suddenly find herself in a war against the U.S.

A note dated 30 January 1941 regarding a conversation with HIROTA and LATHAN, the Australian Minister, stated that from HIROTA's reaction to the affiant's picture of the Japanese political situation he could deduct that HIROTA shared his views and was definitely critical of the government's policy. He agreed that a war with the U.S. would be fatal.

30036 * Exhibit 3294, an excerpt from the Grew Diary, dated 1 February 1941, stated that it was known that ARITA had been interpellating Foreign Minister MATSUOKA for days on end. It was known that HIROTA had said that MATSUOKA was following a foreign policy fatal to Japan, and that according to several Diet members, assurances had quietly been given by the Government that a policy aimed to avoid a clash with the U.S. would be followed.

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OPENING STATEMENT BY MR. MATTICE.

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Exhibit 3296-A, an excerpt from the pamphlet entitled "Construction of New Manchuria and Mongolia" showed those present at a discussion meeting of Japanese and Chinese notables under the auspices of the Asahi

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Newspaper at Mukden on 11 January, 1932. * Ambassador YOSHIZAWA had his statement read to the group, as he was unable to attend.

In the statement, he said that military activities in Manchuria seemed to be settled generally. The important problem was future construction of Manchuria and Mongolia, and it required the people to give their best effort. Japan was playing a part in international economic life and her diplomacy in international relations was similar, and she must therefore settle the problems of Manchuria and Mongolia.

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* TAKEUCHI, Chief of the Asahi Mukden Office, stated that Manchuria and Mongolia were emerging into a new construction era. It was the newspapers' responsibility to report the opinion of influential people, and they had invited them to hold this discussion in connection with Manchuria's and Mongolia's construction. For convenience sake, the topics would generally be divided into politics, diplomacy, economy, military affairs, national defense, thoughts, and culture.

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* About remedial measures, they believed not only the problems of the new regime or of a new independent nation, but also the problem of unifying the Japanese organs in Manchuria, was the central issue at present. Therefore, TAKEUCHI stated that they would first like to hear from the Chinese.

Mr. Yu, (Director of the District Autonomy of Mukden Provincial Government) stated that the most important thing was respect for public opinion. The best thing was to construct a new nation.

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Mr. Ting, (Chairman of the Northeastern Communication Committee), said he was of the same opinion. * Lieutenant-colonel ISHIHARA, Kanji, (Staff Officer of the Kwantung Army), stated he thought that it would be best if the Chinese notables had such wishes.

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Page TAKEUCHI then asked what sort of a national constitution and administration should the new independent nations of Manchuria and Mongolia conform to. Mr. Yu replied that a constitutional monarchy was better.

ISHIDA, (Director of the Mukden Newspaper), stated he believed it would be well to establish an administration as a result of conferences based upon public opinion. It was premature then to express opinions about a monarchy or republic. He was still anxious as to whether or not the independent nation would actually be realized. This question came before the question of the form of administration.

30069 * TAKEUCHI said that the next problem was probably whether the new Manchuria-Mongolia independence should have the administration division of the four Northeastern Provinces, or have six provinces by making the Harbin Eastern Province Special District and the territory of Mongolia additional provinces.

Mr. Yu said there were many arguments whether to make the provinces small or leave them as they were. Last year the Nanking Government held discussions on whether they should create 24 or 50 odd provinces. While the problem could not be settled immediately, autonomy was necessary, and if it were not carried out satisfactorily no nation could carry on. He hoped Mukden would be made its model.

30070 * TAKEUCHI asked where the basic policy lay in the present autonomous system of Mukden. Mr. Yu stated that though the district autonomy system had been established generally for many years, it had not been thoroughly effective due to internal disturbances. It was urgent to restore the former system. The new autonomous policy of Mukden had the principle of good government and the rule of right as its slogan. He could not agree to adopting the electoral system in view of past evils in China. The aim of autonomy was to create a land of ease, by allowing

30071 * the people to have security and lessening the gap between rich and poor.

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DIRECT EXAMINATION OF OZAWA, Kaisaku,
by Mr. Yamada.

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* The witness identified and verified exhibit 3297 as his affidavit. * The affidavit stated that the accused, ITAGAKI of the Kwantung Army, was not a member of the preparation committee, nor had anything to do with the establishment of the Kyowakai, (Concordia Association).

There was no Cross-Examination of the witness, but the attention of the Court was directed to exhibit 731.

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KOKUBU - Direct

Page DIRECT EXAMINATION OF KOKUBU, Shinichiro,
by Mr. Banno.

30078 * The witness identified and verified exhibit
30081 3298 as his affidavit. * The affidavit stated that about
5 November 1937, the witness left his post as staff officer
of the Kwantung Army and was appointed a 5th Division staff
officer under Lieutenant-General ITAGAKI, retaining this
post until about 15 June, 1938, when the witness was
transferred to the post of Senior Adjutant of the War
Ministry. Just before this, ITAGAKI left the command of
the 5th Division and became War Minister. The witness
remained in his post until about 1 August, 1939.

30082 * The 5th Division, after taking part in the
Taiyuan battle, was ordered to Paoting in Hopei Province,
remaining there from November 1937 to January 1938. It
was afterwards organized into the Second Army, which was
in the Tsin-Pu Railway area. From mid-January 1938 to the
end of March, the division was along the Kiao-Tsi Railway,
and after 30 April participated in the Hsuehchow campaign.
The 5th Division was thus moving toward Paoting from
Shansi Province when Nanking fell on 13 December, 1937,
and at Paoting ITAGAKI and staff were informed of the
city's fall for the first time. Needless to say, the off-
icers and men of the 5th Division under ITAGAKI had nothing
to do with the Nanking Affair.

30083 * ITAGAKI was particularly desirous of enforcing
discipline and gave strict warning against any unjust
action against the Chinese. His policy was to punish
severely, according to military law, any guilty man. He
attached importance to the responsibility of commanding
officers, and reprimanded such officers when they neglected
their duties in enforcing discipline. He was also deeply
concerned about discipline of other units, and did everything
to bring out the true quality of the army and maintain its
prestige.

30084 Because of his long years in China, ITAGAKI was
regarded as an authority on China. He was well versed in
Chinese affairs, and had a deep affection towards the
Chinese people. On one occasion, surrendered Chinese
soldiers and captured bandits were not left to the disposal
of his subordinates, * but were brought to ITAGAKI directly
when possible, and he would personally question them with
courtesy. After the capture of Taiyuan, he prohibited the
soldiers from lodging in the city, and took precautions
against illegal action against the properties of the local
people.

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To further materialize and practice the Imperial messages to the soldiers to cope with situations in the field. ITAGAKI always maintained it was important to distribute among all officers and men such instructions as "Battlefield Code" (exhibit 3069). The fact that this code was published later based on his suggestion was proof of ITAGAKI's fine character.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

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 FURUNO - Direct

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Page DIRECT EXAMINATION OF FURUNO, Inosuke,
 By Mr. Banno.

30085 * The witness identified and verified exhibit
 30087 3299 as his affidavit. * The affidavit stated that the
 witness was formerly president of the Domei News Agency.
 He first became acquainted with ITAGAKI shortly after World
 War I, at Peking, where ITAGAKI was assistant to the
 Military Attache.

30088 In April, 1938, the witness was preparing for a
 business trip to Peking, when KONOYE had a talk with him
 and told him that the Sino-Japanese Incident had become
 serious in spite of the government's localization policy.
 KONOYE said he thought it was urgent to change present
 policies to cope with the situation. To achieve this,
 * the Cabinet must be reformed, and War Minister SUGIYAMA's
 successor must be one who could carry the localization
 policy out with enthusiasm. He thought ITAGAKI was well
 qualified, and he knew privately that the military also
 favored him. Since KONOYE knew the witness was well
 acquainted with ITAGAKI, he asked him to visit him in
 North China and hear ITAGAKI's opinion about settling the
 China Incident and as to his intention in case he was
 recommended as War Minister.

30089 The witness consented to this request and met
 ITAGAKI in Shantung. When the witness asked ITAGAKI's
 opinion as to settling the Incident, he said very earnestly
 that they must reach a peaceful conclusion, withdrawing
 the entire forces from China as soon as possible. * He
 stated he was not qualified for the post of War Minister,
 as he was a junior in the army, and since he had long
 served in the line of supreme command he was uninformed as
 to administration matters.

The witness thought, however, that ITAGAKI's
 acceptance or refusal would depend chiefly on the army's
 attitude and KONOYE's enthusiasm. The witness reported
 the talk to KONOYE by telegram, and on reaching Tokyo gave
 a further account and suggested that ITAGAKI had a strong
 desire for the entire withdrawal of the military forces and
 a peaceful settlement of the Incident.

CROSS-EXAMINATION BY JUDGE NYI.

30090 * When asked if ITAGAKI had caused any troops to
 be withdrawn after he became War Minister, the witness
 stated that troop withdrawal would take effect after peace
 negotiations were successful, but military matters were
 beyond the province of the witness.

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Page The witness knew that after ITAGAKI became War Minister, the war in China intensified and extended to middle and south China. Asked if he kept an interest in ITAGAKI's speeches and activities after he became War Minister, the witness stated he did not give particular attention to ITAGAKI after he became War Minister. He gave his attention to general conditions.

30091 The witness was in Japan the last part of June, 1938. Asked if he knew that ITAGAKI, in an interview with Domei News Agency on 26 June, 1938, stated that Japan * should be prepared to fight for ten more years and he asked for popular support, the witness stated that he had no recollection of that, but it was possible ITAGAKI said it.

30092 When handed exhibit 2197, the witness stated it was an English news item in the Japan Advertiser. As English newspapers not only printed stories by Domei, but also translations of items appearing in vernacular newspapers of Tokyo, he could not say whether this was a Domei issue. * Since military operations were then continuing, responsible military persons made public and official statements that the fight must be intensified, but at the same time there were uninterrupted efforts to bring about peace between Japan and China.

30094 * Exhibit 3300-A, an excerpt from the KONOYE Memoirs, stated that as soon as KONOYE formed a Cabinet the Marco Polo Bridge Incident broke out. Despite the policy to localize the affair, hostilities spread to the entire North and to Central China. During that time the army attitude was unreliable, and the remarks of War Minister SUGIYAMA were inconsistent. Embarrassed by the state of things, it was necessary for KONOYE to get a War Minister who was able to follow the localization policy advocated by Lieutenant General ISHIHARA, Kanji, of General Staff Headquarters. KONOYE proposed to the army that ITAGAKI, whose ideas were generally similar to ISHIHARA's, enter the Cabinet as War Minister. UMEZU, however, demanded as a condition that TOJO be appointed Vice-Minister. With this condition, KONOYE succeeded in changing the Minister of War.

30095 Exhibit 3300-B, an excerpt from the KONOYE Memoirs, stated * that when Nanking fell toward the end of 1937, peace negotiations were started with the Nanking Government through the good offices of German Ambassador Trautman.

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30096 The negotiations started on the basis of Japanese proposals, but the Nanking Government kept delaying replies * until 10 January, and it finally resulted in their announcement that they would no longer deal with Chiang Kai-shek on 16 January. In effect, this statement was that Japan would no longer negotiate with the Kuomintang Government, but would wait for a new cooperative Chinese Government with which negotiations could be made. The announcement had no good result, and KONOYE confessed it was an utter blunder. He had a number of attempts made to straighten out estranged relations, without success.

30097 On 3 November 1938, another statement was issued that if the Kuomintang Government should drop its anti-Japanese policy and try to establish a new order, Japan would not refuse to listen. For these ten months there were no communications with the Chungking Government. On 22 December, KONOYE made another announcement and pointed out that Japan sought neither territory nor reparations, * but perfect harmony.

 Exhibit 3300-C, an excerpt from the KONOYE Memoirs, stated that when the China Incident broke out, the Cabinet and Army followed a policy to localize it, but in reality it steadily assumed serious proportions. At that time the Army Chief of Staff was Prince KAN-IN, Vice-Chief was TADA, and Chief of Operations Department was ISHIHARA, Kanji, while SUGIYAMA and UMEZU were most prominent in the Army.

30098 * The year before, when KONOYE asked ISHIHARA why the China Incident had assumed such serious dimensions despite the fact that he had advocated localization, he replied that he was betrayed by those who ostensibly supported him while they secretly planned otherwise.

Page DIRECT EXAMINATION OF YAMAWAKI, Masataka,
by Mr. Banno.

30098 * The witness identified and verified exhibit
30101 3301 as his affidavit. * The affidavit stated that on
19 December, 1938. he was transferred from the post of
Chief of the General Affairs Department and became War
Vice Minister until mid-October, 1939. Subsequently he
took over command of the 3rd Division in Central China.

30102 * ITAGAKI was War Minister when the witness became
Vice Minister. At that time ITAGAKI told the witness his
fundamental principles of administration. These were that
Japan and China should not quarrel, but should cooperate.
They must devote themselves to bringing about peace.
Toward foreign countries, they should adjust diplomatic
relations and promote friendship, and toward the Soviet
they must gain a sense of security from the standpoint of
defense and remain calm. Military discipline should be
enforced and army unity tightened, and they should try to
increase national strength, taking into consideration that
peace with China might not be realized immediately.

30103 * In establishing peace with China, ITAGAKI
approached the problem broadly, his basic idea being
mutual respect for sovereignty and cooperation in culture
and economy. The so-called Konoye Three Principles of 22
December, 1938. were synonymous with ITAGAKI's intention,
and he made every effort to carry them out.

He cooperated with KONOYE, who was seeking
cooperation with Shoo-i and Wu Pei-fu, and shared enthusiasm
with Wang Ching-wei and the rest of the Kuomintang officials
in their hope to set up a new Central government consisting
of both Wang Ching-wei and Chiang Kaishek.

30104 ITAGAKI was for strengthening the anti-Comintern
Agreement on the grounds that Japan might be free from
international isolation through close cooperation with
Germany, and Germany might be induced to act as intermediary
in peace with China; at the same time the Soviet threat
might be mitigated.

According to information given the witness by
ITAGAKI, Japan's basic condition regarding the pact was
that the Soviet was the primary object, but Britain and
France might also become objects if the situation changed.
In the latter case, whether Japan would give armed assistance
to her allies depended upon the circumstances. To the outside
world, this new agreement would have to be explained as an
appendix to the anti-Comintern Pact.

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30105 In utilizing it for political purposes and in spite of her knowledge that Japan could not afford to participate in an armed conflict, Germany maintained that Britain and France were outwardly the object of fighting and refused to assent to secret clauses. Many days elapsed without definite conclusion, and in the meantime government officials argued to reach a happy medium by changing the words of the Pact without affecting Japan's basic conditions. * Difficulty was added to concluding the Pact because Germany began to doubt Japan's sincerity.

The Army wished its speedy conclusion to attain peace with China and insure security toward the Soviet. Some in the Army even maintained that outwardly it might be unavoidable to conclude the agreement unconditionally, if that would help Germany to understand Japan's sincerity.

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* At a Five Minister's Conference on August 8, 1939, ITAGAKI stated that to conclude the agreement, the army considered it unavoidable to make certain changes in its form. Since it was impossible to change established policy, he would try to conclude the agreement in line with that policy. If Germany did not meet their terms, he would take the political responsibility.

30107

This is what the witness was told by ITAGAKI after the conference. Regarding the blockade of the British concession in Tientsin on 14 June 1939, local negotiations were in progress since the matter was connected with the North China Army. On 20 June, Ambassador Craigie proposed to have the Japanese-British conference transferred to Tokyo, but local military authorities did not favor this * and an anti-British movement was in the making and rightist-led riots were feared. In spite of this, ITAGAKI consented to the British proposal, hoping it would prove Japan's true intention to bring the negotiations to a successful conclusion and also be a step toward peace with China.

CROSS-EXAMINATION BY JUDGE NYI.

The witness stated that ITAGAKI acted as he had already stated in his affidavit with regard to the methods he employed to bring about peace with China. The witness did not know that there was a special committee on China Affairs under the Five Minister's Conference to work out important stratagems in connection with China.

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 DEFENSE - ITAGAKI
 YAMAZAKI - Cross

- Page He knew that Tang Shoo-i and Wu Pei-fu were approached in connection with the peace movement. Asked if this was entrusted to the Committee on China Affairs, he stated that he knew DOIHARA was engaged in such work then, but he didn't know what kind of a committee existed. He didn't know if leading personnel were sent by the Army to work on Tang Shoo-i and Wu Pei-fu, although he was Vice Minister at that time. * He didn't know who was sent with DOIHARA to work on Tang and Wu. He knew only of DOIHARA and his activity. He recalled that Wu was in Peking when DOIHARA went to China, but did not remember what Tang was doing. Both were retired. He didn't know who sent DOIHARA to work on Tang and Wu.
- 30109
- 30110 * Asked if it was one of the strategies advocated to work on retired Chinese statesmen and generals like Tang and Wu to bring about the self-destruction of the then existing government, he stated that may have been one of ITAGAKI's methods to attain the ideal he held in connection with relations between the two countries, but he didn't know whether anything of this nature was calculated to bring self-destruction to the Chinese Government or bring about a peaceful settlement. He had some recollection of an agency established in the spring of 1930 for carrying on work of this sort, but didn't recall if it was named the DOIHARA Agency.
- 30111 He recalled having communication with DOIHARA. * Asked if he was fully informed of the developments of the Agency's work in China, he stated that all he knew was that DOIHARA was in communication with Wu. He did not know whether he was informed of DOIHARA's work on Wu and another.
- 30112 He did not recall whether DOIHARA contacted Wang Ching-wei * or any representatives of Wang. The witness was handed a document, but didn't recall if it was a telegram sent to him as Vice Minister, but still didn't remember if DOIHARA contacted others than Wu. Telegrams of this nature were addressed to the Vice-Minister, but their actual disposition was handled by various sections and bureaus.
- 30113 * The witness gave his opinion on important matters to the War Minister, and ITAGAKI himself consulted the witness on important matters. With regard to other detailed matters, he was too busy to handle them all. Because of this, he didn't recall or know anything about such cases. * The witness admitted that the document referred to matters other than the Wu Pei-Fu project.
- 30114

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NARRATIVE SUMMARY OF THE RECORD
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DEFENSE - ITAGAKI
YAMAWAKI - Cross

Page 4730

Page Exhibit 3302 a secret telegram dated 22 April, 1939, from the DOIHARA Agency to DOIHARA and Vice-Minister YAMAWAKI, stated that according to the conference of that day * between Chou and Ting, special service activities in Shanghai were left to Ting. Understanding had been reached that the activities of Fu's faction would be confined to intelligence.

30115

There were arrangements regarding residence, etc. if Wang Ching-wei was to come to Shanghai, and they would like to get the approximate date beforehand. Both Chou and Mei are of the opinion that the time was not yet ripe for Wang Ching-wei to visit Shanghai.

30117

* The witness did not recall whether ITAGAKI spoke firmly on KONOYE's three principles when HIRANUMA succeeded KONOYE as Premier in January, 1939, nor did he recall if ITAGAKI promised to remain in the HIRANUMA Cabinet on condition that HIRANUMA accepted his seven points, including the continuance of the KONOYE statement of 22 December. He had no recollection as to the first three of the seven points, which were described to him.

30118

* At that time the witness had just come in as Vice Minister, but he had no exact recollection of the conditions under which the War Minister wanted to stay at that post. The witness was dispatched by ITAGAKI as his proxy to Cabinet headquarters to reply formally to ITAGAKI's acceptance to remain as War Minister, but he didn't recall the other conditions of his remaining in that position.

30119

* A document was shown the witness on which he saw the seven conditions and his own name at the end of the article. Asked if he recalled that HIRANUMA accepted all ITAGAKI's conditions and reminded that this was the mission that he was entrusted with to tell HIRANUMA that ITAGAKI had accepted, the witness stated that he was unable to see HIRANUMA and left something in writing. He had not read the contents and did not know what the document contained, but he left with SHIONO the conditions for ITAGAKI's acceptance. He had read the contents, but did not recall whether the contents of that document contained the points mentioned in the document beforehand.

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NARRATIVE SUMMARY OF THE RECORD
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YAMAWAKI - Cross

Page Exhibit 3303, an excerpt from the 6 January 1939
 30120 issue of a Tokyo newspaper, stated * that War Minister
 ITAGAKI, upon HIRANUMA'S request, called on HIRANUMA and
 30121 * was asked to remain as War Minister. After revealing
 army requests, ITAGAKI left. The points requested by the
 army and revealed to HIRANUMA by ITAGAKI were, 1, with
 regard to the China Incident, the aims of the Holy War
 should be achieved; the declaration of 22 December on
 China policy should be entirely adopted; 2, to cope with
 new circumstances, the plan for national defense should
 be established and the preparation and expansion of arma-
 ment should be the aim; 3, Relations among Japan, Germany,
 and Italy should be strengthened; 4, the system of total
 30122 * mobilization should be enforced, and the Planning Board
 expanded; 5, Efforts should be made to increase produc-
 tivity; 6, National morale should be stimulated; 7, Trade
 should be promoted.

ITAGAKI sent Vice Minister YAMAWAKI as his
 proxy to Cabinet Headquarters to reply formally his
 acceptance to remain as War Minister. The witness stated
 that ITAGAKI took steps to enforce military discipline,
 30123 supported and assisted by the witness. * ITAGAKI took
 personal interest in enforcing discipline.

The witness stated that he became Vice War
 Minister at the time of the KONOYE declaration of 22
 December, 1938. He thought TOJO took office as Vice War
 Minister when ITAGAKI became the Minister. The witness
 30124 replaced TOJO later. * The witness stated that his views
 coincided with ITAGAKI'S principles.

* He thought an order was issued by himself to the
 30125 armed forces for the direction and control of speech and
 30126 action. * In connection with this order, he distributed a
 book entitled "The Situation of the Army Unit and Army Man
 Returning from the Disturbance Area". This book contained
 examples of the speeches and statements of returning
 soldiers, which the army sought to control. The book was
 top secret, and carried the notation that reproduction was
 prohibited, and it was to be handled with extreme care to
 prevent leakage.

Exhibit 3304, entitled "Army Records of the China
 Incident", 1939, stated that one example of a speech where
 care was necessary was a soldier's statement that the thing
 he liked best during battle was plunder. * Other statements
 30128 were that in the front lines superiors turned a blind eye
 to plundering, and some plundered to their heart's content.

NARRATIVE SUMMARY OF THE RECORD
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DEFENSE - ITAGAKI
YAMAWAKI - Cross

Page Discipline was strict in the peacetime army, but in the battlefield it could not be so. Many conscientious workers fell early in the battlefield. At XX they captured a family of four, and played with the daughter as they would with a harlot. Since the parents insisted the daughter be returned, they killed them and continued to play with the daughter, and then killed her.

30129 One company commander instructed that as for raping, in order not to have problems, pay them or kill them after they had finished. * If the army men were investigated, they would probably all be guilty of murder, robbery, or rape.

Another soldier's statement was that in the half a year of battle, about the only things he learned were rape and burglary. Other statements were that in the battlefield, they thought nothing of rape. Some men resisted with firearms when discovered by military police in the act. Many men got souvenirs of precious stones, metals, etc.

30130 The army used many spies, but after they became unnecessary they were killed. * Plundering in the battle area was beyond imagination. Pacification was being practised in only a small part of the occupation area. Chinese prisoners were sometimes lined up and killed to test the efficiency of a machine gun.

REDIRECT EXAMINATION BY MR. BANNO.

30132 * The witness stated that the Military Service Section of the Service Bureau prepared exhibit 3304. When asked to tell the purpose of the document, he stated that soldiers returning from the front to their homeland took special pride in speaking loudly and publicly on matters relating to discipline, and often exaggerated a few facts and rumors. They took pride in talking of matters of a secret nature, and exaggerated gossip.

30133 * The document was issued to prevent baseless rumors, and in the document were examples of this exaggerated gossip. * Another part of the document was read, 30134 which stated that the order was repeated to raise the army's military reputation and insure that nothing would impair the object of the Holy War.

30135 * The witness stated that matters pertaining to military discipline and morals were customarily handled as top secret.

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NARRATIVE SUMMARY OF THE RECORD
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DEFENSE - ITAGAKI
YAMAWAKI - Redirect

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Page REDIRECT EXAMINATION BY MR. KATA,
Counsel for DOIHARA.

30136 * Reference was made to exhibit 3302 where it stated that it was from Major HARUKI of the DOIHARA Agency to the Vice Minister and to DOIHARA. The witness was asked what it meant by stating that it was to DOIHARA. He stated that because HARUKI and DOIHARA were at different places, the document was sent to the War Ministry to him. He did not recall if at that time DOIHARA had been appointed Commander of the 5th Army and was in Tokyo, but he believed it was sent to the War Ministry with the request it be communicated to DOIHARA.

30137 He didn't recall when DOIHARA became 5th Army Commander. * Colonel KAGESA was in China at that time, but he didn't recall whether he was occupying the building
30138 formerly used by the DOIHARA Agency. * He didn't remember if this telegram was sent after DOIHARA had left Shanghai by the KAGESA Agency.

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 October 6, 1947
 DEFENSE - ITAGAKI
 OKADA - Direct

Page 4734

Page DIRECT EXAMINATION OF OKADA YOSHIMASA,
 by Mr. Banno

30147 * The witness identified and verified exhibit
 30149 3305 as his affidavit. * The affidavit stated that the
 reason War Minister ITAGAKI made peace efforts with Wu
 Pei-hi was to bring about a Sino-Japanese peace as
 quickly as possible, and he tried to persuade the Chinese
 by establishing peace societies in North and Central
 China. This found response in Yen Hsi-shan in Shanshi
 Province, who in answer to general public feeling, began
 30150 to express * his desire for peace. He dispatched Major-
 General TANAKA, Ryukichi, Chief of Staff of the First
 Army in Shansi, as liaison.

In 1940, TANAKA reported the situation to General
 Headquarters. ITAGAKI in China supported the negotiation
 and instructed the North China army frequently, sending
 staff members to work for a general peace. The negotiations
 bore fruit after Chief of Staff USHIROKU was appointed, and
 the meeting between Yen Hsi-shan and the First Army commander
 was brought about. This was really due to the motive
 power applied during ITAGAKI's tenure.

30151 The movement for peace negotiations in Hong Kong
 toward Chungking went on from the spring to the summer of
 1940. Lieutenant-Colonel SUZUKI, Takuji, military attache
 at Hong Kong, negotiated with Sung Tsu-chich, who was
 thought to * represent Sung Tzuwen of the Chungking faction.
 Not only the Supreme Commander in China and Imperial
 Headquarters recognized this, but the latter sent Section
 Chief USUI to Hong Kong to assist. The first step in the
 negotiations progressed to the discussion of fundamental
 problems, and final decision was to be made between the
 proper delegates at Changsha.

Chief of Staff ITAGAKI was expected to be the
 Japanese delegate, and plans were made for the negotiation,
 but it was finally suspended by the Chinese proposal.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

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NARRATIVE SUMMARY OF THE RECORD

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SAWADA - Direct

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30155

Exhibit 3306, a certificate of instructions, stated that the original of the orders "Removal of the South China Area Army from the Order of Battle of the China Expeditionary Force etc." had been destroyed and was no longer in existence.

DIRECT EXAMINATION OF SAWADA, SHIGERU,
by Mr. Banno.

30156

30157

* The witness identified and verified exhibit 3306-A as his affidavit. * The affidavit stated that the witness was Vice-Chief of the General Staff from October 1939 to November 1940, and during his tenure Headquarters had to take the Army for South China away from the command of the C-in-C of the China Expeditionary Force.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

NARRATIVE SUMMARY OF THE RECORD

October 7, 1947
DEFENSE - ITAGAKI
IHARA - Direct

Page DIRECT EXAMINATION OF IHARA, Junjiro,
by Mr. Sasagawa.

30159 * The witness identified and verified exhibit
30160 3307 as his affidavit. * The affidavit stated that the
witness was Chief of Staff of the Korean Army from 9 July
1942 to 10 February 1945, and Chief of the 17th Area Army
and the Korean District Army from 11 February, 1945, to
the end of the war.

30161 "When he arrived at his post as Chief of Staff of
the Korean Army, it had been decided that one thousand
POWs should be kept in Korea. Before the POWs arrival,
the camps were either newly built or reconstructed. The
principal camp buildings were about 500 meters from Army
Headquarters. The building was of brick, and was rebuilt
for more suitable living. * The surrounding area was
quiet and healthful.

The Jinsen branch camp was built on a healthful
location, as also was the Konan branch camp. They avoided
crowded places for camps, and they never chose a place for
propaganda purposes or putting affront on POWs. Places of
work for POWs were kept from crowded places in the city.
If the work place was far from camp, they transported them
by cars, trying to protect POW's dignity. The policy was
far from propaganda.

30162 * The report entitled "Reaction of General Public
on the Internment of English POWs" (exhibit 1975) was a
customary report to the War Ministry by the Staff Office.
The reports were not collected by army orders nor by War
Ministry instructions. They were addressed to the Vice
Minister from the Chief of Staff, because it was the
custom. This report was never made public.

Instructions of the Korean Army about treatment
of POWs were according to regulations and other instruc-
tions issued by the government, according to explanations
by the Chief of the POW Management Bureau and other
officials when they visited the camps.

30163 * Punishment was executed according to the War
Prisoners Punishment Law. When they asked the War Minister
for prisoner labor, they made careful investigation so it
would not be against the rules and regulations or humanity,
and they also did not have them work in direct operational
tasks.

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 INARA - Direct

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ITAGAKI, the Army Commander, was concerned about English POW's who were to come to Korea in cold weather and to climatic conditions. Considering that also they must be weak and sick from their long voyage, he instructed his men about the preservation of POW's health and to be careful about the position of the camps and equipment. Both the witness and ITAGAKI examined the buildings and equipment with staff officers. He instructed the camp commander and staff of the intendance corps.

30164

* ITAGAKI often consulted the witness on POW treatment, and gave instructions about their food, clothes, and medical treatment, telling the witness to give them as much nutritive value as Japanese soldiers, but to get them food suitable to their tastes. Their own medical men were allowed to be present and were consulted when they were given medical treatment. The witness stated there were occasions in which the Chief of Staff decided matters on behalf of the C-in-C, as when the commander was absent or met with accident and there were urgent or relatively unimportant matters.

30165

* Asked if in such a case documents were issued under the commander's name without his knowledge, the witness stated it was the practice to report such decisions to the commander, but depending on the character of the Chief of Staff or on the contents of the decisions, there were cases when the chief did not report it.

CROSS-EXAMINATION BY COL. MORNANE.

30166

Exhibit 1975 was handed the witness, and he stated that it was the document he referred to in his evidence * and was a report sent to the Vice Minister on 13 October. The witness was familiar with the document, and its first part dealt with the arrival of POWs in Korea. He agreed that the report contained a statement that the fact that Koreans clearly recognized that they were directly participating in the Greater East Asia war when they saw Korean guards was worthy of special mention. The idea was very successful in driving all admiration for British and Americans out of their minds.

30167

* The witness was shown exhibit 1973, and he agreed that it was a message from ITAGAKI to TOJO dated 23 March 1942. An excerpt from the document was quoted, which stated that the purpose of interning U. S. and British POWs in Korea was to make Koreans realize the true might of Japan and contribute to psychological propaganda for stamping out ideas of worship of Europe and America.

NARRATIVE SUMMARY OF THE RECORD

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 DEFENSE - ITAGAKI
 IHARA - Cross

Page The witness stated he had looked through the document before writing the report, which was exhibit 1975.
 30168 * Another quotation stated that as it would be effective in stamping out Korean admiration for Britain and the U. S. and as the Governor-General and the Army were strongly desirous of it, the Chief of Staff wished one thousand British and one thousand U. S. POWs would be interned in Korea. The War Vice Minister was asked to give special consideration regarding this matter. The witness believed he saw that document at that time also.

30169 * The witness did not recall whether he showed exhibit 1975 to the C-in-C, ITAGAKI. The report was a compilation of the reactions of the public toward POWs taken in Malaya and elsewhere and interned. They did not compile the report calling attention to the purport given in its first part. * The usual practice was to have the commander's approval when they sent a document like this or subsequently refer it to him, but he had no exact recollection whether that practice was followed in this case, but he did not doubt that this was followed.

30170
 30171 They took no steps to bring before the Governor-General the people's reactions to the arrival of POWs, as this was not their duty. When reminded that in a telegram he had stated to the War Vice Minister that the Governor-General desired POWs taken to Korea, the witness stated that his predecessor did not tell him of this telegram, and he didn't know who in the government-general was interested in this information.

30172 * POWS, when they first arrived at Korea, disembarked at Fusan, went by train to Keijo and other places, and some of the reports were as to what happened in Fusan.

REDIRECT EXAMINATION BY MR. SASAGAWA.

30173 The witness was handed a document which he said was received in Tokyo at the War Ministry, * and there was no sign in it that ITAGAKI saw it. The subject of the document was a secondary matter in the circumstances then prevailing, and was not important requiring commandant's perusal.

30175 * Exhibit 3308. a report of investigation by the Red Cross on POW Camps in Korea from the Vice Foreign Minister to the Chief of the POW Information Bureau, stated
 30176 * that the POW camp at Seoul, Korea, was visited 18 December 1942. It had a capacity of 500, there were only 433 inmates. Just before the visit, 100 were sent to Mukden and 11 died.

Page The camp was on dry soil in a healthful spot. The
30177 largest building was a former spinning factory, four
stories high, where POWs were billeted. * There was
sufficient air and light, electric lights, iron stoves,
common wash places, Japanese-style lavatories, and
sewerage.

30178 The ration was described, which amounted to
between 3251 and 3383 calories. The average weight of the
POWs was 61 kg. * There was a canteen which sold tobacco
and a few toilet articles, with some of the latter items
being distributed free. Clothing was for summer use, but
the Japanese government had supplied heavier clothing.
There was an underwear shortage, but Japanese troops were
in the same condition.

There was one Japanese and three POW doctors.
Serious cases went to the military hospital. The medical
places were in good condition. There were thirty patients
of which two were in the hospital.

30179 * There was a playground of 900 square meters, a
small library of English books, an English daily newspaper,
and Sunday services were held. Their money was deposited
at a savings bank, and work was left to the prisoners'
choice. Their pay per day was 10 to 37 sen. They could
send a specified number of letters, but they had received
no incoming mail as yet. No visiting or going out was
permitted. The relations with the commander were good,
and their conduct was fair.

30180 * The Jinsen camp was visited 19 December, 1942.
As in the Seoul camp, with one exception all POWs were
from the British convoy. It was situated in a healthful
spot. The average temperature was 11, one higher than at
Seoul. The building, 6354 square meters of which were used
for the POWs, was built in 1941 and was an army barracks.
There were Russian style brick stoves, washing stands,
and one Japanese and two POW doctors were on duty at the
camp.

30181 * There was a playground and vegetable garden.
There were 58 patients, of which 27 were in the hospital.
The officers wanted to be separated farther from enlisted
men. The POW dentists required dental instruments. The
commandant of both camps was very kind. In other details,
this camp was similar to the camp at Seoul.

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NARRATIVE SUMMARY OF THE RECORD
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DEFENSE - ITAGAKI

- Page The Civil Internment Camp at Koshu was visited
 20 December, 1942. It was situated on a small hill near
 a Korean village. The soil was fertile and the climate
 good. * The building was an American mission house. It
 contained heating apparatus, and in each room were two
 beds. The internees cooked for themselves, and there was
 plenty of food stuff. They were allowed to buy things,
 had plenty of clothing, and there was no restriction on
 correspondence. All were healthy, and there was a hospital
 near by. Books, newspapers, and magazines were provided,
 and they were well treated by government officials, and
 relations with them were good.
- 30182
- 30183 * The officials were cordial, and were helping
 the Japanese Red Cross generally.
- 30184 * Exhibit 3309, a report of talks between a
 Red Cross representative and POW representatives in the
 presence of * Japanese camp officials, showed that one
 POW told him they were grateful for the relief supplies
 they got from the Red Cross. * First of all, the POWs
 told him, they wanted food, and then warm clothing. They
 had ordinary clothing, but needed heavy clothing. They
 had sufficient shoes. They wanted chiefly mental amuse-
 ment, like scientific books. The Japanese let them read
 various books and the Y.M.C.A. sent books, but these were
 mostly novels.
- 30185
- 30186
- 30187 They had succeeded in managing an officer's farm,
 but needed tools. * Almost all the British POWs had
 received letters. * They were well treated. The camp
 commandant looked after their needs and was very just. He
 did all that he could for them and they respected him.
 The POWs stated that they hoped there could be religious
 service at the next Christmas. and the camp commandant
 stated he intended to have a ceremony.
- 30188
- 30189 * The commandant said they would supply two of
 the older POWs with additional blankets. Another POW
 stated his health was good, but he was worried because he
 had not heard from home.
- 30190
- 30192 * Exhibit 3310, a report of visits to POW camps
 in Korea and Mukden by a Red Cross representative, stated
 * that at the camp he visited there was sufficient electric
 light, the large rooms were warmed by Russian style stoves
 and the small ones by coal burning stoves. Ventilation and
 sewerage were good, and there was an air raid shelter.
 There were two interpreters, a Japanese style privy com-
 partment, lavatories, a boiler for bath, wash basins with
 faucets.

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30193

* The ration included 20 grams of meat and 50 of fish. Eggs were provided for the ill and weak. Fruits were provided in season. If POWs engaged in outside labor, additional food was provided. The average number of calories was 3200.

30194

One officer and three soldiers, and an equal number of POWs were on duty in the dispensary. * The medical treatment building could admit twenty persons, and was said to be completely equipped, but there were no X-ray facilities. Medical attention was given once a day, and dental once a week. There was a playground, vegetable garden, and stock.

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NARRATIVE SUMMARY OF THE RECORD
October 7, 1947
DEFENSE - ITAGAKI
HAZEYAMA - Direct

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Page DIRECT EXAMINATION OF HAZEYAMA, Tetsuo,
by Mr. Sasagawa.

30195 * The witness identified and verified exhibit
30196 3311 as his affidavit. * The affidavit stated that the
witness had been a Staff Officer of the First Section of
the 7th Area Army from 29 January 1945 to the surrender.
The Commander of the 7th Army was DOIHARA until 21 April,
1945, when ITAGAKI assumed the post. The affidavit
described the units which were under ITAGAKI's command.

30197 * The defense area for these armies were, 16th
Army Java, 25th Army Sumatra, 29th Army Malay Peninsula,
37th Army Borneo. Singapore Island was under direct
jurisdiction, and after June, 1945, the entire province
was included. There were some air units and communication
units in the defense area, but they were under the C-in-C
of the Southern Army and received instructions from the
area army only with regard to the ground fighting. The
same was true with naval units.

POW camps were under the C-in-C, Southern Army,
and the local army commander had only limited control over
them and was concerned only with supply. The system of
administration was set forth by the Administration Bureau
and by the Southern Army.

30198 * POWs were used according to regulations, and
in using such labor the camp chiefs were consulted. In
Singapore they were used in construction work. They were
healthy POWs, and were never used in work directly concerned
with fighting. In accordance with ITAGAKI's suggestion,
the amount of food given them was increased to the level
of that given Japanese soldiers.

30199 After April, 1945, communication by sea between
Japan and Singapore was completely cut off. Only a small
number of plane trips were made. There was no chance to
get munitions from Japan. * Regarding communications between
Singapore and other places, there were 15,000 tons of
usable ships which travelled between Singapore, Java, and
Palembang. They could not effectively meet the transporta-
tion demand, due to enemy interference. Planes transported
only a small number. Goods transported between Singapore
and Java amounted to 10,000 tons per month, one half rice
and the remainder arms and munitions. It was planned to
use sail boats with motors and warships, but this proved
to be inadequate.

0 152 0003 4'142

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HAZEYAMA - Direct

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Page Goods transported between Singapore and Palembang, Sumatra, amounted to 5 or 6,000 tons per month, mainly food and materials. Since Sumatra was itself short of food, little could be transported.

30200 * Since areas near Borneo were always under the control of Allied planes, the use of large ships was impossible. They tried to use sail boats with motors, but after June, these were unusable. Landing boats were tried but proved to be incapable of transportation. Most of the goods for Borneo were stored at Singapore. Sail boats with motors were used to transport rice between Singapore and FIC, but this amounted only to 1,000 tons per month due to motor troubles and enemy interference.

30201 Between Singapore and Siam, transportation was by junks and railways, and 3,000 tons monthly were transported. * After April, 1944, sea communication with Burma was cut off. Railways were damaged and transportation was practically unavailable. In May or June, a convoy of three or four ships was sent twice to Andaman and Nicobar, but the ships were practically wiped out by Allied forces. Plane communication was attempted only a few times.

30202 The Army in these islands suffered greatly from the acute food shortage, but had no means to correct the situation. To feed the people and troops in Singapore required at least 8,000 tons of rice per month, but transportation to Singapore became so difficult that after July they could not depend on food from other areas. It was planned to save the rice in store, and the people's rations and the troops were cut to two-thirds the normal quantity around March. * In spite of this measure, the rice in store was not enough to last six months. Efforts were made to become self-sufficient, but due to poor productivity the expected aim was not accomplished.

Supplies for POWs inevitably decreased, but efforts were made to give substitutes to POWs, who were instructed to alleviate the situation by raising vegetables, etc. Medical supplies were not sent from Japan. Efforts were made to produce such items locally, but refined, critical medicines were lacking.

30203 The 37th Army came under the 7th Area Army on 20 May, when the war situation in Borneo was becoming difficult and sea and air communications with Borneo were almost cut off. * As a result, wireless contact was barely maintained for 30 minutes twice a day, due to lack of fuel and electric source in Singapore.

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 DEFENSE - ITAGAKI
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When they sent a plane, they were uncertain whether it would reach its objective. When it did, its return was questionable. The one hour radio communication a day was not enough even to send or receive urgent operational reports, and they were not able to learn what was going on in the rear Allied areas.

A staff officer was sent to Borneo by plane to get information, but the plane got lost and the condition in Borneo was never made clear up to the time of surrender.

30204 As it was virtually impossible to ship out materials, * the war supplies they were able to send to Borneo constituted only 5 or 6% of the request. They were in such a predicament that they never had opportunity until the day of surrender to send the relief items for POWs which had arrived in Singapore.

Because of communications conditions, they had no alternative but to let the 37th Army commander handle everything concerning his army. Transfer of POWs in Borneo was planned by this army before it came under the area army's command, and the latter army was not in position to find out how it was carried out. Since the area army commander was not directly responsible for handling these POWs, he had nothing to do with this.

CROSS-EXAMINATION BY COLONEL MORNANE.

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* The witness stated that in addition to Malay Peninsula, Andaman and Nicobar Islands were also under the 29th Army. When he spoke of the limited authority of the army commander, he meant it was limited to the extent ordered by the general commander under POW regulations made in Tokyo. (The attention of the Court was directed to exhibit 1965.)

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In addition to supply of provisions, the area army also had to supply medicines and provide for hospitalization. * As regards the type of work that was to be done by POWs, this was decided after consultation with the Southern Army commander. The area army would not consult him every time they wanted POWs for labor. Details were decided by the area army, but general policy by the Southern

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Army. * The area army would decide how many men were required each day and request the camp chief to supply that number. The camp commander would be asked to make a report on the condition of POWs and on its basis details were decided.

0162 0003 4144

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It could not be said that the witness had nothing to do with POWs, but that was not his main duty. Asked if he could not say that sick POWs were never used for construction work, he stated that he was concerned with it to the extent that whenever strategy required, laborers would be sent to such and such a place, but he would not supervise the work at all.

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* The witness stated that POWs were used to construct anti-aircraft shelters for non-combatants, but not for constructing defense positions in July when it was feared Singapore would be invaded. When asked if POWs were used at Bukittimah Rifle Range for constructing defensive positions, he stated they were merely used to build anti-aircraft shelters.

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Prior to March, 1945, when the ration was cut down to two-thirds the normal ration, they had been receiving 600 grams of staple foods. POWs at that time were receiving 500 grams. * When he referred to ITAGAKI's increasing the ration, this was after he assumed his post. He had not arrived in March. When ITAGAKI came, POWs were receiving two-thirds of 500 grams. It was about March when the rations were so reduced, and this continued until the end of May.

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* The witness did not know the date, but ITAGAKI inspected the camps to find out in detail supply conditions and ordered rations increased for those going to work, and to the same amount as that of Japanese soldiers. A special patient's ration was decided on for the sick. It was not true that the sick only got two-thirds of what POWs who worked got. For non-working POWs and those who rested,

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they got two-thirds of 500 grams. * Working POWs got 400 grams of rice up to the surrender, which is the same amount received by Japanese soldiers.

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* When asked if at Kranji Camp large stocks of butter and other captured commodities were sent by the Japanese immediately on the surrender, the witness stated that at the time of the surrender they were still prepared for a long war and had kept those supplies in reserve so that even in stringent circumstances they could give them a sufficient supply. These stored supplies included medicines.

In regard to Dutch Borneo, the 37th Army was responsible for land warfare there.

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* Exhibit 3312, the affidavit of AYABE, Kitsuju, stated * that at the end of October, 1943, the witness arrived at Singapore to become Vice Chief of Staff of the Southern Area Army, General Headquarters. The then C-in-C of the Army was Marshal TERAUCHI.

In April, 1944, 7th Area Army Headquarters was formed at Singapore, with DOIHARA as commander, and Malay, Java and Sumatra areas were put under it. At the same time the witness was attached to the 7th Army Headquarters. At the end of June, 1944, he became Chief of Staff of the 7th Army. At that time he had not recovered from a wound and could do no manual work.

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* In April, 1945, DOIHARA was transferred and ITAGAKI became commander. The witness' duty was the same up to the surrender. About November, 1943, the affiant had opportunity to inspect POW treatment and camp accommodations at Changyi in Singapore. The billets were wooden, but clean, and the compound looked comfortable. According to the officials, the POWs were on the whole content with the treatment, though there was discontent with the food. Because of his injury he had no chance to inspect.

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* About May, 1945, the affiant recalled that ITAGAKI inspected the POW and internment camps in Singapore. ITAGAKI was a just man and a champion of humanity, and endeavored to give the best possible treatment, and there was marked improvement. At ITAGAKI's arrival, a Japanese steamer with a full cargo of relief goods for POWs came to Saigon, Singapore, and Batavia from Japan. Many Japanese

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civilians unable to return home were still there. * With due permission they sailed for Japan aboard this vessel, the Awa-Maru. In spite of an Allied guarantee that the Awa-Maru would be safe, she was attacked and sunk by an enemy submarine in the waters of Formosa. When the report reached there that there were no survivors among the two thousand and several hundred, Japanese public opinion became excited and expressed the opinion that distribution of relief goods brought over by the Awa-Maru to the POWs be suspended. ITAGAKI attempted to allay this opinion, admonishing that "Bushido" did not permit it. From the standpoint of justice and humanity, they should distribute the goods with pleasure, and he ordered the distribution without delay.

0 162 0003 4146

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30220

* Since before ITAGAKI's arrival, land and sea transportation had been considerably reduced by enemy attack, and from January 1945 the rice supply from Siam had decreased to less than one-third the amount needed. There was no alternative but to decrease rations.

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On one hand, military strength in the Malay and Singapore areas had been increased, making the supply of provisions all the more difficult, and on the other hand provisions had to be reserved to make preparations for new operations. In the Japanese forces, the ration of rice per day was cut from 700 to 600 grams in February, 1945, and to 500 in March. The rice ration for POWs and internees was 200 grams less than for Japanese soldiers, but this was supplemented by potatoes obtained by self-production, and thus they were allowed to get a total quantity of 700 grams. * The additional supply of meat and vegetables was obtained by self-support.

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ITAGAKI gave special orders to provide POWs engaged in anti-air raid construction work with the same staple rations given to Japanese soldiers. He also added not only corn or tapioca as rice substitutes, but luxuries such as coffee, sugar, etc. Under such circumstances, POWs were delighted to engage in this work. The affiant heard that when ITAGAKI visited the internment camp in May, 1945, he specially inspected the rations provisions and desired the men in charge to increase them.

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* It was unavoidable to make POWs work, when Japanese soldiers and even Japanese civilians were engaged in labor. Since ITAGAKI's arrival, the labor was chiefly limited to anti-air raid construction, and those engaged in it were chosen because they were especially healthy. Most of them lived and worked with the soldiers, and as regards food and other rations were given equal treatment. The treatment thus improved as compared with the previous period.

* As regards sanitation, any army medical supplies or medicines was given them immediately, and no discrimination was made. Working POWs were allowed to undergo medical treatment like Japanese soldiers. There was no case of airing grievances at that time. It was unavoidable that in the treatment of POWs rations had to be decreased. These were uniformly reduced among the army forces too, but special consideration was given to those engaged in labor in providing them with increased rations and adding luxuries. All this improvement served to show ITAGAKI's leadership based on his respect for humanity.

0152 0003 4141

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30224

* DOIHARA and his successor, ITAGAKI, had had experience in civil administration in China and Manchuria. They always instructed their men to treat the natives with benevolence. ITAGAKI paid special attention to improving public welfare.

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From April, 1945, to the surrender, supplying food to other areas became totally impossible, and imports from Japan were entirely suspended. Communication became dangerous, and each area had to find means of support. On Singapore Island and Southern Sumatra it was difficult to obtain food from the natives. * Attempts were made to import rice from Java and Siam, and between April and August, 20,000 metric tons were sent from Java to Singapore, 5,000 to South Sumatra, and about 23,000 to Malay from Siam. The reserve and supply of rice for army forces had to be limited.

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Since it was expected that war ravages would hit Singapore, they felt it necessary to disperse inhabitants to the Malay area to minimize this. After ITAGAKI's arrival, this policy was greatly accelerated. Although the food situation was serious, * food provisions for three months were distributed to the evacuees and subsidies given them.

The armed forces quickly sent a relief party to damaged districts whenever Singapore or the vicinity was bombed. The relief party was in charge of fire fighting, rescue work, etc. Military authorities did their best to relieve the citizens, distributing special relief food, and Japanese residents also volunteered their services. The inhabitants were very grateful for the kindness of the Japanese.

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In respect to the treatment of native laborers, the area army paid much attention to it, since during DOIHARA's tenure ITAGAKI also gave necessary instructions regarding their treatment. * When an important construction work was to begin, he never failed to ask for stipulations regarding the treatment of native workers. He often sent officials to inspect and lead the construction work and help set up the medical relief party. In the construction of alumina works in Bintang Island and oil plants in Palembang, improvement of sanitation or other welfare for the laborers was under the direct control of Area Army Headquarters, and remarkable progress was achieved.

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30228

Direct Examination of SAITO, Seiei by Mr. Sasagawa.

* The witness identified Exhibit 3313 and after corrections verified it.

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* The affidavit stated that the witness was the Chief of the Java POW Camp at Batavia from August 1942 to March 1944 and Chief of the Malay Camp Singapore from March 1944 to the surrender and concurrently Chief of the Malay Detention Camp for non-military civilians.

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* Although the witness had been imprisoned after the surrender he had not been questioned as to treatment of prisoners. When he was chief of the Malay Camp, the C in C of the 7th Area Army was DOHIMARA who was succeeded by ITAGAKI at the end of April, 1945. The area commander was in direct command of POW Camps and Detention Camps. But orders on overall management of prisoners were issued by the C in C of the Southern Army TERAUCHI and received through the Area Army.

Close liaison had been kept with the POW Information Bureau and the witness attended a conference of camp chiefs in Tokyo in July 1942 and in December 1943. They never received any order or suggestion to maltreat prisoners. The treatment, labor and punishment of POWS were executed according to laws and orders of the central authorities and no special policy or regulations were put into practice. There was no violation of these regulations and orders. No labor directly relating to operations was ever imposed. Working POWS got 600 grams of staple food, the same as given to the troops. He did not think working hours excessive in comparison with laborers in general.

The Malay food situation became critical under the Allied attacks and both soldiers and citizens had great difficulties. Rations were reduced from 600 to 400 grams and subsidiary foods became scarce. The Singapore situation was miserable. Under the leadership of the military every effort was exerted for self sufficiency in food but the decrease of food for POWS was inevitable.

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However their rations generally equalled the troops. During the worst days the daily ration became 300 grams and conditions grew worse near the end of the war. Medical treatment was not refused. There was never a case of purposely refusing it. The witness heard after the war a young officer attempted atrocities. He called ITAGAKI call this officer and persuade him to refrain from this.

0162 0003 4744

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30233 *Sick POWS were never used for labor.

CROSS-EXAMINATION BY MR. MOHANE

The witness stated that the Third Branch Committee of the Malay Committee at Singapore was under his command and the Changi Camp was under his direct control. Other camps under his control were the First and Second Branch camps near Sumatra. As far as supervision of POWS went, the witness was not in the direct chain of command.

30234 *The Third Branch Camp had control mainly of Indian POWS. There were four camps inside Singapore and one at Changi. Two months after his arrival in Singapore he transferred the Changi Internment Camp elsewhere. The inmates of the Changi Camp were transferred. POWS who had hitherto been held in an airfield near Changi were transferred to the jail.

30235 Both those camps were under his control and also the hospital at Kranji #1. They did not have a detention camp at Kranji #2. At Kranji there was a hospital for Indian POWS who were interned and another one for white men. He remembered a place called Blakang Mati but he forgot the exact number of POW laborers there.

30236 * He knew that a party had been sent there before his arrival and that a unit there had charge of them. The supervising unit for the POWS was the one on the spot. There were occasions when he and his subordinates went there on inspection tours.

The Outram Road Jail was not under his control. He believed that ordinarily the 7th Area Army controlled it. Asked if the Siam Road Military Police Camp was under his control he stated he had nothing to do with the gendarmes. He believed that camp was for general civilian internees.

30237 *He did control general civilian internee camps, including the Siam Road Camp. Orders regarding POW labor came from the army and in accordance with these orders the witness disposed of the POWS. He never received complaints from the men as to their treatment while on these working projects. On one occasion he went as far as to refuse to send men out until he got assurance they would be better treated. Asked if that was not a result of complaints from the men, the witness said he understood complaints to mean those in regard to feed. But he did have complaints as to general conditions, such as ill treatment on working projects.

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30239 DIRECT EXAMINATION OF UESUGI, Meteyuki by Mr. Sasagawa.

The witness identified and verified Exhibit 3314 as his affidavit.

30240 "The affidavit stated the witness was a staff officer of the 7th Area Army in charge of supply and communications from March 1 1945 to the end of the year. After that he was chief of the Liaison Section with the British Forces. The 7th Area Army Commander was ITAGAKI from April 22 1945 to the surrender.

30241 He had read Exhibit 1514-A. While chief of the liaison section in Singapore he had heard that the Third Air Force in Singapore had entrusted the Utoram Prison with the care of the air force POWS about June 1945 without informing the Seventh Army Hdqrs and that junior officers of the air force had arbitrarily withdrawn and executed POWS later. * The allied airmen were captured by the Ninth Air Division in Palembang and sent to the Third Air Force. The Third Air Force junior staff officers who had executed the airmen committed suicide and the senior staff officer killed himself for leading the junior officers.

The Third Air Force was under the Southern Army and on equal terms with the Seventh Area Army which had no right of command over the Third Air Force other than in commanding field operations on the land.

While ITAGAKI was commander there was no case except this one where anyone was unlawfully executed in the Utoram Prison.

The witness had read Exhibit 1614-A. When he was in the liaison section in Singapore he was informed by counsel in the trial that inhabitants of Boatblare in the Andaman Islands had been forced by naval forces to evacuate to another island in August 1945 and that many had died. This took place in the naval area. Naval officers and men, including Vice Adm HARA were accused and executed at Singapore, as being responsible. The Andaman Island was a naval administrative area and the army did not participate in its administration.

ITAGAKI's only authority over naval forces was to command them in land battles. The defense of the Andaman and Nicobar Islands was the responsibility of the navy. But as the war situation became urgent on Feb 5 1945, the commander of the Andaman and Nicobar Islands was made responsible to the 29th Army commander so far as land defense was concerned.

0 162 0003 4751

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* From the beginning of 1945 because of the allied offensive all traffic and communications between the islands and the mainland were cut off. To carry out a last attempt to supply the two islands and to withdraw a part of the garrison to strengthen Singapore defenses, the 15th Fleet at Singapore sent out a fleet headed by a cruiser but the cruiser was sunk and the objective never accomplished. After this sea communications were completely cut off.

It was also impossible to use airplanes and during 1945 no staff officer of the 7th Area Army or of the 29th Army was able to get to Andaman or Nicobar Islands. They did have wireless communications with them but because of the battery shortage could not use them as much as they would like and only urgent messages were sent.

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* Cross Examination by Col. Mornane.

The witness stated that it was not true that the actual situation with regard to the command of the Andaman and Nicobar Islands was that as a result of an agreement between the naval and army authorities the army took over the islands' defense after November 1944. He stated that until Feb. 5 1945 the navy was in charge.

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He first heard about the unlawful execution of POWs at Outram Road Jail when he was chief of liaison in Singapore about May 1946, a year after it had taken place. * He had nothing to do with that camp during the war and at that time did not know what was happening there.

The witness was then asked on what he based the statement in his affidavit which said that while ITAGAKI was 7th Area Army Commander there was no case except the airforce one where any POW or others were unlawfully executed, in Utoram Prison. He replied that while he was in the liaison section he was in continuous contact with British authorities. On Colonel Wild's orders he conducted investigations and made reports. He never unearthed any instance other than the one mentioned in his affidavit.

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* To the witness was quoted a part of Exhibit 1514-A which stated that between May and July of 1945 the affiant saw 17 allied airmen and 15 Chinese civilians taken out for execution. The burial party returned without the prisoners and looked dirty as if they had been digging. The affiant had talked with the airmen who had told him they had not been tried.

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The witness stated that he had read this exhibit and that he knew of no other unlawful executions except of the nine allied airmen.

30247

* DIRECT EXAMINATION OF TAKAYAMA, Hikoichi by
Mr. SASAGAWA

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The witness identified and verified Exhibit 3315 as his affidavit. * The affidavit stated that the witness was a staff officer of the 37th Army in North Borneo from September 1944 to the surrender. The latter part of May 1945 the 37th Army was transferred from the control of the South Seas Expeditionary Army and put under the 7th Army Command. The North Borneo POW Camp was controlled by the South Seas Army Hdqrs. By the regulations and orders of the C-in-C the 37th Army command was entrusted with supplying the POWS and issuing orders to the Chief of the camp in regard to defense measures. It was not within his capacity to interfere in the management of POWS.

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About January 1945 the 37th Army Commander received instructions from the C-in-C of the South Seas Army to * move main forces to the west coast of the island. In accordance with this the main forces were moved and at the same time the 37th Army Commander ordered the transfer of POWS from Sandakan to a basin near Ranau for defensive reasons, taking into consideration bombing dangers and the pressing food situation which existed at Sandakan. The transfer was carried out at the end of January and in early May 1945.

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About May 1945 bombings became so intense that sea communication between North Borneo and FIC, Malay etc. was cut off and that by air became difficult. The 37th Army Hdqrs moved from Jesselton to Sabon in early May. * The Keningo Air Field was used for planes acting as liaison between headquarters and the outside, but it took one day to reach the latter from headquarters and while telephone communication was had it was frequently broken.

Only radio could be used for communication with the Seventh Army but this frequently broke because of shortage of fuel and batteries. Communication schedule hours were greatly cut down, and was limited to important matters. But even this was often interrupted, growing worse toward the end of the war.

There was no cross examination of the witness.

0 152 0003 4753

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30251 Direct examination of ITAGAKI, Seishiro by Mr. Mattice

30254 *The accused identified and verified Exhibit 3316 as his affidavit. The affidavit stated that the accused was appointed staff officer of the Kwantung Army on 1 May 1929 and held it until 30 July 1932. The C-in-C of the Kwantung Army at the time of his appointment was Lt. Gen. HATA Eitaro. At the time of the Manchurian Incident the C-in-C of the Kwantung Army was Lt. Gen. HONJO, and the chief of staff was Maj. Gen. MIYAKE.

The duties of the accused were to receive orders from the Chief of Staff and to maintain contact between staff officers and manage the staff office and attend to liaison business. The duties and privileges of the C-in-C, Chief of Staff and Staff Officers were according to regulations of the Kwantung Army Headquarters. (Exhibit 1415).

30255 * Regarding the situation in Manchuria before the Manchurian Incident, since 1925 a movement for the recovery of alleged lost national rights had started in China and anti-Japanese actions increased. There were also violations of Japanese rights and interests in Manchuria. In June 1928 Chang Tsuo-lin was killed by a bomb and Chang Hsueh-liang succeeded him. In that year the Chang Hsueh-liang regime affiliated with the Nanking Government and let influence of the Chinese Nationalist Party penetrate into Manchuria.

The anti-Japanese movement there was organized under the Kuomintang direction and became active and intense. Japanese rights in Manchuria were infringed and Japanese nationals were squeezed in a strip along the South Manchurian railway. Extreme pressure against Korean immigrants, violence and oppressions of the Japanese and obstruction to communication etc. had intensified. In spite of Foreign Minister SHIDEMARA's sincerely cooperating policy no prospect for relaxation of anti-Japanese activities in China was in sight and the situation was aggravated.

30256 *Just before the Incident several hundred questions were pending. In the military field Chang Hsueh-liang after taking office as vice-commander of the Kuomintang Army in the fall of 1928 planned to strengthen his army increasing it to 200 odd thousand, enlarged the Mukden Arsenal, equipped the army with modern arms and strengthened discipline. As compared with the Kwantung Army at that time, his army was far superior in strength and equipment.

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Since then anti-Japanese sentiments influenced Chinese troops and they assumed a contemptuous attitude toward the Japanese troops, boasting of their superiority and their greater experience in fighting.

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* The disposition of Chinese troops was changed so as to encircle Japanese garrison areas along the South Manchurian RR and the dispersed Kwantung troops fell into a dangerous military situation. While no more than ten odd thousand inferiorly armed Kwantung troops were stationed dispersedly on a peace time footing in that area, nearly one thousand kilometers along the South Manchurian Railway they came to be under seige by the large and well-equipped Chinese troops and assumed a provocative attitude.

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Under this situation the danger of collision between the armies gradually fermented. Its solution seemed difficult unless either would concede or compromise. The situation was a collision between conflicting demands, the recovery of China's alleged lost rights * and maintenance of Japanese rights and interests. But the Chinese had no intention to compromise. The situation was that anti-Japanism by force of arms would be inevitable. To avoid it there was no solution except to abandon the special rights and interests they had. But he would never would undertake this abandonment nor would public opinion permit it. Therefore the Kwantung Army tried to avoid friction and sought all means of appeasement and admonished its officers and men to be patient and cautious, prohibiting rash acts.

On the other hand they had to work out an emergency counter-measure in case of collision by positive Chinese military actions. The army desired to increase its strength, change the disposition of its troops and replete its equipment. But this was not approved by the central army authorities. Therefore the army mapped out a plan with the then existing strength and equipment and established an operations plan that in case of collision the main forces would be centered in the vicinity of Mukden and deliver a heavy blow to the nucleus of the Chinese troops in Mukden and thus settle the matter within a short period. They decided to make preparations in accordance with this plan and to make up for shortcomings in fighting power by utilizing the material for military operations which was in Manchuria. As a part of this plan they set up two heavy guns in the Mukden Independent garrison barracks which had become needless when Port Arthur fortifications were decreased. It was natural to make up their shortage of fighting power and it was not to stimulate the Chinese that they concealed the setting up of these guns.

0 152 0003 4755

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C-in-C HONJO who arrived in August 1931 witnessed repeated occurrences of incidents due to the intensification of anti-Japanese feeling, especially such serious cases as the killing of Capt. NAKAMURA, the Wanpaoshan Incident, and disturbances against troops guarding railways and practicing maneuvers. He strictly warned against any rash act. He also instructed them to execute their duties positively once emergency arose.

The accused was accompanying HONJO on an informal inspection trip of his troops and finished the trips with the inspection of troops at Liaoyan September 18 1931. On that day HONJO was informed by Chief of Staff MIYAKE that Maj.Gen. TATERAWA, chief of the First Department of the General Staff was coming to Mukden. MIYAKE requested him to send either ISHIWARA or ITAGAKI to Mukden to meet TATERAWA.

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*Assuming that the matter would be in connection with the terms of negotiation on the NAKAMURA case, HONJO ordered the accused to Mukden. Toward evening TATEKAWA arrived and ITAGAKI greeted and dined with him. TATEKAWA did not mention his business immediately except to say that the superiors were worrying about the unscrupulous conduct of the young officers. ITAGAKI told TATEKAWA he would hear him at leisure the next day because he seemed tired.

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On the way to his billet after taking leave of TATEKAWA, ITAGAKI went to the Special Service Section of Mukden to get further information about the NAKAMURA case and chatted a while there with the staffs. * As ITAGAKI was about to return to his billet there was a telephone call from the garrison troops to the Special Service Section reporting a blasting of the railway line at Liuchiaokou. By several following telephone calls ITAGAKI understood that just after 10 PM Chinese troops blasted the S.M.R. at the western side of Peitaying, north of Mukden and Japanese patrols were fired on by the enemy in ambush.

The Hushihtai went to their rescue and battled the Chinese. The Hushihtai company was hard pressed by the enemy machine guns. From the railway guard's report it was clear the Incident was not a mere infringement upon the rights and interests in the shape of blasting the railway but a planned challenge of the Chinese Regular Army against the Japanese army and it was judged that the Seventh Brigade of Peitaying was in action against them.

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30263 ITAGAKI felt the risk was so close that if they hesitated *the leased territories attached to the South Manch. RR. and the Japanese troops would be encircled and attacked, by the Chinese Army in Mukden.

30264 * At that moment SHIMAMOTO the Second Battalion Commander of the Independent Infantry Garrison and Col. HIRATA sent word to the C-in-C and others through the Mukden Special Service Section. SHIMAMOTO stated his troops would go to the rescue of the Hushihtai Company which was in desperate battle and the 29th Regimental Commander HIRATA declared he would cooperate with SHIMAMOTO by taking the Mukden Wall.

In the capacity of a staff officer ITAGAKI accepted their determination and took steps to report to the C-in-C. The reason ITAGAKI accepted was that the determination of the two commanders was absolutely necessary in line with the operations plan in case of emergency not only for self-defense of the Mukden troops but also for the benefit of the main forces.

30265 *He thought it necessary to give these commanders assurance since he was fully conversant with the C-in-C's intentions. When ITAGAKI reported to the C-in-C HONJO as the Army Hdqrs moved to Mukden Sept 19th he approved the steps as they coincided with his intentions.

On the night of Sept 18th they informed the Consulate General of Mukden of the outbreak and of the army actions and asked Consul MORISHIMA to come to the Special Service Office where they explained in detail the circumstances and asked his cooperation. ITAGAKI also talked about the matter with Consul Gen HAYASHI several times by telephone. HAYASHI said that since Japan and China had not yet formally entered upon war and as the Chinese through Consultant Chao Hsin-po had announced their adoption of non-resistance, he hoped the army would arrange the matter so it could be dealt with through diplomatic agents putting an end to military actions.

30266 *ITAGAKI then explained in detail and asked his reconsideration. The Incident was different from preceding ones because the regular Chinese Army had challenged the Japanese Army. Fighting was already under way and it was impossible for the present to separate the forces. Unless the present military actions would be settled it was practically impossible to rely on diplomatic negotiations. Though the Chinese were saying they were abiding by the principle of non-resistance, according to the report from the frontier they were attacking at Hushihtai causing dead and injured.

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ITAGAKI could not imagine that Chao Hsin-po would be able to arrange a cease-fire agreement because he was a mere civil official with no influence in military affairs. It could not be known whether it might not prove to be the enemy's habitual trick to rearrange the situation by gaining time. ITAGAKI told HAYASHI they had to be careful and that the grave situation permitted no hesitation. He pointed out that the realization of *HAYASHI's contention was practically impossible.

The battle around Mukden ended Sept 19th. As Chinese administrative officials of the city had fled, the police, communications and banking services came to a standstill. The citizens closed their doors and the city became chaotic. Convicts ran rampant on the streets. They could not leave the situation that way in the interests of public safety. Because of these circumstances and to cope with the desire of the citizens HONJO, to maintain public safety promulgated immediately an emergency municipal administration and appointed DOHIIHARA as temporary Mayor.

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The army had no intention of instituting a military administration and admitted no other soldiers except DOHIIHARA to take part in it and apart from a few Japanese advisers, the great part of the functionaries were Chinese. Its purpose was to maintain public peace as a temporary measure with the arrangement that whenever a qualified Chinese was * available the administration should be immediately transferred to him.

DOHIIHARA served as mayor only one month and on October 20th Chao Hsin-po became mayor and almost all of the advisors were removed. HONJO had been too cautious to disclose his political opinions during the Manchurian Incident. However, when the independence declaration of each Manchurian province as well as of influential persons therein created a general tendency for the establishment of a new state, HONJO at the end of October 1931 made an important statement. This was that in view of the fact that the Sino-Japanese conflict which had existed before the Incident lead to the present all out clash they must make certain that an incident of this nature would never recur. They must devise measures to settle the incident to the satisfaction of both countries.

30269

* The first step would be to pay high regard to the expressed desire of the Manchurian people. The anti-Japanese movement had contributed to the development of bitter enmity. That feeling seemed to have been eliminated but they must completely wipe it from their minds by enhancing racial harmony.

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So long as Japan maintained her special rights and interests in Manchuria it cannot help causing a sense of inequality and sense of oppression among the Manchurians no matter how legal those rights and interests might be. Therefore Japan should voluntarily give them up by renouncing extra-territoriality and return Port Arthur and Dairen to Manchuria...If by doing so relations between the two countries could attain such a standard where the interests of both became identical and where racial discrimination no longer exists.

30270

* Since Japanese and Manchurian people constituted Manchuria based on equal footing, Japan should abandon their superior complex and the sense of special rights. They must realize they were on an equal footing with the Manchurians in the new state. Those who served the new country as government officials should determine to naturalize themselves to that country.

Maladministration of Chang Hsueh-liang caused hatred of Manchurian and Japanese government authorities and of the 30 million Manchurian people. His failure lay in his adoption of a sole party policy. Manchuria should be careful in the future to respect the peoples' will by rejecting the return of Chang Hsueh-liang and his party.

30271

Restoration of imperial regime in Manchuria would be an anachronism and was apt to give birth to an evil cause depriving Manchuria forever of a possible opportunity to harmonize with China in the future. * Even if Pu-Yi were to become head of the new state in compliance with the request of the Manchurians there must be clear distinction between his assumption as head of the state and the restoration of imperial regime.

30272

Independence was a result of a race freeing itself from the nation to which it belonged and this did not violate any treaty. Influential Manchurians should be fully responsible to the people. It was feared that independence might overshadow cooperation between China and Japan but it was possible for the new state to contribute to China-Japan collaboration and they hoped this would be the case. Everything depended upon good administration and the people's welfare. The government of the past administration by the former military clique should be improved. The heavy extortion of taxes should be abolished or alleviated. * Anti-Japanese laws should immediately be abolished. The Kwantung Army should be indifferent to Manchurian politics and should leave administrative matters to the independent and autonomous regime of the Manchurian people and should limit its action to assisting the Manchukians in law and order. National defense should be a joint problem of Japan and the new state and meantime the army should appoint itself to this task.

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30273 It must gain the absolute confidence of the Manchurians. So far the Japanese government gave prohibitive instructions only and no definite indication as to future policy of the army had been shown by them. What they should do at this juncture was to make close observation upon the future relations between Manchuria and Japan so as to report the true aspect of the situation to the central government and should not * interfere with their political movement representing the unanimous desire of the Manchurian people. While they should not be reluctant in giving assistance they should never force themselves upon the Manchurians.

30274 * ITAGAKI had been taking every opportunity to talk with leading Chinese to ascertain their views so that he could report them to the military commander. He learned that among them was a strong feeling against Chang Hsueh-liang, a dislike of Kuomintang politics and an urgent desire for the independence of Manchuria. Lo Chen-yu of the Restoration Faction came from Lushun (Port Arthur) to call on ITAGAKI September 23rd in Mukden. He told ITAGAKI that the Restoration Faction wished to call Emperor Hsuan Tung to Manchuria. He then went to see Hsi Chia in Kirin, met Chang Hai-peng at Taonan and returned to Mukden September 26th. He told ITAGAKI that at Kirin Chang Hai-peng who was preparing for the independent movement was desirous of welcoming Emperor Hsuan Tung to Kirin and of the firm decision of Gen. Chang Hai-peng for independence and support of Emperor Hsuan Tung.

30275 *Yu Chung-han interviewed HONJO November 3rd and suggested the necessity of establishing a new state. A short time after the incident independence was declared in many provinces and districts. They got information that independent movements were growing among the principal political leaders since the general tendency in the Mukden, Kirin and Heilungkiang provinces had been settled by the entry of the Japanese Army into Tsitsihar in the middle of November, 1931.

30276 ITAGAKI interviewed, on HONJO's orders, between the latter part of November to mid December certain political leaders who supported independence * and heard their opinions. Without exception they were against the return of the Chang Hsueh-liang regime to Manchuria as they hated the politics of the Kuomintang and did not want the Nanking Government in Manchuria. Their common desire was the establishment of an independent state on the principle of border security and peace for the people. They told ITAGAKI that Japan's support was necessary for the construction of a new state. For the time being Japan must assume the defense and the new state required knowledge for which they would depend upon Japan's aid and both Japan and China should stand on equal footing.

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There were differences of opinion on the question of its polity and sovereignty. Well known personages of the Restoration Faction strongly advocated Pu Yi as the sovereign after making Manchuria independent rather than persistently sticking to a mere theory of restoration.

30277

* Representatives of the Mukden faction were strongly opposed to the mal administration of Chang Hsueh-liang and though they believed in border security and peace for the people, did not agree to the monarchical restoration but desired a republican regime. They would agree to install Pu Yi as president rather than to decide the ruler by election.

Ma Chan-shan was not the Governor of the Heilunghiang Province but was a man of real worth and possessed his own troops. It was said he would yield to the opinion of Chang Ching-Hui who had almost the same view as the Mukden faction, was against the restoration but in favor of a republic system. Wengelian princes were of the same opinion as the Kirin faction. Authoritative persons of the Mukden and Kirin factions were in a position to dominate the trend of affairs as to polity and sovereignty.

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* It was clear that all political leaders unanimously agreed on an independent state. This was mainly due to the peculiar geographical and historical position of the East Four Provinces and to the fact that they had previously often declared themselves independent and that by the Japanese declaration of non-occupation of Manchuria the unsatisfied political leaders who were indignant with Chang Hsueh-liang over his maladministration came to the surface and moved by political aspiration desired to solidify their position and reject Chang's return to Manchuria.

ITAGAKI made a detailed report of these matters to HONJO. ITAGAKI having been called by telegram from the Central authorities left Mukden for Tokyo on January 4 1932. He reported to military headquarters the general tendency of Manchuria was toward an independent state. After having sounded prominent persons he could affirm they all advocated independence and the general public was against the return of Chang Hsueh-liang's regime and the advance of the Kuomintang Government to Manchuria.

He reported that the Kwantung Army was entirely absorbed in maintaining public peace and placed no limit on the political desires of the natives. If matters went as they were an independent state would be formed and Japan should be prepared to meet the situation.

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HONJO was of the opinion there remained no way than to adopt the theory of an independent state. War Minister ARAKI told him that though the government policy was not yet decided, his principle was to observe the actual situation on the spot but he did not interfere as to the issue of independence.

During ITAGAKI's stay in Tokyo he explained the new conditions in Manchuria and the army authorities well understood. Returning to Mukden ITAGAKI submitted his report to HONJO and on HONJO's orders ITAGAKI interviewed Pu Yi in Port Arthur January 29 1932. An enthusiastic desire for an independent state had become extremely strong among the powerful as well as the general public of Manchuria at that time. The tendency to form a new state apart from the Restoration movement reached a high pitch with the probability of having Pu Yi the ex-emperor of Hsuan Tung as the sovereign of the new state. HONJO ordered him to meet officially with Pu Yi and ascertain his intention regarding this matter. He first gave Pu Yi general information and asked his opinion. Pu Yi was already aware of the trend for a new state.

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Pu-Yi declared it was of great necessity to establish an independent State in Manchuria and have a good administration in close cooperation with Japan. He stated he had the intention to accept the sovereignty of the new State and insisted upon restoration.

His reasons were that the conditions afforded to the Ching family did not abolish the title of Emperor. He was still an Emperor and could not accept any post which did not carry that title. The cultural level of the Manchurian people being low, Imperial Rule was necessary. A general cabinet had to be established subordinate to a political organization directly under the Emperor who should decide himself all state affairs.

30282

Itagaki wondered whether Pu-Yi's real intention was to decline to accept the sovereignty if the State was not formed according to the principle of Monarchical Restoration or whether he would accept the offer anyway. * Itagaki took leave of Pu-Yi and met Cheng Chui, the son of Cheng Hsiao-hsu, and asked him if Pu-Yi had any idea to refuse to become head of the new state. Cheng said that could not be so; but Pu-Yi understood the political situation and was ready to accept though he did not know the true meaning of Pu-Yi's talk to Itagaki. He thought it must have been a simple expression of his desire. Cheng was asked if Pu-Yi's attitude meant he would agree to become the head and if he could so report to HONJO. Cheng said yes, and Itagaki went to Mukden reporting to HONJO. The object of the interview with Pu-Yi was not to persuade him to head the new state, but merely to learn his intention. He had no notion to act so as to intimidate Pu-Yi or cause Cheng Chui to make Pu-Yi agree.

30283

* On 21 February, Lo Chenyu and son came to see Itagaki at Army Headquarters, saying they were sent by Pu-Yi. They said that he was still contending for the Imperial Rule. At that time the Northeast Administration Committee had already issued the Declaration of Independence on 18 February and decided on the 19th that they would establish a republican state and that Pu-Yi be requested to accept the administratorship.

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* They considered this move of Lo Chen-yu due to inadequate knowledge on Pu-Yi's part of the atmosphere of the Northeast Administration Committee. They saw the necessity of communicating to Pu-Yi the actual situation of the committee, and on HONJO's orders Itagaki went to Port Arthur, meeting Pu-Yi on the 22nd and conveying that information. Pu-Yi understood the circumstances and expressed his approval. In spite of his former views, he gladly accepted the decision of the Northeast Administration Committee and the decision in regard to the title of the state, national flag, etc. In the midst of the talk HONJO telephoned and Itagaki reported the interview.

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* The Incident of 18 September was an accident and the Kwantung Army did not plan it. As to the establishment of Manchukuo and installation of Pu-Yi, they were carried out by the natural enthusiasm of the natives and there was no so-called puppet administrator created by the Japanese Government or Kwantung Army.

The allegation that the accused and a few other staff officers schemed and acted arbitrarily without following the desires of HONJO was a fabrication and no truth in it.

30286

Regarding his second period of service in the Kwantung Army, the affidavit stated that Itagaki was attached to Army Headquarters as Chief of the Military Intelligence from 1 August 1932 to June 1933. In June he made a tour to Europe. He was Supreme Advisor of the Military Administration Department of Manchukuo from 1 August 1934 to 10 December 1934, and then became Vice Chief of Staff of the Kwantung Army * and Chief Staff Officer.

After the Tangku Truce, continuous efforts were made by Chinese and Japanese to alleviate tension. Communication was established between the two after September 1934. HIROTA spoke on the reproachment before the Diet in January, to which Chiang Kai-shek and Wang Ching-wei replied, and in June an Amity Law was promulgated.

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In view of the Chinese Communist Army's northward expansion to intensify strain between the two nations, China issued an order in February 1935 to exterminate that army with Yu Hsun-Chung to head the expeditionary army. Nevertheless the Communist Army broke through the Nationalist Army and drew near the Mongolian Region.

30286

* The USSR accused Japan of being imperialistic and aggressive. It was double tracking the Siberian Railway and fortifying bases in the Far East. The strength of the USSR was four times that of the Kwantung Army and was being still further increased. Armed communists and bandits in Manchuria were much curbed by Japanese and Manchurian forces but not entirely suppressed. Some notables of Japan and Manchuria began to advocate the abolition of extraterritoriality. If the principle of co-prosperity should succeed in forcing out communist plans, Japan, Manchuria and China could pursue the way of prosperity in peace. If Japan's advocacy should fail, the three would be thrown into war and the situation would be in favor of the communists. This prospect became more probable after the comintern meeting in July 1935 passed a resolution to concentrate on efforts to overthrow Japan and bring about world revolution.

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* The Chinese Communists issued a proclamation on the basis of this resolution and threatened to resort to an anti-Japanese united front. Army headquarters' opinion was that the basic policy was to strengthen Japan and Manchukuo by a co-prosperity society, financial construction, and securing national defense power. By diplomatic means, international friendship should be established.

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* While the accused was Chief of Staff, he cooperated with many persons in Manchukuo in this policy. In June 1936 the first abolishment of extraterritoriality came. Since the outbreak of the Manchurian Incident, he had favored this and had tried to aid in facilitating its materialization. In accordance with the Commander's orders, he assisted in the personal affairs of Japanese officials in Manchukuo's service but had nothing to do with internal personal administration and the personal affairs of Manchukuo officials. The Army

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Page did not coerce Manchukuo in selecting or dismissing officials. The basic duty of the Army was to implement defense against the USSR. This principle was established at the time of NISHIO, whom he succeeded as Chief of Staff. * The program of the Army was based upon General Staff instructions and was of purely defensive nature against the USSR. They never made any aggressive war plan.

30290

There were many Mongolians in Manchuria and the trends in outer and inner Mongolia had sharp repercussion on them and became a problem. Accordingly, the Army and Manchukuo had a special interest in outer and inner Mongolia. Inner Mongolia was assigned to the Army for collecting information concerning the USSR and Mongolia and the Army sent intelligence agents and collected information near the frontier.

30291 * The northward expansion of the Chinese communist army, the foundation of Manchukuo and other factors gave rise to Inner Mongolia's voluntary movement for local self-government. Japan and Manchukuo hoped for its healthy growth for defense against the USSR and the spread of Bolshevism but the Army did not seek to induce or suppress the movement as far as Itagaki knew.

The Army was interested in the North China problem to secure peace in the rear but this interest was concentrated on defense of northern and internal fortifications of Manchukuo toward December 1945. The Kwantung Army did not send troops to North China.

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* Regarding the period when he was Commander in Chief of the 5th Division from 1 March 1937 to 3 June 1938, he was transferred on the earlier date from Chief of Staff of the Kwantung Army to Hiroshima as 5th Arm Commander. The division was on a peace-time footing and the divisional commander was in charge of controlling subordinate units and military administration. He was in no position to state his opinion with authority or give advice.

30294

* When the Lukouchiao Incident occurred on 7 July 1937, Itagaki was on duty in Hiroshima. He learned about it from the newspapers and did not think it was serious or dream it would develop into the China Incident. He expected it would settle on the spot. However, negotiations on the the spot, based on the Japanese policy of localization, were ineffectual and because of the defiant attitude of the Chinese, the situation was not reassuring.

30295

On 27 July an emergency mobilization order was issued to the 5th Division, and this was completed on 2 August with the first and second contingents leaving harbor by 7 August. * They reached Peiping and took part in battles in North China. At the end of May 1938, ITAGAKI left command of the 5th Army and returned to Tokyo. In December 1937 the main force of the 5th Division was concentrating in the direction of Paoting from Shansi. When he was in Paoting on 17 December he heard of the Japanese entry into Nanking but he had no responsibility or knowledge of the Nanking Incident. As Division Commander he only did his duty in accordance with the order of his superior and he paid special attention to military discipline, warning against misbehavior. Wrong doing was punished according to military law and in addition, the wrong doer's commander was punished.

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* At the end of April or early May 1938, when he was in Shantung Province as Division Commander, FURUNO, Inosuke visited him as Premier KONOYE's representative. KONOYE's desire was that despite the cabinet policy of localization, the

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Page war was extended from north to central China. It was necessary to have a War Minister who would be able to change the China policy to one of peace. KONOYE thought ITAGAKI the best man and wished to know whether he would accept. He knew that KONOYE's intention coincided with his own, namely, the withdrawal of the entire Japanese forces * and peaceful settlement of the conflict. At the end of May, ANAMI, Chief of the Personal Affairs Bureau, visited him, carrying the official order for his appointment as War Minister, which had been recommended by the big three of the Army. ITAGAKI decided to accept and took office on 3 June.

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As War Minister his fundamental attitude was that Japan and China should join hands. However, Japanese efforts toward local settlement were in vain and the conflict gradually developed to a large scale war. While Japan was thus reluctantly forced into such a situation * the Soviet increased her strength. Her armaments in the Far East were overwhelmingly superior, threatening the Japanese rear. The Anglo-American powers increasingly assumed an attitude of aiding Chiang and interrupting military movements.

30298

They were especially concerned about U.S. pressure on Japan. If things went on, Japan should be doomed to stand alone against encirclement by Britain, U.S., the Soviet and China. Therefore, she must immediately make peace with China. He believed the two must end all past conflict and rebuild mutual diplomacy on a broad point of view.

* As for the policy for the fighting forces it was to establish discipline and to maintain fighting power against the Soviet Menace. As the policy of the state, it was to alter peace terms with China and accomplish a peaceful settlement. There should be an innovation in the management of government, recognizing the situation was grave, to reinforce defense against the Soviet and supreme fighting materials to attempt transfer of military strength and adjustment of the front line stabilizing the situation in the occupied area and to try to bring about peace with Chiang Kaishek. They should keep watch of the Soviet's debouchment and maintain peace with her. They should try to get Britain and France to stop their aid to Chiang. They should ask Germany

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Page and Italy to cooperate in the settlement of the war and they should maintain friendship with the U.S. as a means to bring about an end to the conflict.

30300 * ITAGAKI took office as War Minister immediately after the Hsueh Battle. At that time it was believed that the Hankow Operation would be unavoidable. In June 1938 the circumstances were that the peace terms to be offered China should not be so exacting as the ones proposed when Trautman was go-between. Unless the terms were modified, Chinese acceptance appeared unlikely, but both public opinion and the government policy had been far from further reducing the terms.

30301 To conclude peace it had to be made possible to deal with Chiang Kai-shek. Confronted with the KONOYE declaration of 16 January 1938, which included the statement that Japan would not deal with the * Kuomintang Government, things were not likely to develop a tendency favorable to a further re-examination of this declaration.

UGAKI, who succeeded HIROTA as Foreign Minister on 26 May, was one of the important keys for the reorganization of the KONOYE Cabinet. However, no progress had been made on UGAKI's policy when ITAGAKI became War Minister.

China asked the League for help and it resolved to do so.

30302 The Japanese Supreme Command had counted on the Hsueh Battle being decisive for ending the war, but due to great differences in strength and the extent of the fighting area, the strategic object could not be achieved. The Chinese concentrated great strength before Hankow * and prepared for counter-attacks, exposing the Japanese forces to extreme danger. The Supreme Command considered the only thing to do was to deliver another counter-attack and prepare for the Hankow Operation.

They could discern important defects in defense preparations against the Soviet. ITAGAKI was aware of the extreme difficulties of the talk of leading the situation to peace. They had to aim

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Page at the end of the Hankow Operation, and on the other hand devise measures for a peace settlement.

30303 They were required to replace the fighting materials * and not neglect national power for defense against the Soviet.

30304 The reinforcement of the various emergency policies necessary for national mobilization (Exh. 857) and revision of the plan of demand and supply of important materials (Exh. 857) were made to remedy defects of defensive strength and not for preparing for aggressive war, although the Hankow Operation was planned and executed to cover the High Command's weak points and making a turning point for termination of hostilities and peaceful settlement. Its object could not be attained even after the fall of Hankow on 27 October 1937. As War Minister in the KONOYE Cabinet, ITAGAKI was confronted with the problem of keeping Soviet relations tranquil. * Japan was quite astonished therefore when the Chang Ku-feng Incident broke out in July-August 1938. In dealing with the Incident, ITAGAKI hoped for a diplomatic settlement and tried to achieve immediate local settlement with accord of views between the War Ministry and General Staff.

The Army, in spite of disadvantages, stuck to the principle of localization and was barely able to end the Incident before it became too serious. It brought greater attention to the menace in the north and realized Soviet superiority. Thus, it resulted in Japan's preparedness.

30305 After the outbreak of the China Incident, Japan refrained from establishing military government * and left civil administration to the Chinese. Not a few such accomplishments were due to the management by Japanese in the Department of Special Affairs, placing a considerable load on the Army. The China Affairs Board was proposed by the Army and adopted by the Cabinet to relieve the Army of these tasks. The board was established on 18 December 1938 with the Premier as President and the Minister of Navy, War and Foreign Affairs as Vice Presidents. About mid-March the liaison offices on the spot started

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Page their work in cooperation with the Chinese administration to promote political, economic and cultural measures. Army intervention was held to the minimum. It was sine qua non for the realization of peace to amend the peace proposals and convert Japan to a policy of dealing with Chiang Kai-shek. ITAGAKI attached prime significance * to re-examining the national policy regarding adjustment of relations with China, making Japan's intentions understandable, demonstrating to the world that it embodied the national policy.

30306

In the KONOYE statement of 3 November 1938 (Exhibit 268) Japan hoped to establish relations of mutual aid, ranging over all fields to realize these policies. The policy of adjusting new relations between Japan and China (Exhibit 269) was decided on the 30th. As a detailed explanation, the KONOYE statement (Exhibits 268 and 2535) was issued on 22 December 1938, declaring that what Japan wanted of China was not territory nor reimbursement of war expenses. Japan was willing to respect China's sovereignty and withdraw extraterritoriality. He * did his utmost as War Minister to promote that policy but China's reaction, especially Chiang's, was very weak and it was not a suitable time for peace negotiations. Before that, it had been deemed advisable to join hands with important Chinese believed to possess an ardor for peace. In July 1938, KONOYE instructed BANZAI to make liaison with Tang Shao-i and Wu Pei-fu to ask for their cooperation. The Army sent DOHIHARA and the navy, TSUDA, to cooperate, but the plan failed due to Tang Shao-i's assassination.

30307

The problem of coalition of Japan, Germany and Italy was already under study before the accused became War Minister. * Ribbentrop's proposal arrived in early August 1938 and they sent a formal answer after consulting the Five-Ministers Conference and waited for Germany's formal proposal. The initial proposal arrived in November. ITAGAKI wanted to use it to obtain peace with China immediately after the Hangkiao Operation and proposed this before the Five-Ministers Conference on 11 November, but the proposal met with difficulty and they were unable to conclude negotiations with Germany to accomplish peace with China.

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Japan's withdrawal from the League, which was decided through consultation on 2 November 1938 (Exhibit 271) was carried out because she could not continue to cooperate with the League and maintain national integrity. The accused made no statements in the conference deciding on this.

30309

The agreement with Germany on cultural co-operation, which was discussed in the Board of Council Conference on 22 November 1938 (Exhibit 589, page 309) was not an intention to conclude this sort of treaty with Germany alone but with other nations as circumstances dictated, and contributed to general purposes of diplomacy, and had no political meaning.

30310

The policy of adjusting new relations with China was discussed at the Five-Ministers Conference on 25 November 1938 and decided by the Imperial Council on the 30th. The Navy proposal to secure Hainan Island was approved by the same conference as a temporary measure to make the blockade more effective and it was hoped it would hasten solution of the Incident. Japan should pay careful attention regarding the observance of laws of war, respect and protect third power interests and remove temporary obstacles and restore former conditions after the war. Japan would stand by the principle of equal opportunity. This was often declared by Japan in answer to third power complaints * and she tried faithfully to carry it out. However, the third powers pressed for strict observance of treaties which did not conform to the current situation, utilizing it as an excuse to assist Chiang and the tendency of the powers against Japan and to aid Chiang became more pronounced. Thus the KONOYE Cabinet, unable to accomplish peace, was forced to resign.

30311

When the HIRANUMA Cabinet succeeded the KONOYE Cabinet, ITAGAKI remained as War Minister upon HIRANUMA's request. His fundamental attitude as War Minister remained the same. It became almost impossible to bring about a speedy peace and there was nothing left to do but to take measures to gradually break down the Chinese anti-Japanese attitude. This meant the demonstration on one hand of the determination not to shun even a long war,* and on

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Page the other, to lay great importance on urging their policy by measures other than military. Although this doctrine had been carried out in the KONOYE Cabinet, it was intensified during the HIRANUMA Cabinet. Principal matters dealt with while he was War Minister in the HIRANUMA Cabinet included the bill "General Principles of the Replenishment of the Productive Faculties" (Exhibit 842) drafted by the Planning Board and approved by the Cabinet January 1939. It had been previously studied at the War Ministry on the basis of a Five-Year Industrial Plan proposed by the General Staff about April 1937. Its real purpose was to establish Japan's economy, secure defense against the Soviet, and the safety of Manchukuo so that the Five-Year Plan for developing Manchurian industries projected by Manchukuo could be realized. * The plan was changed to a 4-Year Plan and its scope diminished. Their plans were such that they could not keep pace with the new situation.

30312

As to the participation of Manchukuo and Hungary in the anti-Comintern Pact discussed by the Privy Council on 22 February (Exhibit 491), in view of the pact's aim, an increase of participating powers was always welcome and Japan merely intended to strengthen the pact.

Negotiation was also under way with Germany about the method of strengthening the pact to meet the attitude of the Comintern and the Soviet. The accused attended this Privy Council session but made no statement.

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* Concerning the newspaper story of 17 March (Exhibit 2200) purporting to report a Diet speech of ITAGAKI, he never made such a speech.

Concerning the question of closing the British Settlement at Tientsin, HIRANUMA informed him in June that the British had proposed a question be carried to diplomatic negotiations at Tokyo, but as the army's idea must be predominant, HIRANUMA wished to know its intention before consulting Foreign Office authorities. ITAGAKI then summoned army representatives for a talk so that differences between authorities at the center and at the spot could be eliminated. On the problem of general principles, they succeeded in the issue of the Anglo-Japanese Joint Declaration on July 24.

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In view of the success of the Anglo-Japanese talk, ITAGAKI believed * they could find a solution of the problems vis-a-vis the British in regard to relations with the U.S. He believed they might improve them when the loan negotiations with the U.S. then pending should succeed.

As he felt a good opportunity for peace was approaching, he asked Wang Ching-wei to accelerate the peace movement.

30315

* As to the Nomonhan Affair, after deliberation with the Supreme Command, and with the consent of the Cabinet, he tried to bring about a speedy settlement approving the Kwantung Army's policy to settle the matter locally and defensively. He thought the negotiations with Germany and Italy were the best way to relieve the Japanese from death by suffocation, to save continental China, elevate Japan's international position, cause the Chinese Government to give up tolerance of communism, resistance to Japan, give the Powers opportunities to turn China to the cause of anti-communism, co-prosperity and co-existence, and strengthen her defense against the Russian menace.

At the Five-Ministers Conference of the HIRANUMA Cabinet, the Foreign Office's counter-proposal against the German proposition was discussed. After revision it was made the instruction and it was decided to send to Europe special envoys from the Army, Navy and Foreign Office. The instructions which the envoys took were that the main objective was Russia, but Britain and France might sometimes come within the objective. Military assistance would be given if the matter concerned Russia, but would depend upon the situation in the case of Britain and France. If those two were Bolshevized, military assistance and its extent would subjectively be decided. Another mission of the envoys was to explain it as an extension of the anti-communistic agreement. However, the Germans requested relaxation of the limitation on military assistance against third powers except Russia. HIRANUMA sent a message to Hitler around 5 May, telling him that Japan's position was such that

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Page she could not relax the limitation and asked Germany to concede that point. Just at that time complications set in. Wang Ching-wei visited Tokyo on 1 June and the problem of the blockade of the British Settlement in Tientsin occurred on the 14th, * followed by the attack of Nomonhan on 15 June by Russian and Mongolian troops. In view that there was no alternative but to require Germany to concede, ITAGAKI sent MACHIJIRI, Chief of the War Service Bureau, on 11 August to request German Attache OTT to make a concession on Germany's part. The conclusion of the non-invasion treaty between Germany and the Soviet on 22 August ended the matter of the proposed pact. On the 23rd, HIRANUMA indicated his intention to resign, with which ITAGAKI agreed. After presenting the resignations to the Throne, he conferred with the three army heads and recommended TADA, who advocated peace, to become War Minister.

30317

30318 After his resignation, ITAGAKI was appointed a member of the General Staff. * During the time he was War Minister, he sincerely desired the restoration of peace with China and evacuation of Japanese forces from Chinese territory. He took every possible measure to attain this but it was regrettable that he was obliged to resign with the Incident unsettled.

On 12 September 1933, when Headquarters of the China Expeditionary Army was organized, he was unexpectedly appointed Chief of Staff under NISHIO and left for Nanking where he remained until 7 July 1941. Here he tried to bring about a speedy settlement. As to military operations, they were small ones to strengthen the blockade of the supply route. They tried to secure the occupied areas, maintain public order and stabilize the living of the people.

30319

* The collaboration with Wang Ching-wei's government was chiefly in charge of Ambassador ABE with the assistance of the Expeditionary Army to the extent it did not interfere with military operations. In particular it supported Wang Ching-wei's National Salvation Peace Movement and wished the Nanking Government to aim ultimately at joining with the Chungking Government.

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Since the possibility of negotiations with Chiang Kai-shek through the offices of Sun Tzu-chieh was found by the Hongkong Organ early in 1940, ITAGAKI supported it enthusiastically and was ready to meet Chiang in Changsha. In anticipation of its success, he requested the delay of the establishment of Wang's Government but despite their wishes the negotiation failed.

30320

In 1941 Chang Yen-hsiang told ITAGAKI of the desire of Doctor Steward, President of the Yenshing University, to talk with him. ITAGAKI thought this desirable and sent a staff member to Steward, who agreed to convey their wishes * to the President of the US that she would act as mediator to solve the Incident. The accused advised the central authorities to that effect but later, American-Japanese negotiations became aggravated and they could obtain no result.

The South China Expeditionary Army in Canton was released from command of the China Expeditionary Army on 5 July 1940, and placed under Imperial Headquarters. At the end of September a detachment of the South China Army was ordered to proceed to North Indo-China. Neither the accused nor the Expeditionary Army requested or advised this and had no control or responsibility concerning it.

30321

ITAGAKI commanded the Korean Army from July 1941 to April 1945. * As the Army had been organized on a peace-time footing up to February 1945, he had no concern in the promotion of the Pacific War and had no operational duties concerning it until the Korean Army was reorganized on a war-time footing as the 17th Area Army and detailed to protect Korea on 1 January 1945.

Regarding the telegram of 20 February 1942 from the Chief of Staff of the Korean Army to the War Vice Minister, requesting the sending of POWs to Korea, and the telegram of 23 March 1942 from the Army Commander to the War Minister reporting on the plan of accommodating POWs, they were sent at the request of the Director of the POW Information Bureau, according to the report of TAKAHASHI, Chief of Staff of the Korean Army. The accused had been

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Page told that the purpose was to transport the POWs from the southern fighting areas to the quiet atmosphere in the Japan areas. He made it a rule to treat the POWs fairly and give them as many facilities and provisions as possible. He never saw the two despatches, did not know of their being sent and did not want them sent.

30322 * He was appointed Commander of the 7th Area Army in Singapore. He took command from 22 April 1945. Its duty was to defend its area, but before they could open hostilities, the war ended. Such conditions existed that communications with various quarters were destroyed by the enemy.

The accused stated that he never became a Supreme War Councillor throughout his career.

30323 * He stated that he had no connection with the March and October Incidents. He had no connection with the Sakura-Kai, nor did he even know about its existence. He knew OKAWA * but had no occasion to meet him during a period five or six years prior to the Incident on 18 September, nor had he ever conducted correspondence with him.

30324 He knew General TANAKA, but did not meet with him nor have any conversation with him regarding the Manchurian Incident.

He knew Port Arthur well, but he did not meet nor talk with TANAKA there about June 1931.

30325 * Reference was made to the testimony of TANAKA (page 1985) where he said that he conversed with ITAGAKI, in which ITAGAKI said that the situation between China and Japan in Manchuria was extremely aggravated. However, after Chang's death it became even more so. The pending questions in Manchuria were so serious they could not be settled diplomatically and there was no alternative but the use of armed force to drive out Chang Hsueh-liang and afterward establish in Manchuria Chinese-Japanese cooperation to create a model state. When asked if he made any such statement to TANAKA or anyone else, the accused stated *
30326 that he was not in Port Arthur, but on a trip in Tsingtao, Peiping and Tientsin during June.

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Page The opinion of the Kwantung Army Headquarters, including himself, was that in spite of anti-Japanese movements in Manchuria, they must at all times uphold the policy of settling pending issues by all means but that armed clashes must be avoided. The NAKAMURA Incident shocked the Army, but even in this case settlement was through diplomacy. This should be proof that he could not make such a statement a year and three months before.

30327 * The witness stated he had no conversation with TANAKA at Port Arthur or any other place in June 1930 or June 1931 or any other time.

30328 * DIRECT EXAMINATION BY MR. KATO
COUNSEL FOR DOHIHARA

The accused stated that at the end of October 1931, DOHIHARA, under C-in-C HONJO, went to meet PU-YI at Tientsin, at which time ITAGAKI was a senior staff officer of the Kwantung Army.

Reference was made to Exhibit 300, which alleged that DOHIHARA at that time spent 50,000 yuan to bribe the Chinese Peace Preservation Corps and plain-clothes men and handed over to plain-clothes men arms sent by the Kwantung Army. The accused was asked if the Army ever sent money or arms to DOHIHARA for such purpose, and he replied that so far as his knowledge was they sent absolutely none.

30329 * When he was War Minister in the KONOYE Cabinet, a general peace with China was planned through Tang Shao-i and Wu Pei-fu. In November 1938 the peace effort came to a dead stop because of the assassination of Tang Shao-i.

30330 * He knew that after that Incident, DOHIHARA tried to further the peace movement until March 1939 and it was his understanding that DOHIHARA did not succeed and then returned to Tokyo. In March 1939 DOIHARA became C-in-C of the 5th Army in Manchuria.

30331 * DIRECT EXAMINATION BY MR. HOZUMI
COUNSEL FOR KIDO

The accused recalled calling on KIDO, the

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Page Minister of Welfare, in the KONOYE Cabinet on 18 June 1938, in which the general subject of conversation was how to settle the China Incident speedily. KIDO explained that the recent reorganization of the KONOYE Cabinet was to bring about a prompt settlement. KIDO's personal opinion was that it must be settled speedily and the accused agreed with him.

30332 * ITAGAKI was present at the Cabinet meeting on 2 August 1938 when the policy with regard to the Changkufeng Incident was discussed. KIDO was present at this meeting. On the previous day USSR aircraft had attacked Korean territory simultaneously with attacks from the ground causing serious doubts as to Russia's intentions. At the meeting it was decided to localize the Incident and effect speedy settlement. The policy was to transfer the matter to diplomatic negotiations and the Army's attitude was to effect a local settlement even though Japan might have to withdraw from the line the USSR claimed to be the frontier. KIDO agreed with the Cabinet decision.

30333 * DIRECT EXAMINATION BY MR. WARREN
COUNSEL FOR HIRANUMA

The accused stated that HIRANUMA asked him to remain in his Cabinet as War Minister. On 5 January the accused received a message from HIRANUMA asking him to go to cabinet formation headquarters. There HIRANUMA told him that the principal task of his cabinet would be a speedy settlement of the China Incident.

30334 * This plan was also the policy of the previous cabinet and therefore the new cabinet was merely continuing this. HIRANUMA said that since the accused was being asked to remain as War Minister, the retention of his office was important.

30335 The accused understood the intentions of HIRANUMA, told him he would have to discuss the matter with the three army chiefs. In this connection, he said there was one point of doubt * and he asked HIRANUMA if he had heard from KONOYE anything with regard to strengthening the Tripartite Anti-Comintern Pact. HIRANUMA replied that he had heard nothing of

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Page the question yet but would like to dispose of it
after the Cabinet's formation.

At the three chiefs' conference it was concluded that HIRANUMA's intentions were clear and the accused was induced to accept the post as War Minister. Following the decision, the accused had HIRANUMA notified of his acceptance.

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* When asked if it could be assumed from his answer that he did not name any conditions to HIRANUMA that must be promised before acceptance, the accused stated that what he had narrated constituted everything. He did not know anything about the witness YAMAWAKI's testimony that as Vice War Minister he handed to the headquarters for formation of the Cabinet a paper as to which the prosecution asked him if it did not contain seven conditions of acceptance.

DIRECT EXAMINATION BY MR. SHIMANOUCI
COUNSEL FOR OSHIMA

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The accused stated that with regard to negotiations for the Tripartite Alliance, he never sent a message to OSHIMA in Berlin, nor had he ever sent a telegram to * OSHIMA asking him to refrain from taking any actions or working on ARITA.

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Page CROSS-EXAMINATION BY JUDGE NYI.

30338 * The accused stated that the statement made by
HONJO in October 1931 was not in writing. The accused
30339 memorized every word of it. * It was given by way of
explanation from HONJO many times. It appeared HONJO had
a memo. but he didn't know of that.

Regarding the operational plan of the Kwantung
Army before the outbreak of the Mukden Incident, the
operational plan was drawn up by officers in charge of
operations, in accordance with orders from superiors in
the General Headquarters. The accused had no direct con-
nection with drawing up the plan.

30340 * It is a customary practice in all nations for
operational plans to be drafted in accordance with General
Staff Headquarters instructions. The Kwantung Army re-
requested of the central authorities an increase in troop
strength, the granting of newer and more modern weapons,
30341 or to change the disposition of the forces to meet actual
conditions. * In spite of the army's desire, central
authorities did not take the request up, so the Kwantung
Army had no alternative but to draw up a plan in accordance
with the troops, equipment, and material that it had
available.

30342 * The plan was reported and approved by central
authorities in Tokyo. The accused did not know of the
Fokusui-Kai. He stated he could not answer whether
consular authorities in Mukden ever took steps to check his
activities in association with members of the Kokusui-Kai
Society, because he had never heard of the Kokusui Society.

30343 * The telegram from Foreign Minister SHIDENARA
to Consul-General HAYASHI dated 5 September, 1931, was
quoted to the witness. This said that they had heard that
ITAGAKI and others of the Kwantung Army were exerting
themselves in various activities with ample funds, and
were manipulating Japanese adventurers in China and members
of the Kokusui-Kai. In view of the tardy progress of the
negotiations regarding the NAKAMURA Incident, especially,
they have decided on a concrete move the middle of the
month. HAYASHI was to take steps for controlling the
activities of the Ronin. After hearing this, the accused
said the contents of the telegram were groundless, but in
connection with the subject matter, he did have some
knowledge.

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- 30344 He thought it was after the Manchurian Incident that the Kwantung Army Chief of Staff, MIYAKE, placed a * telegram before him and told him to read it. MIYAKE felt that it was ridiculous to explain, but he could not quite withhold his indignation and went to HAYASHI and cast various sarcastic jokes about it. There were absolutely no facts to prove there were ample funds, or anything which would show any connection of himself with the Kokusui-Kai. He stated he had always been a poor man.
- 30345 * He did not particularly notice the Kokusui Society when he read the telegram, but did recall charges that many adventurers were being used.
- 30347 * The accused stated he had read the contents of a telegram handed him, and when asked if it had the same contents as the one shown him by MIYAKE, he stated this was different. Chief of Staff MIYAKE talked with Consul-General HAYASHI about it, and the talk ended more or less in a joke, but MIYAKE asked HAYASHI if he might not be shown the original and make a copy, consisting of two or three pages. He had these pages when he talked to the accused, and told the accused it contained such and such and asked him if he might not look at it. He did so, but could not recall whether the contents were the same as in the document shown him just now.
- 30348 * He had no recollection as to the form of the document, or whether the contents mentioned the name Kokusui-Kai. He did recall such words as "adventurer" or "ronin". It was not true that the carrying out of his
- 30349 plan involved actions of the garrison at Fushun. * He heard afterwards of the emergency defense meeting on 14 September at Fushun in anticipation of something to happen. He heard this after the outbreak of the Incident.
- 30350 He had no exact recollection, but thought Gen. TATEKAWA arrived in Mukden late in the afternoon. He thought that he himself arrived at Mukden from Liaoyang about two or three in the afternoon, and between his arrival and TATEKAWA's arrival he was in a Japanese inn. * When he met TATEKAWA at the inn, he was attired in a Japanese cotton lounging kimono supplied by the inn to relax in. Until this interview, he did not know that he had an important mission with TATEKAWA. He spent about two hours with TATEKAWA. * It was perhaps true that it was customary for a special emissary like TATEKAWA to deliver his message without delay. Asked if TATEKAWA apparently did not do so, the accused stated that he did not learn anything in regard to TATEKAWA's mission in addition to what he had already stated in his affidavit.
- 30351

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When asked why he made an effort to tell TATEKAWA there was no need for worry, the accused stated he replied to a question of TATEKAWA in accordance with his belief. That night TATEKAWA stayed in the same inn. Regarding why he called at the Special Service Organ if he told TATEKAWA there was no need to worry, he stated that he did so because it was too early to retire.

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* Because there was no new information which had come in to the Special Service Organ, he had an informal chat with staff members. It was when he was on the point of leaving for his billet that an urgent message came in reporting the outbreak of an incident. This prevented him from returning to the billet. He thought the chat at the Special Service Organ lasted about an hour and a half.

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* It was customary that any communication with army headquarters had to be requested through the Special Service Organ. The Organ had a telegraph code form which everyone did not have. If there was any need to send a coded telegram, it was necessary to call up the Organ.

When asked if the Organ had any activities besides collecting information and issuing press releases, the accused stated he thought its functions had already been fully explained. Whenever any negotiations relating to military matters had to be conducted, the important ones were relayed to the Consulate-General, and the less important were dealt with by the Organ with the Staff Office of the Chinese in Mukden.

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* After SHIMAMOTO and HIRATA told him they were ready to fight, he immediately approved that plan. He tried to ascertain the situation as much as possible, and

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* heard every telephone call that came in from the front at the Special Service Organ. He made every effort to obtain data upon which to make a sound judgement. The Incident was unexpected, and the messages from the front were fragmentary and at times inconsistent. Though they tried hard to ascertain the true nature of the situation, it was difficult because the signal corps was constantly moving and it took time to establish contact with them.

30357

It was not he who recommended DOIHARA to be mayor, but the appointment was by General HONJO. When asked if he recalled that MORISHIMA advised against setting up the municipal administration, he stated that it was the Chief of Staff who called MORISHIMA, and he was just present at the meeting, * and Consul MORISHIMA did not present to him anything that would require his acceptance.

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MORISHIMA asked the Chief of Staff whether a military administration was going to be established. The Chief replied that no military administration was contemplated. Other than this, the accused had no recollection as to what transpired.

30358

Asked if HAYASHI called on HONJO to point out that it was a mistake to set up a municipal administration, the accused stated that he had not directly heard anything from HONJO, but what he had heard from the Chief of Staff was similar to what was said at the conversation between the Chief and MORISHIMA. * His recollection was that HONJO told the Consul-General that no military administration was being established.

30359

It was not true that HONJO told him that on the whole he agreed with him, but since the order had been issued he had no way to alter it. He didn't know who was Chief of the General Affairs Section. A person by the name of IORIYA was president of the Japanese Residents' Association, * but he didn't recall whether he had taken such an office. He did remember that several Japanese worked in the municipal administration, but could not recall whether any was a chief of any section or department.

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When asked why he could be so certain that the Japanese served only as advisors, he stated that responsible Chinese were not around. If they had been, there would have been no need for Japanese helping set up the administration.

30361

* When asked if certain named Japanese did not consist of key personnel of the administration, he stated that there were no responsible Chinese to undertake municipal administration, and there was no alternative but for the Japanese to take it over for the time being. * He didn't know exactly who was chief of certain sections.

30362

* If he had replied previously that he was familiar with the personnel who were chiefs of sections, it must be some misunderstanding. He did know the name IORIYA very well, and the other names mentioned to him were Japanese.

He did not know that to raise funds, the municipal administration under DOIHARA had planned an opium monopoly and the issuance of lottery tickets. He did not remember if the Kwantung Army Headquarters had no objection but instructed the municipal administration to make clear stipulations to get Headquarters approval for this before the plans were put in operation.

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* To the accused was read a telegram from Consul-General HAYASHI in Mukden to Foreign Minister SHIDEHARA dated 13 October, 1931. which stated that according to reliable sources, the municipal administration office planned a monopolization of opium and the issue of lottery tickets to raise their funds, and asked Army Headquarters for approval. They were also informed that though Army Headquarters had no objections, they instructed the office to state the stipulations and get Headquarters approval before the plans were put in operation and to report these to the Consulate and the police station. Not only are opium monopolization and the issuing of lottery tickets unfavorable for international relations, but a materialization of a part of army plans marked Secret 781 of 2 October. HAYASHI was asked to call on the top military to check the movement and in consideration of the delicate situation preserve absolute secrecy from the army as to receipt * of the telegram and the contents of the official letter mentioned.

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The accused stated that he had never been approached on this subject, and he did not know if the army had been. Asked if DOIHARA was guiding the local Peace Preservation Committee in Mukden, he stated that the mayor handled only city affairs. It was true that DOIHARA was chief of the Organ up to the outbreak of the Incident, as there were no Army Headquarters there. This is why the organ was necessary. * As soon as Headquarters moved to Mukden, there was no need for the Organ and it went out of existence. Therefore, DOIHARA was no longer Chief of the Organ, but exclusively the mayor. There was automatic abolition of the Organ when he became mayor.

30365

When reminded that MINAMI had testified that the abolition of the Special Service Organ did not take effect until 1935, the accused stated that that was different. While Kwantung Headquarters was in Mukden, the Organ was abolished. After the establishment of Manchukuo, Headquarters moved to Changchun or Hsinking, and there was a short period when there was neither a Headquarters nor an Organ in Mukden. A necessity for the Organ arose, and it was revived in October or November 1932. Therefore, during MINAMI's tenure * there was a Mukden Organ.

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The accused stated he did not know if DOIHARA prohibited setting up another political regime with the Four Peoples' Preservation Committee as the basis, headed by Kan Chao Hsi.

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* He did not know if the local Peace Preservation Committee issued a declaration on 5 November, 1931, in which Kwantung Headquarters ordered the insertion of words that relations should be severed with Chiang Hsueh-liang's former regime and the National Government of China. He didn't recall that because of the Army's insistence on these words, influential persons like Yuan Ching-Kai and Yu Chung Han were placed in a dilemma. He thought Yuan was associated with the Peace Preservation Committee, while Yu Chung-Han was with the Self-Government Guiding Board.

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It was not true that on 28 October, the Army called together garrison commanders and provost marshalls to support the policy. * He did not know if at that time Chief of Staff MIYAKE instructed that the enforcement of local autonomy and guidance by Japanese should never be revealed outwardly. Before and after the outbreak of the Mukden Incident, Tsang Shi-i was confined at home because of illness. It was not true that he was arrested and imprisoned and killed 15 December for refusing to help in establishing an independent government.

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* Asked if Yuan Chin-Kai was next approached, the accused stated that from the outset of the establishment of the Peace Preservation Committee, its president was Yuan Chin-kai. It was not true that about mid-November, 1931, Yuan was under strict watch by the Army because he was complaining to foreigners.

Chang Hai-peng was firm in his decision to support Pu-Yi. He learned that from Lo Chen-Yu. It was not true that he received Japanese aid in the form of money and rifles.

30370

Asked * if he knew that the Consul-General in Mukden was told by Shih that Chang Hai-peng would enter Tsitsihar and declare Heilungkiang independent on condition of receiving Japanese aid, the accused stated he had no knowledge as to who told this to Chang.

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* There was no case in which the Japanese participated in discussions about what form of government the new state was going to take. Reference was made to exhibit 3296-A, which described a meeting in Mukden on 11 January, 1932, attended by both Japanese and Chinese notables, which discussed the form of government to be established in Manchuria. The accused stated that this was a meeting sponsored by a Japanese newspaper. It was purely unofficial and had no responsibility.

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* He understood that it represented that Kwantung Army members attended, but this was in a private capacity and they had no official responsibility.

When he stated that political leaders agreed on an independence movement unanimously, these people had actual authority, being chiefs of provinces and army commanders. All had responsibility toward the people. It was necessary for Headquarters to understand the desires of these people of responsibility.

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* Asked if he meant that they derived their authority and responsibility from the army, he stated that was not the case. He was speaking of the masters of the people living on soil not occupied by the Army.

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DOIHARA was sent to Tientsin to see Pu-Yi by order of HONJO. * He had understood the general outline of exhibit 2190, DOIHARA's interrogations, in which he stated that details of this meeting were arranged by ITAGAKI. With respect to DOIHARA's trips, matters such as travelling expenses were looked after by the accused. Asked why DOIHARA was given this assignment, he stated that it was to collect information in the Tientsin-Peiping area. At that time the position of mayor previously held by DOIHARA was delegated to a responsible Chinese and DOIHARA was free. He was especially considered the most suitable because his main task related to collecting intelligence.

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* Asked if before DOIHARA was sent, a certain UEZUMI was sent to Tientsin to contact SAKAI to take Pu-Yi to Yinkow, the accused stated that he didn't recall the name UEZUMI. There were many named SAKAI in the Army, but he didn't know whether a person by that name was in Tientsin then.

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Asked if it was not because the previous plan had not materialized that he found it necessary to send DOIHARA to enlarge the project, he stated that he knew nothing of a previous plan or a project. Inasmuch as DOIHARA's trip would require travelling expenses, the accused looked after that and minor details. * He didn't know what was referred to when other arrangements were spoken of. The accused was not the treasurer of the army.

In looking after these details, he gave orders to the intendance officer to provide necessary expenses. There was nothing more than this.

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Page He did not know if the assistant on the trip was
30378 OTANI. DOIHARA was free to take his assistant from Mukden
or employ him after arrival in Tientsin. * Asked what
would affect the finances over which he seemed to take
charge, he stated he had no supervision over finances.
He had stated that he ordered the officer in charge of
funds to give them sufficient money for two men for one
month.

30379 Asked if he didn't know what DOIHARA was going
down to Tientsin for, the accused stated that he knew
only that DOIHARA was given the assignment by HONJO and
left on it. * He went first of all to collect intelligence
on the Tientsin-Peiping area. There were some troops of
Chiang Hsueh-liang north of the Great Wall, and it was
necessary to avoid clashes. to ascertain the true situation
there, inasmuch as these troops might withdraw within the
Great Wall. There was much information flowing into
Manchuria to the effect that Pu-Yi desired to return to
30380 Manchuria. Since DOIHARA was going on this assignment to
Tientsin. * he was given the additional assignment to
ascertain whether this reported desire of Pu-Yi was true
or false.

Asked how he found out the purpose of the trip,
he stated that the assignment was made by the Commanding
General, and all staff officers were informed. He did not
give DOIHARA any particular advice. but being friends, he
should think he told him not to overstrain himself.

30381 Asked if he was not in charge of intelligence in
the Kwantung Army, the accused stated that Headquarters
divided the staff office into sections. he was Chief of
the General Affairs Section. The First handled operations,
and the Second intelligence. * As Chief, the Intendance
Officer was a subordinate. and it was only natural that he
should give the orders regarding travelling expenses.

Reference was made to exhibit 2196, a telegram
from HAYASHI to SHIDEHARA, dated 12 November, which asked
the Army Commander regarding Pu-Yi's coming to Manchuria.
He replied that not only had he heard nothing of it, but
he had had ITAGAKI notify the Tientsin Garrison that they
were not to hurry about the Emperor's coming to Manchuria.
The witness stated he had some recollection of that.

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30382 Asked if he notified DOIHARA to quit, he stated that he was ordered by HONJO through the Chief of Staff to send this telegram. * When he said he told DOIHARA not to overstrain himself, he meant that in connection with collecting intelligence in the Tientsin-Feiping area, there would be possibility of confusion as a result of possible troop withdrawal, and there was possible danger. It had no relation with the taking of Pu-Yi to Manchuria, because the assignment was to ascertain whether he desired to go to Manchuria.

 Asked if the Kwantung Army ever occupied any area outside of Manchuria, the accused stated that he supposed the question related to his affidavit where he stated that the Kwantung Army sent no troops to North China. He meant that there was nothing of the kind while he held office in the Kwantung Army.

30383 * During that time, the Army never occupied any area outside Manchuria.

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* The accused stated that he recalled DOIHARA was in North China in November, 1935, on orders from the C-in-C of the Kwangtung Army, at which time the accused was Vice-Chief of Staff. If he had a duty to be informed about troop movements, he stated that the Chief had the concurrent duty of Assistant Military Attache and the Chief of Staff was in a position to know of those movements, but as for himself as Vice-Chief of Staff he had no power to make decisions and was not in a position to know of troop movements and planned operations.

30386

Regarding DOIHARA's mission, he was sent to North China, and extensive consultations with military authorities were held. When he went there, there was a regime headed by Wang Fu. They had heard there was a desire in North China for a new regime. From the standpoint of national defense, the Kwantung Army had always been concerned with it against the Soviet and its main objectives were always directed toward the Soviet and in other directions. * Thus it was of the utmost importance that friendly relations be maintained with countries to the rear so they could obviate any feeling of anxiety.

30387

Since the people of North China desired a new regime, DOIHARA's mission was to make contacts with various people there to arrive at understandings, and by concluding friendly relations with them enable the army to feel secure in its rear. * It was not true that DOIHARA went there to demand a formal proclamation of the new autonomous state by noon of 20 November 1935.

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Asked if it was a fact that the new state would include the Five Northern Provinces, he replied that maybe the Chinese had some ideas, but he had not heard them. In view of the purpose of DOIHARA's mission, it was impossible for the accused to conceive that DOIHARA threatened the Chinese authorities, but if the demand was not accepted by noon he would cause Japanese troops to march into North China and remove Fu-Yi from Changchun to Peking. * The routine in connection with this was that there was a staff officer in charge of sending newspaper reports, and all pertinent items were passed on by him to the accused.

30389

It was not true that Japanese newspapers in Manchuria printed the same news story as foreign papers did about the Incident. Asked if the army mobilized its troops and air force in mid-November, 1935, he stated that to mobilize troops it was necessary to gain the approval of the authorities, and he could not recollect that they ever took steps to request such authorization.

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* When handed a document, the accused stated he had no recollection of ever having seen it, but it seemed to be a report from the C-in-C of the Kwantung Army to the War Ministry and was part of the Secret Great Diary of Manchuria. * The accused was read a part of the document, which stated that according to the object described in separate telegram 762, they decided to concentrate a part of the forces outside the Great Wall to cooperate suitably with the China Garrison Army, in case of need, and issued orders at noon on the 12th to take certain measures. It stated that certain troops should be placed under the Commander of the First Mixed Brigade, and should be made to concentrate the forces near Shanghaikwan by November 15 so as to be prepared for advancing into North China. The advance to the south of Shanghaikwan should depend on orders.

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* Exhibit 3317-A, an excerpt from the Great Secret Diary of Manchuria, which was just read, was received in evidence. * Asked if the Army, on 16 November 1935, ordered the Air Force to be prepared for action by 20 November, 1935, the accused stated he didn't recollect that. The witness was handed a document, and stated it was an order issued by the Kwantung Army, and although there was no signature, MINAMI was commander at that time.

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* Exhibit 3318-A, an excerpt from the Great Secret Diary of Manchuria, being the document identified by the accused, dated 16 November 1935, stated that in view of the subsequent situation in North China, the Army intended to gather part of its Air Force outside Shanghaikwan. * The Air Force commander should order scout planes, fighters, etc., to advance by 20 November, and make preparations for marching toward the Peiping-Tientsin area. The railway line sector commanders should dispose railway transportation service to facilitate the transfer of the two air squadrons.

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Asked now, after reading the two previous exhibits, if he recalled anything of that sort, he stated he heard later that there had been troop and air movements, but understood they were ordinary peacetime movements.

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* Asked if the Kwantung Army had control over harbors, rail, and water transportation in Manchukuo, he stated this was so within the limits of the appendix attached to the Japan-Manchukuo Protocol. He did not think the word "control" was appropriate, but believed many were joint Japan-Manchukuo enterprises.

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- Page Among the appendices to the Protocol, there was the HONJO-Pu-Yi Agreement, a clause of which stated that since Japan was to take charge of national defense, various facilities such as railways, harbors, and water transportation would be administered by the Japanese, and Manchukuo agreed to this. Therefore, although the Manchukuoan railroads were owned by a Manchukuoan company, their operation was entrusted to the SMR.
- 30398 * The witness was handed a document which he identified as being from the Chief of Staff of the Kwantung Army to the Vice War Minister (Exhibit 3317-D). Asked if the railroads, harbors, and water transportation meant only railroads owned by the Japanese, he stated that Japan had powers of administration over the railways referred to in the document, under treaty provisions. In the beginning, the Army had a Special Service Department, and in it was a Communications Supervision Bureau. Under MINAMI, this bureau was abolished. The counts did not extend to railways not administered by the Japanese in pursuance of treaty rights.
- 30403 * The accused stated that control of tariffs belonged to Manchukuo, and was an internal matter.
- 30408 * Reference was made to his affidavit, which stated that KONOYE thought he was the best man for the post of War Minister, considering his career and ideas. He was asked how his ideas came to KONOYE, and he stated he did not know who recommended him to KONOYE. ISHIHARA had no reason to engage in such political activity, and he did not know whether it was he or whether it was KIDO. When he became War Minister, the Vice Minister was TOJO. He did not pick TOJO, but his consent was asked for later.
- 30409 TOJO became Vice-Minister before he became War Minister. He supposed this was about a week before.
- 30410 * In regard to important policies, the accused received information from his predecessors which was applied to the policy for settling the China Incident. Asked if he was aware of the decision of the Imperial Conference of 16 January, 1938, he stated he didn't know what this conference was about, and didn't know what it decided.
- 30411 * He heard, in connection with the statement of 16 January, that the true intent of the government was not necessarily destruction and non-recognition of the existing Chinese government. Asked if the government policy at the time of the declaration of 16 January, 1938, was continued when he became War Minister, he stated it had not yet been changed.

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30412

* Reference was made to the affidavit where he stated that the War Minister's policy was to alter the peace terms and that the terms should not be so exacting as the ones proposed through Trautmann. Asked if he made an effort to change or modify the terms, he stated that the result of his efforts was the declaration of November 3 and the outline adjusting new relations issued November 30. He did make efforts to change the terms. When the terms published in the outline on 30 November were compared with the terms offered through the Trautmann negotiations, they were as mild as they could be. * Because the effect given by the January 16 statement at the time of its issuance was very bad, they now stated that even as regards the Chungking regime, if they would be willing to approach Japan, she would deal with them gladly.

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The main purpose of the Five Ministers' conference was to enable the Ministers concerned to meet and discuss major problems, and there were no special regulations.

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* Asked if he made a statement to the purport that the aim of the meeting was to discuss the war situation to the Domei News Agency, he stated he had made such a statement, and it went without saying that a speedy solution of the Incident was fully discussed. He, as War Minister, occupied a very important position in that conference. The important declarations and policies which were adopted by unanimous decision at the conference were in conformity with his views.

30415

Asked if he attended the conference in June, July, and August, 1938, he stated that on the whole he did so. * When handed a document, the accused stated that the title said that it contained the decisions of these conferences, but the results or decisions of the conference were not recorded at the meeting. His recollection of what took place was not accurate, and he did not know who recorded the decisions. * It was not a practice to keep minutes of the decisions, and he could not recognize that these were the decisions reached by the Five Ministers Conference.

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* Asked if a sheet before him was a certificate, he stated that he could not tell, as he could not read English. * The accused stated that he did not remember if the Five Ministers' Conference on 8 July, 1938, decided the measures to be taken by Japan in case China surrendered.

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30422 * He didn't remember if it was decided that in that eventuality Japan would either adhere to the decision of 11 January and treat the Chinese Government as a local regime which would participate in the setting up of a new pro-Japanese Government. It was not true that it was decided then that Japan would not try to settle the Incident through negotiations. He had no recollection whatsoever as to this, and at that time no one had any such idea.

He didn't recall if on that occasion they decided that the Chinese surrender would only be accepted on certain conditions, one of them being the retirement of Chiang Kai-shek. He didn't remember if the conference of 8 July decided on measures to be taken in case China refused to surrender.

30423 * It was not true that the policy was laid down that in that eventuality, Japan should concentrate her power on the destruction of the Chinese Government. He did not recall such a thing at all, and it was not so that it was decided that Japan would continue positive war operations so as to occupy all strategic points in China.

30424 He didn't recall if it was decided that in case China continued to refuse to surrender, pro-Japanese regimes would be made to combine. Asked if the conference on 8 July decided on strategy toward China, he stated he didn't remember whether there was a conference on that date, * and even if there was he didn't remember what was decided.

30425 * He had not forgotten the policies of the government and his own views and ideas. It was not true that it was decided then to bring about Chiang Kai-shek's fall and destroy Chinese fighting power. They did not have the purpose of confiscating the funds in China, or any foreign concessions there.

30426 * He did not remember whether the 15 July conference decided on the policy for establishing a new central government in China, and it was not decided that a new government be set up after the occupation of Hankow and Canton when the Chiang Government would have been reduced to a local regime.

Asked if the 15 July conference decided to provide for Japanese supervision of military affairs, foreign relations, economics, religion, and education in China, he stated they had no such plans, nor did the plan provide for appointing Japanese advisers and officials.

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30427

* Asked if the conference of 8 July decided that the main objective would be to stop British aid to Chiang, he stated he didn't recall exactly. The 12 July conference did not decide upon the attitude to be taken toward possible British and German proposals for mediation, and he didn't recall if there was any decision at any time to decline British proposals.

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Asked if the 22 July conference decided on the procedure for settling the Chan-kufeng Incident, he stated he felt there was no important decision on that date. * He had stated in his interrogation that the Cabinet meeting of 2 August was devoted to that Incident. He did not remember if the 26 July Conference decided to set up a special commission for Chinese affairs.

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* He had said in his affidavit that there was a special mission headed by DOIHARA, TSUDA, and BANZAI, but he could not recall whether it had a special name. The task of the Commission was not to draw up political and economic strategies for war against China.

He did not remember if the conference of 9 September, 1938, laid down the outlines for a joint commission of representatives of the local regimes. It was not decided on this occasion that complete guidance would be given to the Joint Commission by Japan, and he did not remember if that, in conformity with this decision, the Commission was established on 22 September, 1938.

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* The accused stated that Premier KONOYE had sent DOIHARA to China in 1938. The accused did not recommend him as War Minister. The solution of the Incident was difficult, and it was a problem for the entire country and not the army alone. It was necessary to select the best man, and Foreign Minister UGAKI selected BANZAI. * DOIHARA, with Admiral TSUDA, was appointed to assist BANZAI and cooperate with him.

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The purpose of DOIHARA's mission * was to call on those who were earnest in their desire for peace and ask their cooperation. It was not true that one of his strategies was to work on retired statesmen and generals and set up a new government. It was not true that the government picked DOIHARA because he had had previous experience in setting up new regimes.

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* Asked if the Special Commission was a secret organ, he stated he didn't recall the name "Special Commission on China".

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30434 The group of BANZAI, DOIHARA, and TSUDA had no special name, but its purpose was to get together the best men who had an earnest desire for peace. Asked if there was a name DOIHARA Kikan, or Agency, which maintained communication with the War Ministry, he stated that he had forgotten the name, but since DOIHARA was the youngest of the three and the only one in active service, he administered the business of the group, maintaining a house in China. * The accused did remember that he used the name "DOIHARA Agency" when he communicated with the accused.

Asked if it was also sometimes called "Take Kikan", he stated he did not know. He did know the composition of the China Affairs Board, and as War Minister he was one of the vice-presidents and knew the important decisions of the Board.

30435 * He did not know the anti-Comintern National Salvation League. Reference was made to the affidavit, where it was stated that the National Salvation Peace Movement, in particular, supported Wang Ching-wei's

30436 national peace movement. * Asked if this peace movement was the same as the National Salvation League, he stated he did not know if there was such a league, and he hardly thought the salvation movement was financed by Japan.

30437 When shown a document, the witness was asked if it was a decision of the China Affairs Board. * He stated that he had no recollection of it, and could not recall if
30438 it was decided that the necessary expense * for the activities of the anti-Comintern National Salvation League should be appropriated from surplus funds of the Maritime Customs Revenue.

30439 * He did not recall if it was decided that when utilizing the surplus funds, Japanese names should be used to maintain secrecy and cover up the fact that this was a genuine Chinese movement.

30440 When DOIHARA was working on Wu Pei-fu, they did not have some arrangement about the expenses. He did not recall a document shown him as a decision of the China Affairs Board on 23 June, 1939. He did not recall that the expenses for the Wu Project would be defrayed in accordance with the expenses required for the Salvation League. * He had nothing to do with any matter concerning the arranging of money for launching these projects.

Asked if the DOIHARA Kikan was taken over by KAGESA, he stated the words "taken over" were not proper. The mission of the two was different, and there was quite an interval between when DOIHARA returned to Japan and the time when KAGESA was settled in China.

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Page'

30441 KAGESA was not sent by the accused. He did remember that KAGESA went for political work with NAGAI and others, on government orders. He was sent by all ministers connected with the Five Ministers' Conference, in accordance with a decision there. In this group there were naturally navy men, civilians, * and Foreign Office personnel. In the beginning, his mission was to contact Wang Ching-wei and bring him from Hanoi to Shanghai.

30442 In reply to the statement by KONOYE on December 22, 1937, Wang Ching-wei had escaped to begin a peace movement and was in Hanoi, but since he was in danger there and desired to come to Shanghai, an emissary was sent to bring him. * The accused believed that Wang issued the statement a week after KONOYE's statement of 22 December, of his own accord.

The accused had heard KAGESA's testimony that KAGESA had informed Japan that the Chinese would expect a Japanese announcement on the peace terms, and that the KONOYE statement of 22 December, 1938, was prepared in view of the proposed escape of Wang to Hanoi.

30443 * Asked if he still insisted that the statement was Wang's own idea, the accused stated that he was convinced that it was. * Asked if the Five Ministers' Conference on 26 August 1938, decided on the policy for propaganda in connection with the Incident, he stated not on that date. Asked if this decision stated that in view of the prospective fall of Hankow it was a pressing need to push long-term construction plans, he stated that he recalled that on 26 August the conference discussed plans for strengthening the anti-Comintern Pact, and he recalled no decision on any other matter.

30445 When shown a document and asked if it was the decision of 26 August, he stated that he did not recall it. * As he had stated, he recalled only the discussion concerning the anti-Comintern Pact on that day. Even if he was told that the document was an official one, he still
30446 would say it was not the August 26 decision. * He could not think that the paper presented to him purported to contain the decisions of the 26 August conference.

30447 * He could not recall a conference between himself and the Navy and Foreign Ministers. No records were kept of the Five Ministers' conference, or any other. He did not recall that on 28 October, 1938, he, the Navy, and Foreign Ministers, decided policies for administration of the recently occupied Hankow and Canton districts. They did not decide that new administrations would be set up there under Japanese guidance.

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30449 * He did not recall if it was decided that in economics, emphasis should be laid on acquiring supplies for the army. * He didn't recall that in the latter part of August 1938, the Five Ministers' Conference requested the various ministries to submit plans for establishing a new organization to deal with all Chinese matters. He did not recall if the Foreign Ministry at that time proposed a temporary organization for the duration of the China Incident, agreed to by the War Ministry.

30450

It was not true that in early September, 1938, the army submitted a plan to establish a permanent China Affairs Board, which would continue even after settlement of the Incident. * Asked if Foreign Minister UGAKI strongly disagreed with the establishment of the China Affairs Board according to the army plan, he stated that UGAKI wanted to have a board set up within the Foreign Office, but the army felt it necessary to have an organization supported by the whole government. Asked if because of this disagreement UGAKI resigned on 29 September 1938, the accused stated that UGAKI did resign, but did not state his reasons. Asked if it was not because the Premier and Cabinet agreed with the Army plan, the accused stated that it was true that the other four ministers agreed with the army, but neither the Premier nor Foreign Minister said why UGAKI had submitted his resignation, and KONOYE said at that time he could not understand it.

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* He believed it was around November that the China Affairs Board was finally set up, and he thought UGAKI resigned around 26 or 27 September. He did not recall if the army plan was approved two days after UGAKI's resignation. Since the Board was set up in November, he could be sure that the decision was made

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between the resignation and November, * but he did not think it was immediately after.

He did remember that at the beginning of April, 1939, the Liaison Offices of the Board were established in China, but he didn't remember if HIRANUMA addressed the chiefs of the Liaison Offices or if any such speech stated that the government adhered to the KONOYE statement of 22 December, 1938.

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* He didn't recall if, in a meeting of liaison officers on the 10th or 11th of April, 1939, a director of General Affairs instructed that the guidance of the Chinese regime and the future Chinese government in political and economic affairs should be according to the principle laid down by Japan. The purpose of the Board was

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Page not guidance, but the idea behind it was to take charge of politics and economics so far as they related to Japan, and maintain liaison with China. He knew that the accused SUZUKI was in the China Affairs Board, but didn't remember his title.

30454 He could not remember if he attended the meeting of April 10 and 11, 1939. * He didn't recall if there was an instruction that in the guidance of China, the important points of Japan's desires had to be fulfilled, and he didn't recall if the decisions of the liaison offices were

30455 approved by the Board. * He didn't recall if the directions and the speech were approved by the Board before the meeting in April, 1931. He did not know if the instructions given at the meeting of the chiefs of the Liaison Offices included an industrial three year plan for China, or if that plan was contemplated to fit in with Japan-Manchukuo production expansion plans to fulfill Japan's defense and economic demands.

30456 * It was not true that after the establishment of the Board, the army tightened its control on Chinese and provincial local governments. Asked if he knew that it was reported that the Liaison Office of the Board in China still had to obtain the understanding of the local army before they could do anything, he stated that since the army was conducting military operations, it was glad to give all conveniences in its power to the administrative organs if they did not hinder operations. * He did

30457 not recall if Foreign Minister ARITA had complained of the interference of the army in such matters before the Five Ministers' Conference.

The accused recalled that the Imperial Conference of 30 November, which decided on the policy of adjusting relations with China, took place after the capture of Hankow and Canton. He stated that he was present at the conference. The Foreign Minister explained the policy.

30458 * When handed a document, he stated that it was similar to the decision of November 30, but he could not judge whether it was exactly the same. There was nothing in the document to show it was the original and he could

30459 not say it was the same. * and he could not understand the certificate. He could hardly believe that such a lengthy decision was arrived at at an Imperial Conference, for he recalled that ARITA's explanation was very brief.

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- 30461 * The accused repeated that he could not identify the document but he remembered that the decisions reached that day were items relating to the adjustment of new relations with China.
- 30462 * The accused was asked if it was decided that the object of establishing a new order in East Asia should have conditions including general cooperation between Japan and Manchukuo, China, a special position for Japan in North China and Inner Mongolia, a special position along the lower Yangtze, Hainan Island and other islands along the South China Coast. He stated that was not accurate. In his recollection, the statement regarding establishment of the Co-Prosperty Sphere was set forth in the KONOYE statement of 3 November. Asked if the details were also laid down in the Imperial Conference decision, he stated he did not recall such details being carried out immediately. * It was not true that the details provided for the creation of a new China government on the principle of cooperation among separate regimes. The first of the points provided for was the maintenance of good neighbor relations and friendship, cooperation against communistic and economic cooperation. It was not true that it was decided that Japan would send advisors to the new central government and the local regimes. The policy decision upon which he called the principles for adjusting new relations which might serve as conditions for peace.
- 30463
- 30464 * Asked if it was decided that China would have to compensate Japanese subjects for the economic and financial losses during the China Incident, the accused stated it was exactly opposite. Japan was not going to take any reparations or indemnifications, entertained no territorial aggrandizement, and was firm on its stand of respecting the sovereignty of China. There was no idea of claiming any indemnity. She was determined not only to respect the sovereignty and territorial integrity in China but even relinquish extra-territoriality rights and effecting the rendition of concessions. It was not decided that economic activities and interests of third powers would be restricted.
- 30465 * Asked if HIRANUMA made a speech at which the Foreign Minister replied at the conference of 30 November

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Page 1938, he stated that such a matter was hardly possible at an Imperial Conference.

30466 * The accused was handed a document and it was suggested to him that it was written on Imperial Household Ministry's stationery. He stated that stenographers could not enter the conference room and no stenographic transcripts could be made. He noticed that his name appeared at the bottom of the document as one who attended it but he stated he could not possibly identify it.

30467 * Another document was shown him and he was asked if it included a speech by HIRANUMA. He stated that this was not possible in accordance with precedents. It was written on poor quality Imperial Household stationery and he was hard put to give any correct judgment as to what kind of document it actually was, and he placed no trust in it.

In regard to the purported speech by HIRANUMA in the document, he had no recollection of HIRANUMA stating that activities of Chinese troops in the occupied areas would have to be suppressed or otherwise the conference decisions could not be realized. He did not recall that HIRANUMA stated that the establishment of a new regime should outwardly be done by the Chinese but in reality it would depend on Japan. He did not recall if HIRANUMA stated that in areas where Japanese troops were to be stationed, administration would have to remain under Japanese supervision. He did not remember if HIRANUMA stated that in case third powers would oppose Japan, it would be necessary to deal with them resolutely.

30469 * He did not recall a Five-Minister Conference on 6 June 1939, three days after he became War Minister. He did not recall if it was decided at this conference that the constituent elements of a new central government should be Wang, Wu, the existing regimes, and the Chungking Government, provided it changed its mind and reformed.

The accused stated he did not know about any decisions reached in early June 1939. In his recollection, Wang Ching-wei arrived in Tokyo in early June and if that was the case, he supposed the conference would be held prior to his arrival.

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Page He did not remember if after his arrival there was a second conference.

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* He stated that at the time of the Changkufeng Incident in July 1938, TOJO was Vice-Minister. Asked if the Naval and Army High Command had intelligence reports, that there were no indications that Russia was preparing for war against Japan, he stated that there was no clear-cut report to such effect. There were various reports but he could not recall anything in particular.

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The accused was asked if the Kwantung Army estimated the situation and declared that the Soviet forces must be compelled to withdraw from Changkufeng by force, and even if Japan resorted to force, Russia would not enlarge the Incident. The accused stated that this was not within the knowledge of the Kwantung Army because the Incident occurred on the Korean border * which would be under the jurisdiction of the Korean Army and he had never heard of it. It was not true that the Kwantung Army Headquarters persistently urged the use of force to General Staff Headquarters. The Japanese attitude was clearly decided upon by the Cabinet. It was not true that he and the Chief of Staff fully agreed with the report and recommendation of the Kwantung Army and sought an Imperial audience on the 21st to obtain Imperial sanction. He did not know if he had been told by the Emperor through his Chief A'de-de-Camp that if the intention of seeing him was to obtain sanction for the use of force, then he need not come.

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* The attitude at that time was decided upon definitely by the Cabinet. The policy was non-expansion, but because the Soviet took aggressive action, there was extreme danger and they had to take necessary measures to meet it.* He did have an audience alone with the Emperor at which he reported

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the policy decision on the Changkufeng Incident as laid down by the Cabinet. Asked if he was severely reprimanded by the Emperor on that occasion for telling a falsehood, assuring the Emperor that the Foreign and Navy Ministers had agreed to the use of force in Changkufeng, he stated that the subject matter was entirely different. Before he reported to the Throne

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Page Foreign Minister UGAKI had an audience. The Emperor asked the accused if there was not some difference between UGAKI's report and his own. Although UGAKI and he had arranged their reports so that there could not be any difference,* because the Emperor asked such a question pointing out that there seemed to be a difference, he assured him that he would look into the matter, and left.

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* When the Emperor asked him if there wasn't some difference, he stated he did not think so, but would look into the matter, but the Emperor did not say to him that thereafter he could not move one soldier without his command. It was not true that the Emperor excitedly told him that the actions of the Army in the past had been abominable and that in the Loukiaotou case and in the Marco Polo Bridge Incident, there was absolutely no obedience to central orders. It was not true that the Emperor said that there were infrequent instances where arbitrary and sneaky methods had been used and he felt it was abominable.

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* He denied that the reprimand was so strong that he went to the Chief Secretary of the Lord Keeper of the Privy Seal and stated he could never look into the Emperor's face again and would like to resign.

In regard to the Nomonhan affair, at which he stated in his affidavit that he endeavored to bring about a speedy settlement, the accused stated that it was not true that he did not seek the approval of the Five-Minister Conference or Cabinet until the conflict had neared its conclusion.

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* It was not true that he ever told HIRANUMA that hostilities should continue. It was not true that when he finally took the matter up with the Cabinet, YONAI stated it was a distasteful situation to start the Incident and then bring the problem after the Army had bungled it.

At first he approved wholeheartedly the actions of Kwantung Army Commander UEDA in connection with the Nomonhan Incident, but afterward he did not. UEDA was relieved from his post because after the rout of the Japanese forces, it was deemed impossible

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Page to continue military operations, but this was when the accused was no longer in office. He stated that he was War Minister during the Lake Khasan Incident.

30479 * (The attention of the Tribunal was called to Pages 22599, 23057 and Exhibit 766.)

30480 * The accused was asked in regard to the British Concession in Tientsin if it was true that five demands were presented to the British in July 1939, including the handing over of 50 million yuan, to the provisional government in Peking. He stated that such negotiations were not handled by the Army but negotiations were conducted through diplomatic channels. He had no recollection of having an Imperial audience in connection with this topic. Asked if there was a condition demanding the handing over of 45 million yuan, he stated that in the French Concession, there was a Chinese Bank of Communications in which there was deposited money, but he did not know whether it was 45 million. The Peking government decided to inspect this fund but the Concession authorities refused. * The money was federal reserve notes and it was natural for the Peking government to have the notes transferred to it. This had no connection with the Japanese Army and it was a problem of the provisional government. Asked if it wasn't the British rather than the French Concession, he stated that his recollection was that it was the French. Asked why the matter was discussed in Tokyo if it concerned the provisional government, he stated there were questions such as maintaining law and order and economics.

30482 * It was not true that about 7 July 1939 the Emperor summoned him and inquired the reason for the demand for handing over 45 million yuan and it was not true that he was again rebuked by the Emperor.

(In lieu of cross-examination in connection with the problem of POWs, the attention of the Court was invited to Exhibits 1614, 1617 to 1622, 1655-8, 1668-75, 1686, 1691, 1712, 1720-22, 1758 and 59, p. 43, 1512-18, 1769, 1778 and testimony at 5418-5491, 13471, 13573 and 13756.

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30484

* The accused recalled that Exhibit 3177-A and Intelligence Report of the Kwantung Army Special Service Organ read that in South China, to hear the names DOIHARA and ITAGAKI was something like mentioning a tiger, and the people turned pale. Asked if at that time he was in the service of the Kwantung Army, which was on 27 August 1934, he stated that he thought at that time he had concluded his travel abroad and was attached to headquarters, but did not recall whether he was at his post at that time.

30487

* The accused was asked if he recalled in the summer of 1939 when UEDA was Foreign Minister, if there was submitted to Japan a draft of the Tripartite Alliance, drawn up by OSHIMA and RIBBENTROP. He stated that the proposal was presented by RIBBENTROP but the words "military alliance" were not suggested. The purpose was to bolster the Anti-Comintern Pact. Asked if the Alliance originally dealt solely with Russia but was extended in November 1938 to apply also * against England and France, he stated it was not an Alliance and the contents were different than this. Asked if he wired OSHIMA that UEDA agreed with the substance of the pact as extended against England and France, he stated that the War Minister did not directly send the telegram to an ambassador and he denied sending any telegram, nor did he recall that the War Ministry sent it.

30488

30489

* The accused was asked if the Five-Ministers Conference advocated strengthening the Pact by military alliance and if it also decided to have the anti-Comintern program directed solely against the Soviet. He stated that the official instructions to the Ambassador was that although the USSR was to be the objective, the pact might also be applied to third powers, depending on the situation. There could be various degrees of application. Such matters were decided by the conference and were not incorporated in the basic draft and this was forwarded by UEDA to OSHIMA with instructions. * He thought this conference was in 1939. There were three meetings between the middle and end of January and decisions of this nature were made then. It was not true that the Emperor urged the Army to apply the

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7 152 0003 4415

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Page program to the Soviet alone. It was not true that the Army advised the Emperor. It was not in favor of that course. He had not heard that OSHIMA and SHIRATORI held the view that the military alliance should be directed against England and France as well. Asked if OSHIMA and SHIRATORI opposed governmental directives issued on this subject, he stated that according to what he heard from UEDA, one of the ambassadors communicated his opinions to the central government before passing the draft on to Germany that there seemed to be doubts and they had to hold another conference.

30492 * Asked if OSHIMA and SHIRATORI overstepped their authority and advised Germany that Japan would participate in war, he stated he had not heard that they did not submit to government orders.

The accused was asked if he as War Minister had an Imperial audience on 11 April at which the Emperor stated that it was an infringement upon Imperial authority for the ambassadors to express intentions of participating in war, he stated that the Foreign Minister was a competent minister on this matter and such inquiries would not be addressed to him as War Minister and there was no such audience.

30493 * He had no recollection that the Emperor said to him that under such circumstances it was not favorable for him to take an attitude of supporting the ambassadors. He did not conceal the actions of SHIRATORI and OSHIMA at the Five-Ministers Conferences and try to give excuses for them. The Army on its

30494 part had its own position. * Asked if after the conference, he asked the chief aide-de-camp who it was that told everything to the Emperor, he stated that he never had a talk with the Emperor on this question. He was asked if he knew that Foreign Minister ARITA, in reporting to the throne, told the Emperor that SHIRATORI and OSHIMA stated that Japan would participate in a war if England and France fought with Germany and Italy. He stated

30495 that he did not know what ARITA reported. * ARITA was a competent minister and he may have made some kind of report, but he did not know its substance and had not heard that he ever made any such report

30496 as had been suggested. * He did not remember that ARITA recommended that the statements of OSHIMA and

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Page SHIRATORI should be rescinded as actions overstepping their limits. He did not recall if Hitler on April 28, 1939 replied to Roosevelt's request that Hitler and Mussolini give a 10-year guarantee of peace.

30497 * Asked if shortly before 28 April 1939, he sent instructions to OSHIMA to announce the positive attitude of Japan before Hitler's speech, he stated that he could not directly send instructions to the ambassador. Asked what means OSHIMA and SHIRATORI used to influence the policy of an all-out military alliance, he stated there could never be a case of the government being influenced by an ambassador and he did not know any means used by the two to influence it. Asked if OSHIMA and SHIRATORI threatened to resign, he stated that ARITA had never told him about that. He had never heard if a request from OSHIMA and SHIRATORI for their recall was placed before the Five-Ministers on 25 April.

30498 * Asked if their recall was considered such a serious question that it might influence peace and order within the nation, he stated there was nothing of this kind in his recollection. Asked if it was the government's view that it would be better to be satisfied with the results of the negotiations than to risk the recall of the ambassadors, he stated there was no question of recall. It was not the case that the government statement was made in this matter to the German and Italian ambassadors because of the opposition of OSHIMA and SHIRATORI to the will of the government.

30499 * He knew that the statement was conveyed to the German and Italian ambassadors. Before that the Foreign Minister had presented a proposal and with regard to it various discussions were held. This course was not taken for the purpose of ignoring the two ambassadors but rather to support them.

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Page 30500 * The attention of the Court was called to exhibit 503.

30501 The accused was asked if it was not true that soon after ARITA delivered the HIRANUMA declaration to the German and Italian ambassadors he received a wire from USAMI in Berlin that Gauss had submitted a proposed draft and inquired whether it would meet with Japan's approval. * He replied that he had some recollection, but had completely forgotten the contents. It was not a fact that in consequence of the proposed draft, ARITA investigated its origin and concluded it was submitted to the German Foreign Office through Japanese Army attaches. The accused had no recollection that even a few days after the delivery of the HIRANUMA Declaration, a wire was received from OSHIMA advising that Ribbentrop had made an inquiry to the effect that if Germany went to war and if there was no military aid from Japan, if it would be permissible to recognize Japan as being in a state of war, to which OSHIMA replied in the affirmative.

30502 * He did not recall that OSHIMA answered Ribbentrop that in the event of war between a contracting nation and another, Japan would be considered in a state of war although there might not be military support. The witness was asked if HIRANUMA supported his opinion in this matter, but he stated that did not refresh his memory.

30503 * He did not know if the Premier reported to the Throne that Japan would not participate in war, or if ARITA threatened to resign because of the opinions of HIRANUMA and the accused. * He did not know if the Gauss draft of the alliance was discussed at the Five Ministers' Conference of 9 May. Asked if the Navy Minister contended that before making a decision it was necessary to receive a reply to the HIRANUMA Declaration and that HIRANUMA contended this was unnecessary because OSHIMA had already replied "yes", the accused stated such a thing did not come up for discussion.

30505 * The accused was asked if it was not true that OSHIMA's reply to Ribbentrop was considered at the conference of 20 May, and that ARITA again advocated the annulment of the reply, while HIRANUMA took the position it was sufficient. He stated that he recalled a conference on that date, but didn't recall such a matter being discussed.

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He was asked if there were not various conferences between the army and navy from 13 May to 20 May, 1939, resulting in a compromise agreement and a new proposal to be made reserving Japan's right to have a "voluntary" participation in a European war. He stated he didn't recall the contents of the Gauss draft, and such a discussion was not held.

It was not true that on 20 May, 1939, he sent YACHIJIRI to Ambassador Ott with a written declaration that the army was working for signing of the pact secretly and simultaneously with the signing of the German-Italian pact to give the pact a tripartite character.

30506

* Asked if this compromise plan was approved at a Five Ministers' Conference on 20 May and reported to the Emperor, he replied that he recalled a conference on that date, but didn't recall if its results were reported to the Emperor. The accused was asked if it was a fact that the Army contended that ARITA's report to Berlin of the decision of 20 May was erroneous in that it failed to stipulate automatic entrance into war against England and France, but made participation dependent on the situation. He stated that the discussion on 20 May was circumscribed to matters contained in the HIRANUMA message of 5 May.

30507

* When asked if he recalled that the Gauss draft was approved on May 20, forwarded to OSHIMA and SHIMAZUMI for presentation to Germany and Italy, and if OSHIMA and SHIMAZUMI refused to deliver it, the accused stated that he didn't recall any discussions based upon the Gauss draft. It was not true that he and HIRANUMA continued efforts in behalf of the army plan for automatic entrance into war.

30508

* When asked if it was a fact that the conference of 5 June, the army and navy found a basis for agreement, thus clarifying the problem of strengthening the anti-Comintern Pact, he stated that on that date the course of negotiations were concluded and the last instructions sent out. The accused was asked if in this agreement it was understood that in the event of war between Germany and Italy and England and France, Japan would participate but with a reservation that she should choose the time to enter. He stated that the contents were quite different from the question of that day. There were two points on which the Germans did not agree. This was with respect to the attached clause. One of the two points was to submit to the Germans that Japan was unable to give effective assistance in connection with armed assistance to third powers in East Asia, outside the Soviet.

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30509

* The second question was the method of making a diplomatic explanation. The treaty was directed toward the activities of the Third International, and there was some talk whether to present this matter to the Germans.

He didn't recall conferring with the Emperor prior to 7 July 1939, regarding sending TERAUCHI to the Nazi Party conference in Germany, or telling the Emperor it was necessary to send TERAUCHI to strengthen the pact and that the Emperor replied he did not think it good. It was not true that at such a conference the Emperor charged that at the conference of Supreme War Councilors the accused reported falsely that the Foreign Minister was in favor of a military alliance and that the Emperor told the accused that this was very insolent.

30510

* He didn't recall the conversation with KONOYE prior to 23 July, 1939, in which he asked KONOYE if it was possible to change the Emperor's mind, and KONOYE replied that it was difficult. When asked if the alliance was discussed at a meeting of the Big Three on 3 August, he stated he had no recollection that such a meeting was held, and he didn't recall any action taken.

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30512

When asked if the army opposed the agreement with Britain regarding the Tientsin question on the ground it would hurt chances for a military alliance, * he stated that negotiations were held with Britain to bring about a meeting of minds. * When the accused was reminded that he made no reference with regard to the tri-Partite Pact in his affidavit in connection with Anglo-Japanese talks, he stated that the latter conversations and the Pact question were entirely separate matters. The army did not oppose the Anglo-Japanese understanding. With respect to it, the matter was transferred to Tokyo and laid in the hands of diplomats, and at these conversations representatives from the spot attended and cooperated.

30513

He did not urge a Five Ministers' Conference prior to 3 August 1939, at which he was willing to push an all-out military alliance at the risk of a cabinet crisis. * When asked if at the conference of 3 August 1939, the army's contention was presented that a change of the situation necessitated an all-out alliance, he replied it was not a question of presenting a contention. It was not true that the army presented such views, although there might have been such a view in existence.

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* The Army's position was that it must observe the conference decision of 5 June. At that conference, the accused told his conferees that he, as a State Minister, would abide by the decision, and he expressed the desire that a Pact be concluded through a German compromise within the scope of that decision.

30514 It was not the army's contention that if Germany refused to agree to a pre-arranged Plan, an all-out alliance should be concluded. * The accused was asked if he recalled that HIRANUMA asked him what he thought about the army contention, and he replied that he was both a State and War Minister, and that he approved the Pre-arranged Plan as a State Minister, but as an army representative he favored the military alliance. He stated that this was not the case. When asked if the plan was discussed at a conference of 8 August, he stated that they consulted in accordance with the Pre-arranged Plan of June 5.

30515 * He had no recollection that in the discussion following the conference of 8 August if YONAI answered the army contention that failure to conclude an all-out alliance would mean isolation. It was also not true that HIRANUMA asked him at this conference if the main point of the army proposal meant hindering the plan, to which he replied that it did.

He was asked if it was true that due to the wide gap between the Foreign Minister proposal and that of the army it was considered inadvisable to convene the conference on the 22nd of August, but instead on the 25th. He stated that on 22 August, they received the report of the non-Aggression Pact between Germany and the Soviet, so it was only natural there was no more need to discuss the Tri-Partite Pact.

30516 * The postponement was not due to the wide gap between the Foreign Minister's proposal and the views of the army.

30517 * When asked if the matter of the recall of OSHIMA and SHIRATORI was again considered, it was suggested that the problem of recall be solved by sending the Premier to confer with Hitler and Mussolini, he stated he could not understand how this question could arise. His opinion was that on the 25th, inasmuch as the non-Aggression Pact was concluded, this was in violation of the Anti-

30518 Comintern Pact as far as Japan was concerned. They probably arrived at a decision to protest to Germany. * There was a suggestion to send the Premier to see Mussolini and Hitler, but this existed on a lower level and was not placed on the conference agenda and had no connection with the question

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of recalling the two ambassadors. When asked if the Cabinet was ready to resign at this point but army circles desired that responsibility be diverted from the army, he stated the Cabinet was not ready to resign.

30519 When asked if before the question of sending the Premier was settled and before the gap was closed between the Foreign Ministry and Army proposals, if word was received of the non-Aggression Pact, he stated that this * question arose before the conclusion of the Pact. There was no question about the Foreign Ministry's or the Premier and the army's plan. The question was only studied at a very low level, and did not mature to the place where it could be placed before the conference. He agreed that word was received of the non-aggression Pact before the question of sending the Premier to Europe was settled and before the gap was closed between the Foreign Ministry and Army proposals.

REDIRECT EXAMINATION BY MR. MATTICE.

30520 * The HIRANUMA Cabinet was formed on 5 January,
 30521 instead of the 4th. * With respect to the Imperial audience of 21 July, 1938 in which something was said about a difference between the reports of the Foreign Office and his own, he informed the Emperor that he would investigate it, and he did so, reporting the matter to KONOYE, who relayed it to the Foreign Minister. KONOYE ascertained that his report to the Throne was not mistaken, and KONOYE reported to the Emperor, and later the original plan of the accused was again submitted and received Imperial sanction.

REDIRECT EXAMINATION BY MR. LEVIN,
 Counsel for SUZUKI.

30523 * The accused stated that YANAGAWA, Heisuke, was Director General of the China Affairs Board, and not the accused SUZUKI.

EXAMINATION BY THE TRIBUNAL.

30524 *When asked if, at the outbreak of the Mukden Incident, special orders were given to army units at Changchun, Antung and Fushun, the accused stated that the orders were supposed to have been issued by the Kwantung Army commander. The accused was then in Mukden, and heard of this matter later.

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The Changchun Troops were to be concentrated in the Mukden area, but this plan was changed and they were ordered to remain in Changchun. There were no direct orders given to the troops in Fushun. The commander of the 2nd Battalion in Mukden urgently wired the Fushun garrison commander, asking him to come to Mukden immediately. With respect to the Antung unit, he had no recollection.

30525

When asked if he approved, the accused stated that at the time of the order's issuance he was in Port Arthur and was not directly connected. Asked if he could explain how fighting broke out at night in those three places, he stated * that based on reports received much later, the garrison commander in Changchun was to have come to Mukden, but was ordered to remain in Changchun, and advised he might be ordered to advance to Mukden later. Because of the need to protect the SMR and Japanese in the zone, the brigade commander, on his own initiative, opened an attack.

30526

When asked if he could explain why fighting broke out at all four points almost at the same time that night, he stated that the time of opening hostile action was different at different places. Hostilities commenced in Changchun on the 19th, around noon. There was no action at Fushun. * The Chinese troops at Huanfongcheng were disarmed, on September 19, after the telegraphic order had been sent by Headquarters at Port Arthur.

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OPENING STATEMENT BY MR. LEVIN.

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DIRECT EXAMINATION OF SHIONO, Suehiko,
 b. Mr. Levin.

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The witness identified and verified exhibit 3320 as his affidavit. * The affidavit stated that the witness was Minister of Justice from February 1937 to August 1939, and concurrently Communications Minister from January to April, 1939.

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* On 7 July, 1937 a collision between the Japanese and Chinese took place at Lukouchiao, when the first KONOYE Cabinet was in office. Two or three days later, War Minister SUGIYAMA reported the outbreak, and according to him, Chinese troops made an illegal attack. SUGIYAMA stated that troops must be sent to protect the lives and property of Japanese in the area. However, KONOYE and other Cabinet members desired the incident to be settled on the spot and not allowed to expand. A few days later, SUGIYAMA submitted that they send a fairly large force, for unless they did so the troops in the area and Japanese nationals would be endangered. The Premier and other Cabinet members were of the opinion that if the dispatch of troops was necessary it could not be helped, but if they were sent * the Incident should be settled locally and the troops withdrawn as soon as it was settled. They requested the troops be limited to the barest minimum, for a large force might bring about a major clash. As SUGIYAMA agreed, the Cabinet decided to recognize the sending of troops.

30538

During the first KONOYE Cabinet, the Cabinet members were not informed about the atrocities in China, and no report was printed in the newspapers. The witness did not know whether there were any foreign protests, but if there were they were never brought to the Cabinet's attention. The Panay and Ladybird incidents were reported to the Cabinet as inevitable or accidental, and he was told that compensations were paid to the U. S. and Britain and the matter settled satisfactorily.

The Cabinet was never consulted on plans and strategies of war. They were not even informed about the battles beforehand, and were told nothing of the attack on Nanking.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

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ISHIWATARI - Direct

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DIRECT EXAMINATION OF ISHIWATARI, Sotaro
by Mr. Levin.

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* The witness identified and verified exhibit 3321 as his affidavit. * The affidavit stated that the witness was Vice Minister of Finance while the accused KAYA was Minister of Finance in the first KONOYE Cabinet. During this period the witness did not hear or read about any Five-Year Plan for Essential Industries, or a Five-Year Plan for the Ammunition Industry said to have been made by the War Ministry. The Finance Ministry did not make any reference, nor take into consideration any such plans.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS, but the attention of the Court was called to exhibits 841, 842, and 2227.

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Page DIRECT EXAMINATION OF YUKI, Toyotaro,
By Mr. Levin.

30551 * The witness identified and verified exhibit
30552 3322 as his affidavit. * The affidavit stated that after
30553 being employed with the Bank of Japan, * he was President
of the Industrial Bank from 30 November 1936 to 2 February
1937, and concurrently holding the post of Chairman of the
Central Depository of the Commercial Industrial Association.
From 2 February, 1937 to 4 June, 1937, he was Finance
Minister, and became a member of the House of Peers in
May 1937. From July 1937 to March 1944 he was President
of the Bank of Japan, and was Chairman of the Temporary
Funds Examining Committee. In February, 1937, he was
appointed Finance Minister in the HAYASHI Cabinet, and
one of the major policies he wanted to enforce was to
rectify the previous financial policy.

30554 His predecessor had effected a drastic increase
in the military budget, in conformity with military
demands, and was contemplating a property tax. The witness
was opposed to this, and was resolved to check the increase
in the military budget. * He considered it most advisable
to promote KAYA as Vice Minister to assist in combatting
the military, for KAYA had toiled hard in the Finance
Ministry to restrain military budgets.

The military budget approved by the witness' predecessor had already been submitted to the House of Representatives, and as he assumed office while the Diet was in session they had to withdraw it and present it again with all speed after revising it. This was difficult, as the military considered the original budget a fait accompli, and they were all-powerful in political affairs. Also, the time allowed for conducting negotiations with the military for a cut was extremely limited.

30555 * In spite of these difficulties, KAYA rendered every assistance and exerted his best efforts in negotiations with the military, and secured their agreement not to spend ¥46,000,000, which was a part of the previous increase. Although this cut was a mere fraction, it had a favorable effect in financial and economic circles, in that it served to give a sense of relief.

In June, 1937, the HAYASHI Cabinet resigned, and KONOYE received the Imperial command to form a new Cabinet. Fearing that the previous expansion policies might reassert themselves and convinced of the necessity of adhering to a strict economy, the witness recommended KAYA to KONOYE as Finance Minister.

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30556

Upon the death of the President of the North China Development Company in August, 1939, Premier HIRANUMA consulted the witness as to his successor. * The witness recommended KAYA, as he thought him best fitted, in view of the necessity of good economic collaboration with China.

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During a tour of Manchuria, the witness learned of KAYA's assumption of the Finance Portfolio in the TOJO Cabinet. At that time the witness was President of the Bank of Japan. When he returned to Tokyo he saw KAYA, who told him that his profoundest concern when he was asked by TOJO to join the Cabinet was his policy toward the U. S. - Japanese problem. TOJO assured KAYA that he would use his best endeavors to carry on the Japanese-U.S. parley to a peaceful settlement. Being assured of this, KAYA said he consented to enter the Cabinet. It was true that since the formation of the Cabinet, TOJO and others at that time did their best to bring the parley to a peaceful end, but there was a danger in relations between the two becoming grave. KAYA told the witness that he was distressed at this. * The witness sympathized with KAYA over his difficult position, and encouraged him to redouble his efforts toward an amicable settlement. KAYA was a financial administrator, pure and simple, and he had never heard of his affiliation with any political party, rightist or leftist group or the militarists.

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* A survey of the financial situation in 1937 showed that Japan was beset with instability of the international trade balance, insecurity of the yen exchange, inflation due to the sharp increase of the national budget set up by Finance Minister BABA in the fall of 1936. When the witness became Finance Minister in February, 1937, he endeavored, with KAYA's assistance, to remedy this. In June, KAYA became Minister, but due to the outbreak of the China Incident the feeling of uneasiness in economic circles aggravated. Difficult problems cropped up one after another. The China Incident spread, and everything came to assume a war-time aspect. Some so-called reformists impatiently demanded a drastic reform, calling for the nationalization of financial organs, thorough-going control of the economy, etc.

30559

* At this time the Temporary Funds Adjustment Law was enacted. KAYA, who framed it, told the witness that its real aim, though it could not be publicly revealed, was to avert an economic disturbance. KAYA's policy in enforcing the law was to allow the widest latitude for private adjustment of funds, and the major portion of routine work was relegated to the Bank of Japan.

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The decisions of whether to give permission to investment or loans were made at a meeting of a committee formed of members from government offices and the Bank. Inasmuch as the criteria by which such decisions were to be made consisted in whether the industry for which the fund was required was essential in the emergency and whether there was a prospect of materials being obtainable, the military and the Ministry of Commerce and Industry and other government departments directly connected with the allocation of materials had the greatest say in making decisions, while the Finance Ministry had little authority. * Both the Finance Ministry and the Bank merely procured the funds needed. The Ministry placed a limit on the amount to be newly invested or loaned, planning to keep the total funds approved within the limit thus defined, and cooperated with the Bank to attain this. By this means, the over-supply of industrial funds and its becoming a major cause of inflation was prevented.

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As it was pressing to remove uneasiness over the balance of international trade, the government tried to tighten control over foreign exchange. It was difficult to find a reasonable criteria to judge the propriety of applications for import bills, placing the government in a difficult position. To maintain an orderly economy, KAYA tried to adjust capital investments, ease credit, check the interest rate, stabilize the security market, and * keep open the stock exchange and ease the anxiety in financial circles.

30561

In 1937 there was a fairly acute financial stringency, but in 1938 currency circulation increased, necessitating measures against inflation, and in April the government launched a National Savings Campaign. A National Savings Encouragement Bureau was inaugurated and a Committee was formed. The drive appealed to the consciousness of the people, inducing them to make voluntary savings. The fact that this movement depended on voluntary action contrasted with many wartime measures. This was characteristic of KAYA's policy, and another instance could be found in the Fund Adjustment Law. This moderateness characterized KAYA's policy and gave dissatisfaction to radical elements, such as ultra-extremists, etc.

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YUYI - Direct

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* In August, 1937, the Gold Reserve re-valuation Law was enacted, whereby the value of pure gold was set at ¥1.00 per 290 milligrams. Up to this time the value was ¥1.00 per 750 milligrams, but in actual transactions the exchange was nailed at 1/2d per yen. Since this was the real value of the yen, the valuation specified by the Valuation Law could be said to have legally established the value that had prevailed.

30563

About 1941 there was a good bond consumption, while currency circulation was not so swelled, prices were not so high, and there was no sign of vicious inflation. * At that time, since Japan had been divorced from the gold standard for several years and had a virtual controlled currency system working without trouble, the rate of gold reserve against currency issued lost its weight and gold came to count for less. This caused a great difficulty in foreign trade, and it became almost impossible to trade with Europe and America after the second half of 1941.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS, but the attention of the Court was called to exhibit 840.

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AKASHI - Direct

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*The witness identified and verified exhibit 3323 as his affidavit. * The affidavit stated that the witness became President of the Dai-ichi Bank in 1935. He was connected with the Tokyo Bankers' Association, the Tokyo Clearing House, the Clearing House Federation, the National Financial Association, as president or director, and was also a member of the House of Peers.

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* In March, 1942, the Dai-ichi Bank and the Dai-ni Bank were merged into the Tokai Bank and he became Chairman of the Board of Directors. In March, 1944, he became advisor to the Law. The Extraordinary Fund Adjustment Law was put into force in September, 1937. Its aim being to limit the accommodation of fund only to indispensable enterprises for which the supply of materials required was assured, and to prevent inflation. Due to the China Incident, there had been large-scale bond floatation, and an increased call for funds for production expansion. The situation would have lead to the wastage in fund with eventual inflation, but the Law did prevent inflation. In enforcing it, KAYA complied with the requests of private business to be allowed free individual activities and the financiers' autonomous adjustment was recognized. * It was also set up to mandate most administration of the Law to the Bank of Japan, instead of the Finance Ministry. The decision on investment or loan application was left to a committee selected from different Ministries and the Bank of Japan and the Industrial Bank. Approval or nonapproval on investment or loan was based on whether the enterprise was indispensable to the China Incident, or whether there was any prospect of a material supply required for the expansion of facilities or new establishments. To obtain Military circles' understanding, or the Commerce, or Industry was a prerequisite to making the decision. The measure weakened the Finance Ministry's voice, putting the Financiers in a position subsidiary to industry, and reduced the Ministry to a mere money raising machinery. The most conspicuous feature of Japanese economy since the Incident was that material had become the master and finance secondary.

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* To finance the Incident, bond floatation was enormous and huge Government disbursements poured into the home market causing currency expansion and a fear of inflation. Though the money market had been stringent throughout 1937, currency became abundant in 1938, and about April, 1938, the Government issued a statement that it would start a savings campaign. The Savings Encouragement Bureau and the National Savings Encouragement Committee was set up in the Finance Ministry. The outstanding feature of the campaign was that it looked to the nation's self-awakening to the necessity of savings rather than compulsion. Legislative measures taken later were only auxiliary, the fundamental principle was based on spontaneous cooperation. This was unique among Japan's wartime measures and was owed to KAYA,*who had always opposed compulsory savings. His method was not

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AKASHI - Direct

Page to fix the amount to be saved by law or restrict withdrawals of deposits. If anyone disposed of bonds, he looked to it that the seller did not sustain a loss by providing a system of buying up at banks and post offices at a fair price. KAYA stressed that it was not to force on the people what was not understood by them and his policies were moderate and noncoersive. He was branded a liberal and his policies in 1937 were clearly manifested, his way being to avoid radical reformatory measures. The military and rightists dominating Japan were thus dissatisfied with him.

KAYA became Vice Finance Minister in February, 1937, and Finance Minister the following June. * Both KAYA and Commerce and Industry Minister YOSHINO were for the first time Ministers and many doubted whether they would be able to dispose of radical demands and proceed with a moderate policy. Their resignation at the Cabinet reshuffle of May, 1938, was held ascribable to those circumstances. There was no cross-examination of the witness but the attention of the court was called to exhibit 840.

0 162 0003 4821

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13 October 1947
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TSUSHIMA - Direct

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30574

DIRECT EXAMINATION OF TSUSHIMA, Juichi,
by Mr. Levin

30576

* The witness identified and verified exhibit 3324 as his affidavit. The affidavit stated, * that the witness was a Financial Commissioner for the Finance Ministry abroad from 1927 to 1934, and, among other posts, was Vice Finance Minister from July, 1934, to March, 1936, President of the North China Development Company from November, 1941, to February, 1945, and Finance Minister in the KOISO Cabinet and Prince HIGASHIKUNI Cabinet. During the London Conference on Naval disarmament in 1930 he was appointed an aide to WAKATSUKI, the Japanese Delegate. KAYA was also an aide. The Finance Ministry's aides insisted that the conference should be brought to a success, while the Naval aides took the stand that Japan should not mind to break off the conference if her original proposition did not prevail, * and there were occasional impassioned controversies, KAYA firmly upheld the Finance Ministry's position and exerted himself to the utmost bringing pressure on the die-hard Navy opinions. It was fully recognized that behind the screen the conference owed its success in large measure to his efforts. When the witness was Vice Finance Minister in the OKADA Cabinet, KAYA was Chief of the Accounts Bureau and strove hard to curb the military budget. At the insistence of KAYA and others, Finance Minister TAKAHASHI, in compiling the 1936 budget, fixed a policy of gradual reduction in loan funds and proclaimed it to the public. *The major objective was to curb demands for increased military expenditures. The military every year put in demands for increased funds which could not be considered to maintain sound finance, since there was a policy of clamping down on them by tightening the limit to bond floatation. The Army and Navy were furiously opposed to this for it blocked the main source of revenue to satisfy their demands. After heated arguments and all-night Cabinet discussions, this policy was finally carried through.

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30578

In the February, 26th Incident, TAKAHASHI and other high officials were assassinated. Well informed quarters saw that the uncompromising stand of Finance Ministry officials with KAYA as its champion did much toward the outbreak of the Incident.

30579

* The Incident brought about the downfall of the OKADA Cabinet, which was succeeded by the HIROTA Cabinet with BABA as Minister. BABA changed the budget policy of his predecessor and the

0 162 0003 4822

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TSUSHIMA - Direct

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witness resigned and KAYA also changed from the Accounts Bureau to Chief of the Finance Bureau, which had nothing to do with budget deliberation. BABA's budget took shape in the fall of 1936 and imports rapidly increased and there was a sign of financial chaos.

30580 The HIROTA Cabinet failed in February, 1937, and was succeeded by the HAYASHI Cabinet with YUKI as Minister and KAYA, Vice-Minister. They strove to curtail the BABA budget. * The HAYASHI Cabinet went out in June, 1937, and the first KONOYE Cabinet came in with KAYA as Finance Minister. In July the China Incident began and demands for increased military expenditures and expansion of production became intensified, and the financial circle became uneasy. KAYA racked his brains to keep finances in order through maintaining exchange rates, controlling the supply of industrial funds, etc. The plight was such that whoever might be Financial Minister would be required to do the utmost of his power to maintain order, leaving no room for preparations in economics and public finance for a future war of aggression. There was no cross-examination of the witness.

0 162 0003 4823

NAARRATIVE SUMMARY OF THE RECORD

12 October 1947

DEFENSE - KAYA

UCHIDA - Direct

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30582

DIRECT EXAMINATION OF UCHIDA, Shinya (Nobuya)
by Mr. Levin

30583

* The witness certified and verified exhibit 3325 as his affidavit. * The affidavit stated that among other posts he was a Parliamentary Vice-Minister of Communication from 1931 to 1932.

30584

* Railway Minister from 1934 to 1936, and Minister of Agriculture and Commerce in 1944, and was a member of the House of Peers. When he was Parliamentary Vice-Minister of the Navy, from 1927 to 1929, he often heard from Naval Minister officers that they were extremely annoyed with the opposition to the Navy's demand for an increase in the Navy budget by KAYA. When the witness was Railway Minister, KAYA, who was then Chief of the Accounts Bureau, strenuously endeavored to check the increase in the military budget, leading to a disagreement with War Ministry. At a Cabinet meeting in November, 1934, there was a heated debate and Finance Minister FUJII had to quit his seat and KAYA became the chief negotiator. He firmly opposed Army demands and, as a result, threatened a political crisis. He asked the War Minister to make a concession, fearing that the downfall of the UCHIDA Cabinet would be replaced by the rightist group. * The witness persuaded the War Minister, KAWASHINA, to make a concession by reducing demands and the burden on the general account was lightened by applying fifteen million yen out of the Railway Special Accounts to the Sinking Fund, and adding other amounts to this from other special accounts. By special expenditures the 1935 budget was completed.

30585

At the Cabinet meetings on the following year's budget, KAYA helped Finance Minister TAKAHASHI and turned down the War Ministry's demands, and through the good offices of MOCHIZUKU and Prince KAN-IN, the drafting of the budget was completed.

30586

With the advent of 1941, deep-thinking people were gravely concerning over United States-Japanese relations. KAYA was then President of the North China Development Company, Ltd., called on the witness, * and they exchanged views that Japan should absolutely avoid war with the United States. KAYA was a financial expert and not a politician. He belonged to no political party or association and the witness had never heard of his affiliation with militarists, rightists, or leftists. He had some connection with IRAPA in 1944 but was not engaged in any political activities. There was no cross-examination of the witness.

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NARRATIVE SUMMARY OF THE RECORD

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13 October 1947
DEFENSE - KAYA
OKAZAKI - Direct

Page DIRECT EXAMINATION OF OKAZAKI, Koichi (1000000000)
by Mr. Levin

30587 * The witness identified and verified exhibit 3326 as his
30588 affidavit. * The affidavit stated that the witness was an Intendant
Major General and had served in the Intendent Bureau of the Army
from April 1933 to April 1937. During this time he was in charge
of the completion of the Army's budget and discussions concerning
it with the Finance Ministry. He was well acquainted with the
accused, KAYA, who, during this time, was an official in the Ac-
counts Bureau in charge of military budgets. He was Chief of the
Budget and Settled Accounts Section of the Accounts Bureau from
April, 1932, to 1936. During that time it was the witness's duty
to present summarized budget estimates to the Finance Ministry
to obtain approval. Army budgets were then continuously in-
creasing. In connection with them, the attitude of the Finance
Ministry, and particularly of KAYA, was very critical of Army
demands and they were opposed to granting Army budgetary requests.

30589 * KAYA based his opposition on the ground that if Army
requests were granted, it would be contrary to sound finance and
they must not be permitted to exceed the limit of the state
finance plan. This action of KAYA's was criticized by Army of-
ficers as anti-militaristic and infringing on the prerogative
of the High Command. When the Army budget for 1936 was under pre-
paration, there was an appropriation for completion of national
defense which had been approved by the Diet as a continued ten-
year expenditure. After the Manchurian Affair, the Army hur-
riedly completed its defense plan and requested this appropri-
ation be revised as to each year's allotment and to shorten the
previously scheduled ten-year period.

30590 * Finance Ministry officers led by KAYA insisted that
they could not comply with the Army request. Negotiations failed
and the problem was shifted to a Cabinet conference. Such in-
stances were believed to provoke the young officers and were
important factors in generating the February 26 Incident in which
TAKANASHI was assassinated. His policies were supported by KAYA
and he too became an object of bitter Army opposition. In
either 1933 or 1934 fiscal year, the witness accompanied Chief
of the Military Section, YAMASHITA, to a conference with KAYA,
the then Chief of the Budget Section on the restoration of items
which the Finance Minister had rejected from the Army budget.

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DEFENSE - KAYA
OKAZAKI - Direct

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30591

The witness remembered that KAYA did not yield to the Army and stubbornly refused to restore the items. YAMASHITA became aroused and charged that the Finance Ministry lacked understanding and took an unsympathetic attitude towards the Army. KAYA replied that such an attitude expressed recent Army ideology and it was a matter of great regard. After hours of debate no agreement was reached. There was no cross-examination of the witness.

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13 October 1947

DEFENSE - KAYA

TAMEMOTO - Direct

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DIRECT EXAMINATION OF TAMEMOTO, Hiroatsu
by Mr. Levin

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* The witness identified exhibit 3327 as his affidavit and after correction verified it. * The affidavit stated that the witness believed KAYA was Chief of the budget drafting and Accounts-Settling Section of the Accounts Bureau from 1932 to 1934 and was Chief of the Bureau from 1934 to 1936. From 1932 to 1935 the witness served in the Accounts Bureau of the Naval office, which was concerned with the Navy budget, and had frequent contact with the Finance Ministry and became well acquainted with KAYA.

30595

* During this period, while there was considerable demand for the redemption of bonds and reestablishment of sound finance and for disarmament, there was also formidable support for establishing self-supply and self-sufficiency for national security. The period was marked by a steady increase of the Naval budget due to a Navy desire to increase its strength and because of the rise of prices. During this time KAYA advocated maintaining peaceful relations with other nations, preventing a rise in armaments, and establishing sound finance. The Navy office insisted that KAYA was excessively strict in assessing the budget. He recalled that after negotiations with KAYA that he had to yield to his insistence and consent to budget reduction by 20% to 40%, varying with the circumstances.

30596

* During this time he recalled KAYA vigorously expressed the view that national defense without financial security was sheer nonsense and no armament supported by a starving nation could be of any service. With the adoption of the expansionist financial policy of Finance Minister BABA, from March 1936 to February 1937, it was understood that KAYA retired from the Accounts Bureau due to sharp differences with BABA. There was no cross-examination of the witness.

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30598

• Exhibit 3328. The affidavit of TOYODA, Teijiro, stated • that the affiant was a delegate to the Geneva Naval Conference of 1927 and the London Naval Conference of 1930, and was Commerce and Industry Minister in the Second KONOYE Cabinet. KAYA was present at both naval conferences and insisted on the necessity of naval limitation and asserted himself toward the conferences' success. When KAYA arrived in Tokyo from Peking in early October, 1941, when he was President of the North China Development Company, he called on the affiant and requested him to make every effort to maintain peace with the United States.

30599

• Exhibit 3329. The affidavit of KOBAYASHI, Seizo, stated that, among other positions, he had been Navy Vice-Minister, Governor-General of Taiwan in 1936, and a State Minister without Portfolio from December, 1944, to March, 1945.

30600

• He was a delegate to the Geneva Naval Conference of 1927 as a chief attendant from the Navy, and KAYA worked out many figures to show that after the disarmament treaty was concluded, Navy expenditures would be cut down. The purpose was to encourage the delegation to raise an agreement on Naval limitations. He made clear how effective and important the treaty was for lightening the treasury burden. The witness was Chief of the Navy Affairs Bureau from December, 1929, to March, 1927, and Chief of the Naval Technical Department from February, 1929, to June, 1930, and Vice Navy Minister from June, 1930, to November, 1931. During this time he negotiated with Finance Ministry officials.

30601

• KAYA gave careful attention to the War and Navy budgets and ascertained every effort to cut them or check their increase.

30602

• In May, 1938, when the affiant was Governor-General of Formosa, he called on KAYA, the then Finance Minister, to talk on the Formosa budget. KAYA told the affiant that he was going to resign the next day. The affiant asked him why and he answered that when the China Incident broke out, the Government decided on a policy of nonexpansion. In compliance with this, KAYA said he tried to minimize military appropriations and had taken only emergency measures to cover them. Contrary to their wishes, the Incident spread with an increase in military appropriations.

30603

• It would become inevitable to impose a heavy burden on the people and this was unbearable to him. As the Incident spread, dissatisfaction with him seemed to grow so he made up his mind to resign.

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On 18 October 1941 the TOJO Cabinet was formed with KAYA as Finance Minister. The following day the affiant had a talk with KAYA and asked him how he came to enter the TOJO Cabinet. KAYA replied that if the TOJO Cabinet was all out for war he would not have accepted a seat. Since that was a matter of utmost concern, KAYA said he questioned TOJO about this. He answered that United States-Japanese negotiations would be continued and he was resolved to arrive at an understanding. KAYA, during this conversation, expressed the desire to bring the negotiations to a peaceful conclusion by all means.

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30605 * Exhibit 3330, the affidavit of GOTO, Takanosuke, stated that he participated and was manager of the Japanese Federation of Young Men's Association, established with socialistic thinking people the Showa Research Society and engaged in research in political, economic and cultural problems.

30606 After the China Incident in 1937, * the affiant assisted KONOYE in creating the IRAA. After its establishment the IRAA drifted from its original course to hold down the military and obtain cooperation with the Chinese nationalist party and the affiant resigned from it after six months.

30607 The affiant had known KAYA for a long time and had a real knowledge of his character and business life. KAYA's career had been that of a public official in the field of finance. He had no association with the military Rightist or Leftist * and was recognized as a distinguished financial expert and not as a political figure. KAYA never sought high position. The affiant also knew KONOYE very well and they exchanged views on political affairs. In June 1937 when KONOYE was forming his Cabinet, the affiant knew that he recommended KODAMA as the first candidate for Finance Minister, but KODAMA refused and KONOYE's thoughts turned to selecting KAYA, whom the affiant strongly recommended.

30608 While KONOYE recognized KAYA's abilities as Finance Administrator, he was aware that KAYA was not well considered in military circles because of persistent objections to increases in military budgets. Therefore, he was hesitant in naming KAYA, but since he failed to locate any other he deemed suitable, and because he wanted freshness in his new Cabinet, he recommended KAYA. The affiant heard this personally from KONOYE.

In May 1938 when the first KONOYE Cabinet reorganized as had been anticipated, KAYA resigned due to Army opposition. KAYA asked the affiant to request KAYA's resignation and he did so, and KAYA resigned, being replaced with IKEDA.

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30609 * Toward the advent of 1941, there was grave concern over U.S.-Japanese relations. Both KAYA and the affiant exchanged views on this crucial matter. The witness was surprised and felt some displeasure when KAYA became Finance Minister in the TOJO Cabinet as TOJO was regarded as holding the strongest attitude toward the U.S. KIDO explained to the affiant that TOJO had no mind to start a war with the U.S. but would faithfully follow the Emperor's wishes of amicably settling the issue and was trying his best in conducting the negotiations. The affiant felt he had misunderstood KAYA's affiliation with the TOJO Cabinet and called upon him. KAYA told the affiant * that he would not have joined the Cabinet if it had already decided to make war. He had asked TOJO about this and he told him he wanted to continue negotiations and settle the issue by diplomacy. So, KAYA said he accepted the post. This dissipated the affiant's concept of KAYA's mind.

30610

30611 Exhibit 3331, the affidavit of YAMAMOTO, Kuraichi, stated that as he had before testified * he always attended the sessions of the Liaison Conference at the time of the TOJO Cabinet. KAYA attended these sessions but never played a leading roll in the discussions which centered mostly around U.S.-Japanese negotiations. Although the members of the conference were unanimous that utmost effort be made toward the success of the negotiations, opinions crossed on the policy to be taken in case of failure. KAYA directed his energy toward avoiding war, repeatedly advancing a thorough study on peaceful means to solve the difficulties which might arise from a failure in the negotiations.

30612

At the session of 1 November 1941, when it was discussed whether they should be resolved to take arms against the U.S. * if the U.S. would not accept either form of concessions in the so-called A & B Formulas, KAYA proposed a study on the possibility of solving the oil problem by importing it from North Saghalien or purchasing the territory itself. It was certain that if the negotiations failed they would be cut from oil supplies from either the U.S. or N.E.I. This would be a fatal blow and threaten to become a major inducement toward war. It was of the

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Page greatest concern whether there could be any means to solve peacefully the oil problem. KAYA's proposal could not obtain approval as "lacking in practicality," which was the ground also for rejecting his synthetic oil project.

30613 * The High Command's opinion was that Japan was threatened with an economic and military menace by the allies. If left alone, the nation's existence would be threatened. Unless the negotiations were concluded through December, defensive power on the western Pacific would become inferior to that of the allies. If they were attacked by the U.S. or forced to a war for existence, the High Command would be in no position to be held responsible for defense. The High Command's opinion was that it was imperative to make up their mind that if there was no prospect of success for the negotiations at the end of November, they would make their final resolution toward the U.S. and begin military operations at once. However, they should continue efforts for the success of the negotiations and if this was assured, operational preparations should be stopped. KAYA, however, contended that it was a grave matter that a situation might arise when the High Command said they could not be responsible for national defense.

30614 KAYA contended that it should not be lightly done * that they make a final resolution toward the U.S. even if all promise of success for the negotiations was lost. They must consider the incomparable misery of a war. The Japanese had already experienced considerable hardships since the outbreak of the China war. Moreover, there was no assurance of victory, in the opinion of the Naval High Command, if the war lasted over two years. There was danger of losing both the fruits and root if they lost the war and it must be avoided by some means. KAYA contended he could not forthrightly agree to the war plan and wanted it considered more carefully. Foreign Minister TOGO also insisted upon the necessity of careful reconsideration. The High Command insisted that unless they started on preparing for military operations at once, if they were driven to the worst, it would be impossible to fight, even if forced to do so at the end of November when all prospect of success might vanish for the negotiations. Otherwise, they must make up their mind on a final resolution or otherwise the High Command could not assume responsibility.

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30615

* KAYA and TOGO reserved their approval or disapproval, saying they wanted at least one more day's deliberation. At that, Chief of Staff SUGIYAMA manifested his dissatisfaction, saying it was regrettable that they hesitated. Under such circumstances, the High Command could not be responsible for naval defense. But both KAYA and TOGO would not withdraw their reservation.

The affiant did not remember whether KAYA was present at the Liaison Conference in December 1941 prior to the outbreak of the war.

30617

* Exhibit 3332, an excerpt from the KIDO Diary, dated 2 November 1941, stated that the Premier telephoned KIDO stating that the Liaison Conference had adjourned as Foreign Minister TOGO and Finance Minister KAYA had requested for more time until 11:00 a.m. that day to seriously consider the matter as it was of great importance. The matter would be decided when their replies were received.

30618

* In Exhibit 3333, excerpts from the MUTO Interrogatory of 15 April 1946, MUTO was asked to give the names of those at the Liaison Conference who supported the view that Japan must wage war with the U.S. and those against the war. MUTO replied that he could not point out who were for or against, but after the message from the U.S. the majority became very pessimistic. He still remembered that at that conference, the decision was that Japan should take further steps to try to negotiate without going to war. Besides others, the two he remembered well who made that proposal were TOGO and KAYA, who were strong to continue negotiations.

30619

A voluntary statement of MUTO said that when he had been asked earlier * who was particularly interested in carrying on peaceful negotiations, he had given the names of TOGO and KAYA. He believed they felt this way about the time the note from U.S. was handed to the Japanese Ambassador in Washington. After thinking about it, he thought the dates were wrong and these men were particularly interested in negotiations around the end of October or early November, and not later as he had previously said.

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Exhibit 3334, the affidavit of KAWAGOE, Takeo, stated that he was Chief of the Budget Section and the Budget Drafting and Account Settling Section of the Accounts Bureau between 1924 and November 1932 and was later Chief of the Deposit Department and of the Bank Bureau. He was Finance Vice-Minister from March 1936 to February 1937 and had good knowledge of the post KAYA held in the Ministry and the scope of his authority. Just before KAYA's return to Japan from the London Disarmament Conference in March 1930, he was appointed Chief of the Accounting Section, remaining there until November 1932. The function of the Chief of the Accounting Section related to financial laws and regulations.

30621.

At that time Accounts Bureau officials were in charge in the scrutiny of budgets presented by government offices. * KAYA was concurrently entrusted by the affiant with examining the Education Ministry budget. The man in charge of examining War and Navy Ministry budgets was ARAKAWA, and KAYA had nothing to do with the War Ministry's budgets for the years 1931 and 1932. KAYA was also particularly in charge of budgetary affairs on items readjusted after the Disarmament Agreement and on reductions of taxes made possible thereby. This was because of the knowledge he possessed as a member of the delegation to the Conference. This was only for the year 1930. KAYA was Chief of the Budget Drafting and Account Settling Section in November 1932 and became Chief of the Accountants Bureau in May 1934. From then until May 1936, when he was transferred to Chief of the Finance Bureau * he was continuously in charge of examining the budgets of government offices, including the War and Naval Ministries. The official in such post does his work in accordance with instructions of the Finance Minister and under the administrative system the subordinate is not held responsible to outsiders for his work done in conformity with orders.

30622

About 1934 there was no official title corresponding to the so-called "Chief Secretary" in English in the Finance Ministry.

KAYA was very faithful in his duties and endeavored to place finance on a sound basis by preventing budget increase and always followed the Finance Minister's policies and other superiors. He

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Page used his utmost efforts in restraining the increase of military expenditures.

30623

* KAYA also attended the Geneva Naval Disarmament Conference of 1927 as a delegate and contributed his utmost toward checking the increase of armament expenses and lightening the finance burden through maintaining international peace and concluding disarmament treaties.

30624

Exhibit 3335, the affidavit of KAMEYAMA, Koichi, stated *that he had held many public offices in the Welfare Ministry and elsewhere and was secretary of the Opium Committee from 21 September 1932 to 15 October 1937. The Opium Committee was established by an Imperial Ordinance of 31 November 1931. It was merely a consulting organ and the Committee was under the Home Minister and later the Welfare Minister and was authorized to investigate and consider matters relating to opium and narcotics in response to the request of the ministries concerned, and make recommendations to them. The Home Minister and later the Welfare Minister were the Chairman of the Committee and its members, not exceeding thirty, were appointed by the Cabinet on recommendation of the Minister from among the high civil service officials. * It was the custom for the ministries' Vice-Minister to sit on the Committee. Accordingly, when KAYA became Finance Vice-Minister on 2 February 1937, he was thereupon appointed to the Opium Committee on 1 March 1937. The principal objective of including the Finance Ministry among the government officials was to ensure the cooperation of the Customs House in preventing smuggling trade in opium and narcotics.

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On 4 June 1937, when KAYA became Finance Minister, ISHIWATA became Vice-Minister and was appointed to the Opium Committee. Though no government notice terminated KAYA's membership, it was understood that leaving the Vice-Ministership automatically ended it. The Opium Committee held its 9th and 10th sessions on 30 November 1936 and 15 June 1937. There was no session during KAYA's membership in the Committee * and there was no recommendation made by the Committee to the Home Minister during that period.

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30627

* In Exhibit 3336, excerpts from the Interrogation of TOJO on 7 February 1946, TOJO answered in response to a question that under the Japanese constitution the Army and Navy Chiefs-of-Staff were responsible solely to the Emperor in matters of war. The Ministers of State were responsible to the Emperor for other governmental functions and had no right to interfere with the conduct of military affairs.

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* It was the responsibility of the Chiefs of Staff to advise the Emperor on the probable benefits or ill effects of war. There were two spheres of military command and civil government overlapped. This area included matters such as foreign policy and decisions to go to war, which problems were taken up by the Liaison Conferences. Strategic war plans were purely strategy and not known to Cabinet members and he did not know them himself in his role as Premier. He was also a member of Imperial Headquarters and War Councillor and as such received military reports on operations plans which were forwarded by the Chief of Staff. By war plan, he meant an army plan and not a navy plan. * The fact he received reports did not mean he could interfere or participate in matters involving command for these were the sole prerogative of the Chiefs of Staff.

30629

In the 13 March 1946 Interrogation, TOJO stated that at first the government policy in regard to the China Incident was localization, but due to the independence of the High Command, the fighting kept spreading and the Premier KONCYE had a terrible time.

The responsibility of the Premier, Foreign, War and Navy Ministers and President of the Planning Board, together with the Chiefs of Staff for advising the Emperor through the Liaison and Imperial Conferences was of tremendous importance. The government policy was of non-enlargement of the China Incident, but because the civil government had no authority over the Supreme Command, the fighting was enlarged and the civil government was powerless.

30630

* TOJO was asked how this system worked in regard to Southern Indo-China in 1941. He replied

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Page that at that time U.S. negotiations were underway and on the other hand Headquarters kept moving troops and supplies from Formosa to Southern China and Northern Indo-China. Because the movement of troops and supplies was the sole province of the Supreme Command, the civil government could say nothing. It was different with regard to Southern Indo-China for their troops were moved on the basis of a joint defense agreement and it could not be done by the Supreme Command alone. Troops could be moved from Central China into Southern China and into North F.I.C. at the convenience of the Supreme Command.

30631 * A similar situation existed in the Navy. In the Interrogation of 19 March 1946, TOJO said that it might be said that the Four and Five-Minister Conference, the Liaison Conferences and those for the Supreme Direction of the War and of the Imperial Headquarters were four stages of attempt to solve this problem of over-lapping authority. With regard to the over-lapping spheres, there was some success but the Cabinet's political forces could not control the entire command sphere of authority of the Supreme Command.

A good point of the independence of the Supreme Command was that it could conduct operations without political interference, but in these days when the influence of a single action was felt around the world, a certain amount of control by the political authority is necessary, but under the Japanese system it was impossible.

30632 * He had been talking about the problems of the government system and the Supreme Command's independence but he was responsible for the problems arising from the Supreme Command's actions. When it was suggested to TOJO that the independence of the Supreme Command was good from a military but not from a political or civil standpoint, he answered that it is good from a military point of view only if fighting were the only thing to be considered, but fighting was only a part of politics. From the political view, the independence of the Supreme Command required consideration. The independence of the Supreme Command was a big cause for the position in which Japan found herself today.

0 152 0003 4837

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Page KAYA, Kinori, DIRECT EXAMINATION,
by Mr. Levin.

30633 * The accused identified exhibit 3337 as his
30634 affidavit, and after a correction verified it. * The
affidavit stated that the accused was born in 1889, and
after graduation from Tokyo Imperial University in 1917
30635 * he entered the Finance Ministry, becoming a civil
servant. Subsequently he was a secretary to the Japanese
Financial Commissioner in New York City in 1918, and was
in the Accounts Bureau in 1920; went to the Geneva Dis-
armament Conference in 1927 and to the London Naval Con-
ference of 1929, as an attendant to the Plenipotentiary
YAKATSUKI. In March, 1930, he became secretary to the
Finance Minister and Section Chief of the Accounts Bureau.
In November, 1932, he was Chief of the Budget and Settlement
Section, and in May 1934 Chief of the Accounts Bureau. He
became Chief of the Finance Bureau in May, 1936, and Vice
Minister of Finance on 2 February, 1937. He was Minister
of Finance from 4 June 1937 to 26 May 1938, when he
resigned. In August, 1939, he was appointed President of
30636 the North China Development Company, and resigned on 18
October 1941 to become Finance Minister, from which post
he resigned on 19 February 1944.

Except for the two years he served as President
of the Development Company, his entire career was as an
official of the Finance Ministry, devoted to administration.
The goal of his endeavor was a healthy national finance.
The affidavit stated that the accused had no connection
with a rightist, leftist, or military clique, nor was he a
member of any political party. For a short period after
August, 1934, KAYA joined the IRPAA, but did not know
whether it could be called a political party.

In the Ministry, much of his time was spent in
the study and evaluation of military and civil budgets,
and he constantly tried to slash military budgets and
prevent them from increasing. Prevailing conditions made
this task difficult, but he believed he succeeded in
suppressing their growth.

30637 * At the Geneva and London Conferences, he ex-
erted himself toward their successful conclusion. His
effort to suppress military budgets and to conclude
disarmament conferences were due to his superior's
instructions and to his personal desire to maintain a
healthy finance, lessen the burdens of the people, and
increase hopes for peace.

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* As to counts 1 to 5 of the Indictment, to which he was charged, even if the conspiracy and planning of an aggressive war did take place, he was not a party to them and had no connection. As to the Counts from 6 to 36 with which he was charged, of those referring to the Manchurian Incident, his record indicated that prior to the Incident and for some time thereafter he was no more than a Section Chief and had no connection with it. From December 1929 to November 1932, he was not even concerned with military budgets, and after those dates he was concerned with military budgets and exerted efforts to reduce them. Demands for military budgets increased greatly after November 1932, and KAYA vehemently opposed the increased demands and fought to keep them down.

30639

He had no connection with any plan for aggression against FIC or the Soviet. * From 26 May 1938 to 18 October, 1941, he had no connection with the Cabinet nor the Tripartite Pact. He became Finance Minister on 4 June, 1937, and knew nothing about the Lukouchiao Incident before its outbreak, nor had the Cabinet any plans in preparation for it. After the Incident, the report was that hostilities broke out due to an illegal attack by the Chinese. The Cabinet decided to regard the Incident as local and settle it on the spot. It opposed sending troops from Japan, but if that became inevitable it would be limited to a small number. The sending or increase in troops was due to the army report that continued illegal attacks by Chinese and to massing their forces in the area, so when the army requested an increase to protect Japanese lives and interests the Cabinet could not help but give its assent, * and its motive in doing so was to protect the small Japanese force there.

30640

He opposed especially sending troops to Shanghai, for he believed it would spread the Incident. He asked for reconsideration, to no avail, for the other Cabinet members thought it necessary. On every occasion, he tried to limit the budgets required for sending troops. The Cabinet was staunch in its policy to refrain from infringing on third power's rights.

The civil members of the Cabinet were not informed beforehand, nor consulted about battle plans, and they viewed with anxiety the spread of hostilities. The civilian members were not consulted about the Nanking attack, and received no report about alleged atrocities, nor read anything about them in the press. He did not know such things had been committed.

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* He resigned as Finance Minister in May, 1938, before hostilities spread to Hankow and Canton. His resignation was requested by KONOYE, and he was happy to be relieved.

The arbitrary confiscation of Chinese enterprises, etc., in North China were made by the military for operational purposes, and the Cabinet had no connection. Although the prosecution had charged that when he was Vice Minister of Finance from February to June, 1937, the Five Year Plan for Steel and a Third Plan for North China were adopted, he knew nothing about them, nor did he know about or was he a party to the Army Five Year Plan for Heavy Industries when he was Finance Minister from June 1937 to May 1938.

30642

* Prior to becoming Finance Minister, financial circles were uncertain, and he felt a difficult responsibility when he assumed the post. The outbreak of the China Incident increased unrest, and during his tenure there was no room for preparing for a future war. The Cabinet had its hands full with the China Incident and did not think about another war.

He was President of the North China Development Company from August 1939 to October, 1941. The Company was established in November 1938, in accordance with laws passed by the Diet, which set out its purpose and object. It aimed for economic cooperation with China, and was not established to infringe upon third powers' economic interests, but desired their participation in the economic development. The Company did not infringe upon Chinese rights, nor made any preparation toward war, nor received Cabinet instructions to that effect. The Company was not permitted to engage in industry, but served as a financial organ, and its activity was confined to investments and loans. It had no power to mobilize material wealth, nor engage in such work. In making loans or investments, the Company was limited by law, and could make them only to utility industries, small manufacturing enterprises, and in the wholesale of coal. It was not concerned with the spinning, tobacco, and milling industries, nor in general trade, agriculture, banking, or insurance.

30644

* Investments and loans were generally made in Sino-Japanese joint stock companies, and other companies besides the Development Company also made investments. The Company did not exercise a monopoly over investments.

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* It had no arbitrary rights, and no more power than any ordinary company. It aimed to adjust economic activities in North China. It had no control over the economy. Loans and investments were subject to contracts under which the company obtaining financial aid was required to obtain the Company's approval in certain matters to avoid over-investment or unwarranted expansion to bring about a sound economy in North China. The Company had no rights over any industry except those in which it had a financial interest. Even these rights were limited by contract.

30646

All major acts of the Company were made at the instruction and approval of the China Affairs Board, and it was prohibited from taking any action on its own. The Company's accounts were mostly in the red, and government subsidies were required to pay stockholders dividends, of not more than six per cent per annum. Most of the affiliated companies were either in the red or made little profit. * Japanese stockholders were not given special favors in the payment of dividends.

All funds invested by the Company in North China were raised in Japan, and it received no property or special rights from the North China Political Council, nor was any monopolistic right granted to anyone by the Company, for it had no power to do so. The investments and loans handled were not large, and were small compared to those in Japan and Manchuria.

The Company received no instructions from the government, nor on its own did it attempt to expand the production of the affiliated companies, with 1941 or thereabouts as its goal. While the affiliated companies production increased, the Development Company looked forward towards long-range development. It endeavored toward a solid expansion of the industries it was concerned with, and as an instance, the Tatung Coal Mines was producing ten thousand tons of coal per day when the accused resigned.

30647

* He thought of plans for the people's welfare, but could not carry them out due to disorder caused by fighting, but he was able to carry out one plan which did help the people. In early 1940 a famine swept the Peiping-Tientsin area, and he was told that importation of twenty million yen of wheat flour was necessary to tide over the crisis, but the North China Political Council and Government of North China did not have necessary foreign funds to buy the flour. The accused negotiated with Japan for twenty million yen to buy the flour. The government was then hard

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Page pressed for foreign money, but he managed to obtain the help of the Vice-Minister of Finance OHNO. He next negotiated with the Communications Minister for transporting the flour, and although ship bottoms were short he succeeded in obtaining some and imported considerable amounts of flour into North China.

30648 In 1941 there were rumors that Japanese-U. S. relations were getting worse, * and since he had harbored a sincere hope for the maintenance of peace he felt bad. He did not know anything about the contents of the negotiations nor the policies decided on by the government.

On the night of 17 October 1941, TOJO telephoned the accused to join his Cabinet as Finance Minister. Before replying, he called on TOJO. To his query as to whether TOJO was decided on waging war against the U. S., TOJO replied in the negative, stating he intended to continue the negotiations and exert efforts toward an amicable settlement. The accused then told TOJO that there was a rumor that the Supreme Command and Cabinet did not always cooperate, that unless they reached a closer relationship it would be a stumbling block, and asked TOJO if he intended to do something.

30649 * TOJO replied that he fully understood the deep concern of KAYA and would work toward a closer relationship. KAYA told TOJO that there was a tendency to adopt reform policies. They should forget the ideology and adopt policies in keeping with the needs of the country. To this, TOJO agreed. The accused was quite satisfied with the interview, but left without replying.

30650 The rumor at the time was that the army was especially pronounced in its attitude toward the U. S., and he was relieved to learn that TOJO planned to continue the negotiations. He felt he should join the Cabinet and do what he could, and he consented. Before joining the Cabinet, he had had no relations with TOJO, but had met him only once. * Even after joining, their contacts were solely official.

He did everything in his power to avoid war after joining the Cabinet, realizing his goal should be the successful culmination of the negotiations, but the prevailing circumstances were mostly against settlement and he realized the necessity of working towards the prevention of war even if the negotiations were not settled.

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The first cause for a possible war was the military pressure of Allied powers, and the second was economic pressure. The embargo on vital materials was a blow to Japan, and of all imported materials, oil was the most critical. Without oil, Japan could not maintain national defense. KAYA felt that even if oil imports from the U. S. and NEI should not be renewed due to the negotiations failure; if some other oil source could be found it could prevent war. He therefore suggested a plan for manufacturing synthetic oil and a plan to buy oil from North Karafuto, and if possible buy that territory.

30651

* He realized the difficulty of his plans, but felt they must do everything possible to avoid war. However, his plans were turned down as impractical. He recalled that of the conditions in the negotiations, he was in favor of equal trade opportunity in all Pacific areas.

30652

At the Liaison Conference of 1 November 1941, a proposal for immediate war was brought up, but did not meet with favor. For the settlement of the negotiations, the "Yo" and "Otsu" plans were discussed. The conference was unanimous that Japan should give in as much as possible to settle the disputes, but the Supreme Command proposal plunged the conference into extreme difficulty. This proposal was that if by the end of November the negotiations showed no possibility of settlement, they should be ready to decide on war, and with that in mind commencing preparations now was needed. The Supreme Command stated that Japan faced a crisis due to military and economic pressures by the Allies. * If the negotiations remained unsettled and things went along as they were, Japan's defensive power in the western Pacific would decline in comparison with the Allies. They would reach a critical point, and if they were attacked after December or if there was a necessity of waging war in self-defense, Japan would be so weak that the Supreme Command could not accept responsibility for national defense. It stated that they must make up their minds to decide on war before the opportune moment was lost. With that in mind, they should decide on preparing for war.

According to this proposal, the failure of negotiations meant war. Discussions dragged on, but as for the accused it was his desire that they go along as it was, even if negotiations remained unsettled, but there was no way to bring this about. Since the Supreme Command was responsible for defense, it was not possible just to oppose this proposal.

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* To give assent to the proposal meant making the possibility of war that much greater. He was in a difficult position and fully realized what suffering war would mean and they should avoid it if possible. Through experience he knew of the horrors of war. The China Incident had been going on for a long time and the people were feeling its effects. A war with the U. S. would greatly add to their sufferings.

30654

* The Supreme Command insisted that there was a chance for victory if war began at an opportune time, but the Navy Branch of the Supreme Command predicted that if the war dragged on for over two years its outcome would be uncertain. It was possible that the war might drag on for a long period, and if Japan should lose after a long war she would suffer more than if she had not gone to war at all. For this reason the accused felt he could not then give his assent to the Supreme Command's proposal, and insisted on further consideration, but the Supreme Command replied that the matter called for immediate decision; otherwise, it could not assume responsibility.

30655

The accused argued against an immediate decision and was allowed to consider the matter for another day. TOGO made the same reservation. Returning home, the accused spent a restless night. A decision on the pending proposal was not a decision to wage war, but it meant it would be highly probable if the negotiations were not settled by the end of November. * He came to the conclusion that regardless of whether the issue was good or bad, circumstances did not permit him to stop it. If he opposed it he would have to resign, and if he resigned the effect would be unfavorable toward settling the negotiations and thus would aggravate the possibility of war.

The next morning TOJO telephoned twice for a reply. The accused believed that further delay would aggravate the issue, so he replied he was not opposed to the proposal, but sincerely hoped for an amicable settlement.

The Hull note of November 26 was a big blow to all. Japan could not accept its terms, and the Foreign Minister explained there was little room for U. S. reconsideration. The question was whether to commence hostilities or drift along with disputes unsettled. The Supreme Command believed that it could not accept responsibility for national defense if hostilities were not begun at once.

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* If the U. S. showed the least compromising attitude there might be a way to continue the negotiations even by altering the "Ko" or "Otsu" plans, but the Hull note indicated settlement was not possible, and a decision to wage war in self defense was inevitable.

Japan was embarking on a perilous war, whether good or bad, and if he resigned the effect to the public would be great, as it would interpret the resignation to mean that financially, Japan was not in a position to fight successfully. When it comes to national defense, public feeling is especially important, and if the people lose confidence it would breed uncertainty and might cause defeat. He was against the war, but could not think of increasing Japan's dangers and felt it his duty to carry out his responsibility.

30657

The decision for war was decided at the Imperial Conference of 1 December, 1941, but the hope for averting war, though dim, was not given up. He obtained at the Liaison Conference the Supreme Command's agreement that * war plans would be cancelled even after the outbreak of skirmishes if the negotiations reached a point where settlement was possible.

He didn't recall that the reply to the note of November 26 was ever discussed at any liaison or Cabinet meeting he attended. He thought the matter was competently handled by responsible officials. While the prosecution had charged that a declaration of war was discussed at the privy Council meeting of 8 December, 1941, such a declaration was discussed, but it was an Imperial Rescript on the declaration of war addressed to the people.

Operation plans were never discussed at liaison or Cabinet meetings. He was not consulted about the Pearl Harbor, or any other attack, nor was he ever informed about such attacks beforehand.

It was his sincere desire to avoid war, and he did everything to do so, but conditions against him were too strong and his assent for war was inevitable, but he firmly believed they were fighting a war in self-defense.

30659

* As to the attack prior to formal notification in violation of international treaty, he did not know such a plan existed and could not have stopped it. Furthermore, the government had no such plans.

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He had no connection with atrocities and acts in violation of the rules of land warfare. The Supreme Command was an independent organ, and civilian Cabinet members were not informed beforehand or consulted on plans and preparations for battles. Civilian Cabinet members had no power to stop or command a battle, and had no voice in choice of commanders. He, at least, was not even informed of the atrocities, officially or otherwise, and they were not mentioned in the press, nor was he informed about foreign protests, and he was of the impression the war was fairly fought.

30659

As to the treatment of POWs, he was not informed, nor consulted at Cabinet meetings or elsewhere, nor knew of foreign protests. * He did not even dream of the ill-treatment dealt POWs, nor hear rumors that they were ill-treated, and the press and radio made no mention of it.

30660

He resigned from the TOJO Cabinet on 19 February, 1944, at TOJO's request. By 1945 it became clear that Japan was facing defeat. The sufferings of the people were extremely painful, and he felt his political responsibility to them. On 11 August, he learned that the government had decided to accept the Potsdam Declaration. Feeling his political responsibility, he made up his mind to resign all marks of honor the Emperor had conferred on him and become a plain citizen. As a private citizen he felt he should do everything he could for the people, * and if circumstances permitted, to do his part to prevent a bad inflation after the war.

DIRECT EXAMINATION BY MR. BRANNON,
 Counsel for OKA and SHIMADA.

The accused stated that by the Supreme Command he meant the General Headquarters, consisting of the Army and Navy General Staff, and he referred to the Chief of Staff and his subordinates, but he did not include the Navy Minister.

30661

He heard from Chief of the Naval Staff NAGANO at the Liaison Conference of 1 November 1941, that the Navy predicted that a war dragging on for over two years would have an uncertain outcome. He had no recollection of ever hearing at any Liaison Conference he attended, that any member of the Navy advocated an attack without first giving a notice of war.

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Page CROSS-EXAMINATION BY MR. WILEY.

30662 * The accused was asked if between 26 May 1938 and October 18, 1941, he held certain named posts. He stated that with regard to the membership in these various committees he believed he was a member of them, but membership did not mean he was an official of the government. * He resigned from the first KONOYE Cabinet on 26 May, 1938, because he was requested by Premier KONOYE to resign, and he had desired to resign even before that. KONOYE told him that he wanted to carry out a Cabinet reorganization, and that the accused was not on particularly good terms with the military.

The attention of the Court was called to exhibit 841 and 842.

30664 * The accused was handed a document and asked whether he was familiar with it. He stated he had no recollection of having seen it, but the title of it was "Wartime Economic Life", while the book said that he was its author. The editor was his private secretary, and 30665 * he thought it was edited by him on the basis of various speeches and writings that the accused made. He had no clear recollection of having seen the book before, and in the "Editor's Note" in the book it was stated that his private secretary had gathered and edited some of the speeches and talks of the accused, and he assumed that he had reproduced the gist of various talks made by him. 30666 * The date of the publication was September, 1938.

Exhibit 3338-A, the book thus identified by the accused, entitled "Problems on Japanese Economic Power", was a speech given 26 October 1937, entitled "Armed War and the War of Economy". In it, KAYA said that the China Incident was actually a war. Since it was a war, military force was essential and important, but in order to give it full play they should make adequate preparations also in all spheres of thought, diplomacy, finance, and economy, and one of the pre-conditions of victory is to make adequate preparations to get the better of the other party.

30668 * When war commences, the question was how great a war expenditure they could afford. The war funds now ran to a considerable sum. There might be many who doubted whether their resources were sufficient to stand that expenditure. Everybody thinks that the question of how much war expenditure a state can afford is proportional to its economic power.

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KAYA would tell them how much they could stand. During the Russo-Japanese war, a sum of two billions were required over about two years. * There were many ways of estimating economic power, but if he compared the figures to show the general economic situation, they would find that bank accounts in 1903 amounted to 777 million yen. Granting that war expenditures could be defrayed at this rate and that they could stand an expenditure of two billion during the two year Russo-Japanese war, they should come to the conclusion that they could afford at least twenty billions at present. To that extent the economic power of the country had developed.

30670 As to what should be the war-time footing in finance and economy, since it was war, * the first thing to be done was to meet the military demands to finance the industries related to their demands and national defense, and concentrate on goods, funds, and labor in those spheres.

30674 * Exhibit 3338-B, A chapter of the afore-mentioned book, purporting to be a speech of KAYA on 12 April, 1938, entitled "Path to Patriotic Service Through Savings," and sub-titled "Preparations for a Protracted War", stated that in present-day warfare many kinds of arms have been used, and battles are now fought on and under the ground and in the air. Materials needed for war were so numerous that one would be surprised to hear that some things were required, directly or indirectly, for war. As the scope of war had enlarged, the amount of needed materials amounted to a surprisingly large quantity. So in time of peace they must prepare necessary goods so as to be able to supply them in time of war.

30675 * Their brethren, the officers and soldiers of the army, were then fighting in China to bring about true peace and prosperity to the Orient. The most important thing is a preparation for a protracted war so as not to have the army feel the lack of war supplies. The war expenditure of 2500 million yen had been approved by the Diet, and additional expenditures of 4800 million yen were approved also, and amounted to the sum of 7400 million yen. * However, part of the expenditure had come from government bonds, and most would have to depend on the issue of bonds.

30676

The budget for 1938 would amount to about 80 hundred million yen, and the total of bonds issued would be about 56 hundred million yen.

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An excerpt sub-titled, "Savings for the Purpose of Carrying out the Policy", stated that one year hence they must issue more than 15 hundred million yen of government bonds. Success or failure of war-time policies regarding finance and economy depended solely on whether the bonds would be absorbed satisfactorily.

30677

* Exhibit 3338-C, an excerpt from the same book, entitled, "Women Behind the Guns", stated that all the world marveled at the glorious results their forces had achieved in the China Incident. These were ascribable to the Emperor's virtues and the loyal forces in the Army and Navy. The people must not be dazzled by these results and take things easy, for the anti-Japanese movement in China, in conjunction with Communist power, was stronger than they imagined.

30678

In modern warfare they must be victorious not merely in battle, but also in the spiritual, diplomatic, and economic wars, and the economic war was the most important factor bringing war to a successful end. The government therefore had started the National Spirit General Mobilization Movement * and was trying to enhance the nation's spirit, and had reorganized its financial and economic policies to meet war-time requirements. Much attention was being paid to policies to meet the war-time situation so that the soldiers might not lack arms, the people might not be short of necessaries, and that prices might not go up.

The government policies in finance and economics depended on the people's efforts. What is called national economic power decided final victory, and the determination and cooperation of the nation were necessary. The women behind the guns should cooperate.

30680

* The witness was asked if, in 1938 and 1939, until he became President of the North China Development Company, he continued these talks, speeches, and articles throughout Japan. He stated he conducted addresses and talks to quite an extent to encourage savings. In the spring of 1938 he became chief investigator with regard to adjusting prices, and undertook plans for creating a price structure, and therefore the number of speeches he made decreased. After he became President of the Development Company he had little time to go on lecture trips. In November, 1938, he became temporarily chairman of the Japan-Manchukuo-China Round Table Conference. He made no speeches in connection with this committee.

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* Asked if he recalled on 29 November, 1938, that he introduced the speaker at Hiroshima on a Round Table Conference, he stated that the meeting was not large, and the talks did not amount to what might be called a speech.

30602

* The accused was handed a document, and he agreed that its title was "Reports on the Japan-Manchukuo-China Economic Round Table Conferences". He acknowledged that in the book there was purported to be a speech given by him. In the book he read that he himself had said on that occasion that the sponsors were pleased that so many people, especially in influential financial circles, were able to attend the meeting.

30683

* He could not say for sure if this was his speech, but it was possible. He had no doubt about what he had just read, but at this time there was an office known as the Secretariat of the Round Table Conference, which was not under his jurisdiction, and he could not say whether the contents were accurate.

30684

He agreed that in exhibit 3215, the document which he had been handed, it stated that KAYA was Chairman of the Round Table Conference. * He supposed it was something somebody had written up concerning a greeting he gave, but he could not say whether the greetings were accurately reported. He was Chairman of this particular conference. In regard to the Round Table Conference, the Japan-Manchukuoan Central Society was its main sponsor. The Society asked to borrow his name as Chairman and make greetings, etc., and told him they would not bother him with any details, and therefore he accepted.

30685

* He did make a greeting, but had nothing to do with the record of the Conference, and could not say whether the book was correctly drawn up. This was the first time he had ever seen exhibit 3215.

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* In Exhibit 3339, a speech by KAYA taken from the book "Reports on Japan-Manchukuo-China Economic Round Table Conference", dated 2 November 1938, KAYA stated that sponsors were honored that so many people, especially those influential in financial circles, * were able to attend the meeting. It was hardly necessary to mention that the aim of the army's attack in the China Incident lay in destroying the Chiang Kai-shek regime which was thoroughly anti-Japanese and pro-communistic and did not understand the position of China and its mission in East Asia. Later they had received joyful reports that Wuchang, Hankow and Canton had been occupied. Now that the Chiang regime had suffered a crippling blow it was a great advance toward achievement of the purpose of the holy war. He was continually lost in admiration of the army's valour and loyalty and labors of its soldiers. It was hardly necessary to say that the holy war's aim was not merely annihilating the Chiang regime, but also the establishment of a new regime friendly to both Japan and Manchukuo so they might hope to rebuild a new China. Furthermore, it consists in establishing a basis of peace in the Orient through a far-reaching plan between Japan, Manchukuo and China. Unless the construction of a new era was completed, it could not be said that the mission of the troops had been completed.

30690

As long as this completion was not in sight, he thought they could not compensate for the sufferings of those who lost their lives in the war. To establish peace in the Orient there must be a strong national union between the three nations which was more than friendly cooperation. One might say this was the dawn of a new East Asia and its foundation.

30692

To realize their ideal of being a stabilizing force, they must contrive to establish and expand armaments and economic power. * Strong economic power was the underlying foundation of powerful armaments. It had been keenly realized how greatly armaments depended on economic power, even in normal times. The expansion

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of economic power was the basis for stabilizing and improving national life and welfare. It was a matter of course that great emphasis in future policies should be on completion and development of the united economic power of the Japan-Manchukuo-China bloc and public opinion was in favor of this. They should devote national energies to long-range economic construction and government and private enterprises would be promoted and diligent people would be able to obtain employment and their life would be stabilized. * A stabilized life did not mean during the construction period, idleness and abundant materials, but it would be a frugal, though healthy, life in which one worked hard, got much and saved much and contributed to the expansion of economic power. A strong Japan would be established to secure peace and the welfare of future generations would be promoted.

The most important point and the objective of future endeavor was the development of economic power in the three countries. Since the founding of Manchukuo, she had been formulating great plans for finance, economics and the people's welfare, striving for their realization.

30694

* Japan also had exerted herself to assist her with funds, materials and manpower. That country was making rapid strides in the development of resources, heavy industries, transportation and communication, and in the greatness of her progress was worthy of wonder. These schemes aimed at the united expansion of the national power of Japan and Manchukuo based on the inseparable oneness of both.

30695

It would be a natural policy for Manchukuo to cooperate closely with the revived new China. In spite of the short existence of the temporary North China Government and the restored Central China Government, they were progressing in constructing a new China which would be friendly to Japan and Manchukuo and oppose communism. * It would not be long before there would be established a new regime uniting all China. The important trend of the new China was toward a united economic power by the three nations. Peace in the Orient was a great ideal that would contribute to world peace and which was important to the realization of national spirit. It meant a great deal

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Page that on this occasion economists from the three nations would engage in a Round Table discussion on plans and policies for unifying economic cooperation. Influential economists from Japan and China and Manchukuo had been invited for the conference. * KAYA believed that to attain this objective, much depended upon their assistance. He had requested their attendance to seek their understanding and hoped they would give full assistance.

30696

30697 * The accused was asked if this speech was given on 2 November 1938 and he said he believed that was its general gist. He remembered a Round Table Conference at Hiroshima in late November 1938, at which he was present and made a speech.

30699 Exhibit 3339-A, excerpt from "Reports on the Japan-Manchukuo-China Economic Round Table Conference" given 29 November 1938 at Hiroshima was the speech acknowledged by the accused. * In it he stated that the aim of the present incident was a war for construction and not destruction. Hitherto, China's condition had been like a cancer, and since surgical removal was necessary, Japan had been performing that role. After the operation had been completed, new flesh and new life would appear.

The temporary government of North China, the restoration government of Central China, the Federal Mongolian Commission, and the Peace Preservation Committees in Hankow and Canton had made their appearance and were moving toward unification. They were on the way toward construction of a new East Asia but its basis must be a strong unification and economists must proceed toward welding an economic area.

30700 KAYA said he was one who believed that the foundation of the people's welfare, as well as cultural and national defense, * must be based in general upon economy. Therefore, the basis must be an economic one which would produce a union of Asia for the Asiatics. The fact that economic representatives from the three countries had been and were holding in various parts of Japan and China economic Round Table Conferences was something history would

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Page not forget. The things discussed were producing successful results.

30701

Mr. Ting, who had come from Manchukuo, was extremely active in his nation's founding, was president of the Manchurian Electrical Company and was a prominent economist. Mr. Chin, from the Mongolian border, who was secretary of Industry in the Federal Mongolian Commission, was an ardent patriot who had labored * in behalf of Mongolian independence. Mr. Chu of Central China, and Mr. Chang of North China, were both influential economists and he hoped that the meeting would be a start toward the overseas expansion of Hiroshima Prefecture, especially toward the development of East Asia.

30702

The accused was asked if those remarks were made at the meeting in Hiroshima late in November 1938, and he replied that he didn't recall that particular speech but he may have made it. Asked if after the Army had acquired certain mines and industries, he, as president of the North China Development Company, operated these mines and industries, he stated they were not in charge of operations. By his statement in the affidavit that the Development Company had no rights over any industry except those in which it had a financial interest, he did not intend to claim that the company * confined operations to those mines and industries in which it had only financial interests.

30703

To companies to which the Development Company had given financial help or was a shareholder or had made a loan, they had certain rights of approval over certain matters which arose from the contracts they had with such companies. The actual operations of the companies to which aid was given were conducted by the companies themselves.

* The accused denied saying in his interrogation of 26 March 1946 that he was president of the Development Company which operated the mines and industries and the basis for the industries were acquired by the army and that he went there to develop them. This was a garbled version. The interrogator had asked him if there were industries in North China which the Army had taken over and he answered yes. He never said the company operated industries, but

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Page that the company was formed to further the economic development and advance the interests of both Japan and China.

30704 * The accused stated that he told TOJO that he did not oppose war after the arrival of the Hull note. He was present at the Imperial Conference of 1 December 1941 and did not oppose war with the U.S.

30705 * at that time. Asked if he had advance knowledge that hostilities were to open against the U.S. in December, he stated that since war had been decided on, he thought hostilities would open sometime in December. Asked if in his interrogation, he said that he did not know the exact date for commencing hostilities, but believed it was the night before they commenced that he heard about it. He stated that the date was actually neither announced in the Cabinet nor Liaison Conferences. He heard the day before hostilities commenced, or the day before that, but not at a conference. He heard this either at the place where the Liaison Conference was held or at the Premier's official residence, but did not remember whether it was from TOJO, the Navy Minister, or the Chief Cabinet Secretary, but it was one of the three.

30706 * He didn't recall who else heard this. The accused was asked if he did not state in his interrogatory that he believed he heard it from another member of the Cabinet officially but it might have been at the Premier's residence from TOJO, SHIMADA or HOSHINO. The accused stated that it was true he heard it from one of those three, but he had never said as to whether this was official or unofficial.

30707 REDIRECT EXAMINATION
By Mr. Levin

The accused was asked the circumstances in which he made the speech of 26 October 1937 (Exhibit 333^R-A). He stated it was at a meeting of members of the Preparatory Committee and it was a formal function. Since it was that kind of meeting, he stated what was generally known to be the government's policy and the general situation at the time.

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He didn't remember the exact number who attended but he didn't believe it could be so very large. He did not attend the Tokyo Conference of the Economic Committee.

The address at Hiroshima on 2 November 1938 (Exhibit 3339) was also made before the meeting of the Preparatory Committee in Tokyo.

30708

* Those who attended were comparatively few and he made a very informal speech on a personal basis. The speech at Hiroshima on 29 November 1938 (Exhibit 3339-1) was made in the same spirit.

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DIRECT EXAMINATION OF KIDO, KOICHI

The accused identified Exhibit 3340 as his affidavit and verified it.

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* The affidavit stated that the accused reaffirmed his plea of not guilty to the 54 counts in which he was named. On 6 December 1945 he heard over the radio that he was to be arrested as an alleged war criminal and when he was apprehended ten days later, he voluntarily revealed that he had a diary for he had nothing to hide or fear and his life had been devoted to fighting for the militarists. He voluntarily had the diary delivered and each entry

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* was written on the day of its entry with a few exceptions. He strove to write it objectively and to keep an accurate and true account.

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Out of 5920 entries from 1 January 1930 to 9 December 1945, the Prosecution had submitted excerpts from only 123 days. * He was interrogated on thirty-five occasions but the Prosecution had not introduced one word of these against him or any other accused.

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* He was born in 1889. His grandfather was one of the three founders of the new Japanese government, and his father was Grand Chamberlain. At Peers School and at college he became acquainted with KONOYE and Baron HARADA, who subsequently was secretary to Prince SAIONJI. His association and friendship with the two grew and they consulted frequently on political matters. In college and in his government work, he was primarily interested in political economy and social sciences. In 1917 he became a Marquis and a member of the House of Peers. * Upon graduation from the Imperial University he was assigned to the Agriculture and Commerce Ministry. From 1916 to 1930, he was an administrative official with no political connections.

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* The second half of his career began when he was appointed Chief Secretary to the Lord Keeper of the Privy Seal in 1930. In this economic post, he had an opportunity to become acquainted with politics and

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Page at this time he was also appointed Councillor of the Department of the Imperial Household.

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In the Spring of 1930, when he became Chief Secretary, the London Naval Treaty was concluded and it became obligatory for Japan to reduce her Navy, causing dissatisfaction in a section of the Navy so that the question of infringement on the High Command by the Lord Keeper was raised. * Excitement ran high and it was no exaggeration to say that the big transformation which later overtook Japan was started at that time. Only two weeks after he became Chief Secretary, Premier Hamaguchi was assassinated by a Rightist. A long series of incidents was in store, including the March, Manchurian and October Incidents in 1931, the assassination of Finance Minister INOUE, the May 15th Incident, and the February 26th Incident. MAKINO, the then Lord Keeper, was greatly troubled to cope with these situations and KIDO, too, did everything to counteract the militarists' machinations under the guidance of the Genro and the Lord Keeper in conjunction with KONOYE, HARADA and others.

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* The March Incident in 1931 did not materialize but still caused a big shock, serving as a signal for the Army to set its hand to a reformist movement as a driving power in the political field. It was a manifestation of defiance of the superior by the subordinate and a deplorable tendency in the fighting services. He was tipped off on the plot and got in touch with KONOYE, HARADA, INOUE and others, and obtained information on it and reported it to the Lord Keeper. He did not know whether it was as a result of this report but he understood that the Emperor cautioned the Military Ministers to maintain strict discipline. One of the major duties of the Chief Secretary was to gather information under the Lord Keeper's direction * from government, military, and other quarters, which tended to cause misunderstanding that both the Chief Secretary and Lord Keeper participated in political and military matters, but in fact both were court officials with no power or responsibility for military affairs.

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In November 1930, Premier HAMAGUCHI was shot and he became so ill that his Cabinet resigned on 13 April 1931. As an example of one of the duties of the

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Page Lord Keeper, the diary entry for 13 April 1931 showed that the Emperor consulted the Lord Keeper on the matter and he advised the Emperor to send for the Genro.

30725 * The accused was always an ardent admirer and follower of SAIONJI, whose logical reasoning made a deep impression. The entry for 14 April 1931 shows why he recommended Baron WAKATSUKI as the succeeding Premier.

30726 * SAIONJI's reasons were that since political
30727 unrest began he had received information. * There seemed to be many who advocated a non-party cabinet, but he thought an interim cabinet would only confuse the situation. As to a Seiyu-Kai Cabinet, that party had not won the people's confidence and some of its administrative measures were not desirable. The resignation of a cabinet because of the illness of HAMAGUCHI might encourage * assassination and would have unfavorable effects. Therefore, SAIONJI deemed it most advisable that the Emperor order the President of the Minseito, WAKATSUKI to form a new cabinet.

30728

On 23 June 1941 HARADA told KIDO of a plot by military officers in Manchuria which was extremely regrettable to him as he was opposed to the army's operations in China and Manchuria. He relayed the information he received to the Lord Keeper.

30729 * As the Diary shows on 11 July 1931, he learned from HARADA that day that there was a report that the army would assume a resolute attitude toward making the budget, and if necessary would appeal to the throne. He was concerned about this as there might be a possible resignation en bloc of the cabinet.

30730 On 10 September 1931, TANI told them that if the Chinese commenced trouble, Japan would have to defend herself as the Japanese position in Manchuria was becoming dangerous. KIDO agreed with this in general as he was afraid the Japanese might be massacred. * On 12 September 1931 he talked with HARADA and both were concerned about and opposed to the political penetration of the army after the March Incident and were closely watching rumors of further army plotting in Manchuria. The first information he had of the March Incident was when he read about it in the newspaper

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the next day, on September 19, 1931. * His diary entry for that day showed that they listened to Chief Aide-de-Camp NARA's account of conditions. At 9:45 the War Minister MTNAMI went to the Palace to report to the Emperor. KIDO interviewed the Grand Chamberlain and communicated to the Lord Keeper, asking him to return to Tokyo.

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* He understood that Premier WAKATSUKI had called HARADA and in fear of the strong Army attitude, asked him if there was any means to keep the Army under control. KIDO expressed his views that it was discouraging to find the Premier making complaints and resorting to external aid without making any noticeable efforts himself. Unless the Cabinet assumed a resolute attitude, political power might go to the Army and a constitutional crisis was at hand. He was most indignant at WAKATSUKI's unreliable attitude.

SAIONJI, HARADA and the accused ~~ceased~~^{used} every opportunity to localize the incident and curb military penetration in politics. SAIONJI did not want the Emperor to give Imperial sanction lightly to the advance of the Korean Army into Manchukuo. The Army was infuriated over the government's policy of non-expansion because the Emperor had approved this policy because of the efforts of his personal attendants. Fearing for SAIONJI's life, they decided it would be wise if he did not come to Tokyo. They were all opposed to the army and conditions were so critical they were apprehensive for the Emperor's safety, but he was never advised of their opinion that it might be wise for him to say nothing more about the Manchurian affair. They thought it better for the Emperor to let the Cabinet pursue its policy on its own responsibility.

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When HAYASHI of the War Department spoke to the press and failed to explain how the Incident started, KIDO asked him to do so point blank, * and when he did not clarify the truth he deplored his attitude since the Japanese people were suspicious. That the military were trying to impose its will on the government was shown when the Chief of the Army General Staff told the Premier that the government should not interfere with the Supreme Command's prerogative. KONOYE, SHIRATORI and KIDO had a discussion on 1 October 1931, expressing alarm at the possibility of an army coup d'etat, and decided some measure should be taken to

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Page guide the militarists before there was a calamity.

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After the outbreak of the Manchurian Incident, the army attitude became so tough that the problem of national reform began to be discussed and there was report that even reform of the Imperial Household Department was discussed. KONOYE and KIDO went to Imperial Household Minister ICHIKI and asked him to be more careful lest he fall into an army trap. * The Premier told the Lord Keeper that the army seemed to disagree with the government on solving the Incident through negotiations with Nanking and added that the government might come into a head-on conflict with the army. KIDO heard this from the Lord Keeper at that time.

On 6 October 1931 he reported to MAKINO his deep apprehension of Army intrigues and told him some appropriate measures should be taken.

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* His diary entry of 6 October 1931 showed that he and KONOYE told MAKINO about the stiffening of the military clique, which they had told the Minister of the Imperial Household ICHIKI and wished him to take some appropriate measure.

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As Chief Secretary he always found it difficult to get information from Army circles. Through Marquis INCUYE, Saburo, he met the accused SUZUKI to obtain Army information * and cultivated his acquaintance solely for this purpose. The diary entry for 7 October 1931 shows he met SUZUKI, accompanied by HARADA, and conveyed the information obtained to KONOYE which concerned a plot by younger officers to seize control in Japan (the October Incident). They deemed it imperative that SAIONJI come to Tokyo as it was the wish of the Lord Keeper that he do so. The reports of a proposed coup d'etat of some militarists became increasingly alarming and SAIONJI was again requested to come to Tokyo to try to prevent it.

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* As the diary entry for 12 October 1931 shows, MAKINO asked HARADA to request SAIONJI to return quickly. HARADA was also asked by the Premier to convey to SAIONJI his wish that he return to Tokyo quickly. The plot progressed rapidly and on 14 October 1931, KIDO and some others heard more about it and they

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Page thought a national welfare society should be formed to meet such situations. In the meantime an idea developed among the militarists to establish a new regime in Manchuria.

30739 * When he heard this from HAYASHI, he thought it was regrettable.

30740 The diary entry for 17 October 1931 showed that the rumors became realities. HARADA called him by telephone and told of the arrest of several General Staff officers. KIDO then called on Marquis INOUE and heard that leading generals, including MINAMI, had a conference the night before which lasted until 3 o'clock in the morning. A final decision was reached then and the accused HASHIMOTO, NEMOTO and ten others were arrested. They were planning to besiege and occupy the War Department and the General Staff Office and carry out the coup d'etat. They were going to assemble young officers at noon to give them directives. Within their faction was an Imperial Guard Regiment Commander and they were in a position * to mobilize one or two companies. KIDO reported this to MAKINO.

At this time there was talk of establishing a Council of former Premiers to direct the Cabinet. It was KIDO's opinion that this would interfere with constitutional government and he had always opposed outside interference with the Cabinet by the Imperial Household Minister, the Lord Keeper, the General Staff, Senior Statesmen or anyone else.

His stand on constitutional government was shown by the diary entry for 19 October 1931 where he recorded an exchange of views with OKABE and SHIMOMURA, Hiroshi. SHIMOMURA entertained uneasiness over this purported Council and KIDO shared his views. It was considered incompetency on the part of older statesmen if they conferred together but merely ended up by recommending a continuation of the existing Cabinet. Any such conference must produce a clear cut result but this seemed to be difficult. The holding of such a conference should be preceded by deliberate consideration. Moreover, a responsible Cabinet system was already well established and why was there any need for a Council of former Premiers? SHIMOMURA agreed.

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* When the question of punishing those involved in the October Incident arose, it was KIDO's opinion that the dignity of the law should be maintained and the Army should not relegate to oblivion these irregularities by making an investigation and punishment ambiguous as was its habit.

As the diary entry for 28 October 1931 showed, OTSUKA told KIDO that no definite Army policy had been decided on in the case. MUTO and several division commanders insisted on due punishment. KIDO's opposition to the Army's advance in North China and regret that the government had no fixed national policy was shown in the diary entry of 13 November 1931.

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At a meeting of the Juichikai Association * they agreed that deep concern rather than grief was caused by the country having no national measures relating to the "Northward Advance Continental Policy" of the military. It was regrettable that no concrete plan could be found. All KIDO's efforts to localize the incident proved fruitless and it expanded and the Cabinet's policy of localization was virtually ignored. The questions of Cabinet reconstruction and a coalition cabinet were raised. On 17 November 1931 Finance Minister INOUE stated that a coalition cabinet would not be strong enough to control the military and if unchecked, the country might come to ruin. KIDO agreed and advocated a strong national government policy to combat the military.

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* The diary entry for 17 November 1931 showed that at a meeting at KONOYE's house they considered that a coalition cabinet's greatest obstacle was not the foreign but the financial policy, especially the problem of the gold embargo.

At a meeting with KONOYE, HARADA, ITO, Bunkichi, Finance Minister INOUE and the accused, INOUE stated that neither the so-called national cabinet nor a coalition cabinet would be strong enough to control the military.

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* Although the present cabinet lacked strength, it was doing the best it could in restricting the

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military. It could not be helped then if the cabinet was not well spoken of by the military. A more powerful cabinet was not to be conceived of at present. If a cabinet strong enough to control the military could be organized it would be most desirable, however, and they should all support it. KIDO agreed and stated that the cause which had given rise to the tense situation was that the military had a national policy while outside military circles there was no firmly established policy. * Therefore, he believed it necessary to establish a national policy with the Cabinet its chief author. Seeing the real condition of the Manchurian Army, he would like to suggest that under the present circumstances in which staff officers, such as ITAGAKI and ISHIHARA, were exercising full powers and carrying out the maneuvers worked out by them, it was advisable to send a Foreign Office official, say SHIRATORI, to negotiate with them to come to a mutual understanding.

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INOUE agreed with KIDO but HARADA suggested a council in the Imperial Presence to establish a definite principle. KIDO, however, objected, saying that the situation was such that the military had a national policy but outside there was none, and the hasty holding of an Imperial Council * without sufficient preparations would only lead to serious results.

He insisted that a prudent investigation be made. INOUE stated that the result of the discussion by the League of Nations Council could not easily be inferred at present but if the Army advanced to Tsitsihar, Japan would be disabled to hold her seat in the League of Nations army account. It would bring about a situation where Japan would have to withdraw.

INOUE said that the opinions offered on that occasion had impressed him that if the military, disregarding the government's policy, should occupy Tsitsihar, the cabinet would eventually have to surrender itself up.

On 11 December 1931 the WAKATSUKI Cabinet resigned en block.

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* The diary entry for 12 December 1931 showed that the press reported that INUKAI, Tsuyoshi was expected to be given a mandate to form a new cabinet.

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30749 Page KIDO talked with HARADA and found out that SAIONJI talked with the Lord Keeper, the Minister of the Imperial Household, and the Grand Chamberlain about the measures to be taken in the present emergency. HARADA had already told KIDO that SAIONJI had determined to let INUKAI form a new cabinet. However, the Lord Keeper's opinion was that a cabinet supported by the whole nation * was to be desired. It was reported that SAIONJI told INUKAI that adequate measures must be taken to keep the Army under complete control and great prudence was needed in financial and domestic affairs. The formation of the Cabinet must be on the broadest possible basis. INUKAI agreed and stated he could not approve of cooperation with such as KUHARA and ADACHI but was determined to purify political circles.

30750 Grand Chamberlain SUZUKI visited SAIONJI, who told him that INUKAI would be the best qualified as Premier, and the Grand Chamberlain reported this to the Emperor. * INUKAI then received an Imperial audience and received the mandate to form a new cabinet. KIDO agreed with SAIONJI's advice to be cautious of the actions of schemers who were opposed to armament reduction and to use care in the selection of a Vice-Chief of the General Staff.

30751 As the diary entry for 16 December 1931 shows, concerning the appointment of Prince KAN-IN as Chief of the General Staff, SAIONJI said he would say nothing about KAN-IN's acceptance as there was nothing objectionable in the matter itself but he did want to direct his attention to the points that there should be perfect understanding * between the Emperor and the Prince; KAN-IN should be especially cautious in dealing with the Armaments Reduction Conference; and should use great prudence in selecting a Vice-Chief of the General Staff.

KIDO reported this to MAKINO and obtained his consent.

After having been saddled with the Manchurian Incident early in 1932, the government was faced with further army intrigues in establishing some form of government in Manchuria. KIDO opposed the establishment of a state controlled by the

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Page military and when ITAGAKI delivered a lecture on the new state, KIDO expressed astonishment at the plan.

30752 * Regarding his stand on constitutional government, he referred to the Sakura Gate Incident on 8 January 1932, in which a bomb was thrown at the Imperial cortege. This was an isolated incident and KIDO favored no reprimand by the Emperor to the officials responsible as there was constitutional machinery to handle such matters.

30753 * This opinion was likewise held by Lord Keeper MAKINO and they both felt it would not be proper for the Emperor to make a strong statement which might influence the agency concerned in reaching a verdict. There was no way but to wait for the decision of the Disciplinary Committee.

30754 * The Emperor, SHIGEMITSU and the accused, among others, were always solicitors for the maintenance and promotion of friendly relations with China. As shown by the diary entry of 21 January 1932, SHIGEMITSU, the Minister to China, delivered a lecture in the Emperor's presence on the China situation which KIDO also heard. The Emperor later asked SHIGEMITSU if it were possible to hope for intimate friendship with China. SHIGEMITSU answered that as long as the Manchurian problem existed, he felt it was difficult to enjoy good friendship.

30755 When KIDO met the Lord Keeper on that day, he got information about the coup d'etat planned by some Army officers and MAKINO told him he had been asked by the British Ambassador about the truth of the rumor that a coup d'etat was being planned by some Army officers, including ARAKI. MAKINO told KIDO that SHIGETO * and other officers who were transferred to remote places after the October Incident, were attempting to accomplish the plan with OKAWA, Shumei, KITA, Ikki, SHIMONAKA, MIKAWA and others. The plot would be carried out about 10 February with the aid of AKAMATSU and his followers of the Social Democrat Party.

The diary entry of 28 January 1932 (Exhibit 2251) was his resume of MINAMI's lecture delivered

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Page in the Imperial Presence on the Manchurian-Mongolian question. The lecture was not KIDO's idea and he was opposed to a state controlled by the military.

30756 * When he listened to MINAMI's lecture, he thought he could understand to some extent the whole aspect of Army intentions and he wrote it for future reference. Contrary to the prosecution's contention, he never thought it advisable to unify Japanese organs in Manchuria and Mongolia under one Japanese organ under a Governor-General.

In February 1932, the Shanghai Incident started. If it spread, there was a fear that a full-dress war might be unleashed. In view of Shanghai's international nature, SAIONJI and the Lord Keeper felt deep concern, especially so about the reported despatch of troops.

30757 * In the diary entry of 4 February 1932, HARADA told KONCYE and KIDO that Finance Minister TAKAHASHI was deeply anxious about the Army's actions and suggested that if possible the Emperor admonish the Army. KIDO reported this to the Lord Keeper, who said it was for the Premier to decide whether it be submitted to the throne. In the

30758 diary entry for 5 October 1932, * HARADA told KIDO that being very anxious about international relations, INUKAI determined first to warn the Vice-Chief of the General Staff, MASAKI, War Minister, ARAKI, and the Navy Minister about the general situation, and after talking to the Chief of the General Staff, Prince KAN-IN and Chief of the Naval General Staff, Prince FUSHIMI, to have an interview with the Emperor. TAKAHASHI was strongly opposed to sending troops to Shanghai, believing this would give rise to ill feeling on the part of foreign powers and there would be a decline in Japan's credit abroad. * It was becoming impossible to raise funds abroad and war funds would not hold out three months more.

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Regarding KIDO's attitude toward UGAKI, to refute the Prosecution's contention that he did not hold UGAKI in high esteem, the diary entry for 8 February 1932 showed that INUKAI, Ken told KIDO that Governor General of Chosen, UGAKI, had tendered

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Page his resignation. KIDO replied that if the Premier and Governor General reached an agreement and the Premier desired UGAKI to stay, the Premier might report to the throne the Cabinet intention to have UGAKI remain and apply for Imperial approval.

30760 * Later, MAKINO told KIDO that he had told the Premier that if he wanted UGAKI to stay, he might when he reported UGAKI's resignation to the throne state that the Cabinet wanted to keep him in office. The entry also showed that after a lecture by MATSUOKA, the Emperor asked MATSUOKA about the possibility of close friendship with China. MATSUOKA replied that according to the principle of biology, it was difficult for close races to come into friendly relationship with each other and therefore friendship would be difficult.

30761 * The question of the Lord Keeper's responsibilities was much discussed. In order to obtain reliable information, the accused consulted Dr. SHIMIZU Cho, an authority on the constitution. His conclusion was that from the point of view of the constitution, the Lord Keeper was not held responsible to give counsel to the Emperor. There was no person responsible to the Throne except the State Ministers so far as State affairs were concerned.

Another legal problem was the establishment of a new state in Manchuria. MAKINO, HARADA and KIDO had always opposed the Army's actions in Manchuria so they consulted Dr. TACHI Sakutaro, the highest authority on international law.

30762 * TACHI's opinion was that from the standpoint of international law, open intervention on the part of Japan could not but be regarded as violating Article 1 of the Nine-Power-Treaty. BATEY, of the Foreign Ministry, had a stronger opinion that a state founded under pressure could not be an independent country. TACHI did not go so far, but said that conditions seemed to have gone beyond a question of law. The Emperor, MAKINO and KIDO were solicitous for localization of the Shanghai Incident and the Emperor not only disliked General MAZAKI's strategy, but feared that Japan would be attacked by the League.

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* The Emperor seemed to have felt as if the Foreign Minister had given up hope of solving the problem. The Lord Keeper told the Emperor that perhaps YOSHIZAWA meant they could but wait and see what the Chinese would do and if YOSHIZAWA had given such an impression it was because his words were insufficient. When Chief of the General Staff MASAKI told the Emperor that if Chiang Kai-shek's army should support the 18th Route Army, they might have to reinforce their troops, in which case war with China would be unavoidable. The Emperor asked MASAKI if there were any means to prevent the expansion of trouble. KIDO sympathized with the Emperor in his anxiety.

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30,764 * The diary entry for 21 February 1932 showed that MAKINO told KIDO that if more reinforcements were sent to China, there would be a growing possibility of a war. In that case, it might be necessary for the Genro and Senior Statesmen to have a conference or open a Privy Council session to deliberate on the Emperor's inquiry. To confer with the Genro beforehand, MAKINO went to him on the 20th in conformance to an Imperial order. When Premier INUKAI had an Imperial audience, the Emperor asked whether more reinforcements would be sent. INUKAI answered decisively that the Cabinet would not send more troops, * and the Emperor seemed relieved. The Imperial Household Minister and the Grand Chamberlain told KIDO that Shanghai's operations might require a sudden dispatch of troops, in which case there would be no time to confer with the Genro and he should be consulted beforehand. Therefore, KIDO arranged for such a visit. * When SAIONJI asked KONOYE for advice about his retirement he was indignant over the Army's attitude. KIDO advised KONOYE that SAIONJI should not retire but work for a political reform. * Prince SAIONJI told KIDO that the recent political tendency was contrary to what he had expected and in case of political change he could not recommend a soldier as Premier. If he did not make a careful considered resolution he would disgrace himself, so he wanted to surrender his peerage.
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- 30766 * KIDO thought that SAIONJI was going into politics after surrendering the peerage and privilege of Genro, it was another matter, but in that case it would be impossible, perhaps, for him to reconstruct the political world. KIDO believed it better for him to remain in his present position and told this to KONOYE. KONOYE's interview with War Minister ARAKI revealed "direct Imperial Rule" was different from what the words literally meant, but similar to what they were thinking of. According to KONOYE, ARAKI said that as regards the Shanghai Incident, diplomats could not catch up with military operations and, to his regret, the Army was looked upon with suspicion. ARAKI also said that recently the Army had found that MORI was utilizing it. * MAN-
- 30767
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- 30769 CHUKUO was established in March 1932 with FU YI as Regent. KIDO was Chief Secretary for about one year prior to the commencement of the Manchurian Incident, and continued as such for four years after the new State was created, and had no connection with any plans in support of it. He was in no position to do so, nor to issue any orders aiding or abetting it. He and others close to the throne strove to localize the Incident, and he never collaborated or conspired to bring it about or encourage its continuance.
- 30770 The prosecution had contended that while he was originally an anti-militarist, he was not against the Manchurian aggression on principle. * However, he was against the Manchurian affair in principle and practice. On 9 March 1932 he discovered the

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30771 truth of the March and October incidents of 1931 from Colonel NAGATA, Tetsuzan. The facts confirmed his fears that the Army was planning a coup d' etat to seize political power. In the diary entry for 9 March 1932, NAGATA told a group gathered at KIDO's house that regarding the March incident, there were sufficient reasons that the military * should begin to be interested with political matters as well as military affairs. The most important were that following the disarmament problem, militarists were falling into disfavor with the world; the question of the so-called right of the supreme command raised at the London Conference; the question of the reduction of salaries; and maladministration of personnel affairs in the Army. The March incident's outline was that to bring about a political change in the Diet while in session, they were at the same time to presume to petition the Emperor to form a nonparty cabinet of their own choice, the leading figures OKAWA's partisans. OKAWA stated that present affairs could not be surmounted. NAGATA said he told OKAWA that if the plot was attempted he could not expect active Army support, but rather wish the Army to adopt a different attitude. OKAWA

30772 requested him to supply the necessary bombs. * OKAWA and his associates pretended that War Minister UGAKI agreed with the proposal. In certain Army quarters they participated in the plan because the War Minister had approved it, but in other Army quarters there was argument that the Army should not try to carry out political reform with outsiders. Thereupon, they reconsidered the plan and it was frustrated.

30773 Regarding the October incident, certain members of the Army General Staff who were indignant at the failures of their seniors began to plot to execute the plan with the Army alone. They planned by penetration to interfere with the regular functioning of the Army by suppressing its governing body by force. At the same time they would occupy Metropolitan Police Headquarters, * and by arrangement with court circles submit their plot to Imperial hearing to expedite the formation of their own cabinet. As the program progressed, some involved began to doubt its wisdom and the plot was betrayed by them before it was put in practice. As a result of punishments, most admitted they had been in error and reconsidered their positions. Although they should have been charged according to the military penal code, their motives and mentality were considered, and also the prestige of the Army, and their cases were disposed of administratively. Those who seem to hold such opinion might be limited to the accused, HASHIMOTO, SATO, and CHO. In recent Army opinion they could be classified into those who had connection with OKAWA's faction; those indoctrinated with the ideas of KITA, Ikki, and NISHIDA, Zoi; and those indignant on the question of the right

30774 of the Supreme Command. * From these different viewpoints are some who are trying to cooperate with outside bodies, while some

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Page are against plotting with the Genro. The latter are the majority, but their antipathy against the existing party was deep rooted. On 27 March 1932 KIDO had a conversation with HARADA, who told him it was SAIONJI's intention to have KONOYE take over the Government at the proper time and wanted KIDO to assume an important position close to the Emperor. * The plan of having KONOYE form a cabinet would be satisfactory, according to the Genro, but he chose rather to make him president of the House of Peers at the time and appoint him Lord Keeper one or two years later. Further, Genro's idea was to make KIDO Grand Chamberlain in the future to make the Emperor's position secure with reliable advisors. * The day after the May 15 incident, KIDO counseled MAKINO never to meekly acquiesce in the Army's outrage and attempt, but he should form a succeeding cabinet based on political parties, after consultation with the Presidents of the Seiyukai and Huisenjo Parties. This counsel was given to form a party government in the face of stout opposition voiced by Major General OBATA. It required considerable fortitude on KIDO's part to offer such advice. * On 16 May 1932 Marquis INOUE told him of the attitude of the military circles toward the incident and that seemed to have caused no appreciable excitement in the Army. In his view firm resolution was necessary and full consideration should be had to the formation of a new cabinet. He now thought the military would not be pleased if some political party merely perverted to constitutional normalcy was ordered to form a succeeding cabinet. The cabinet held a meeting and decided to resign. Premier TAKAHASHI tendered the resignations and the Emperor sent for SAIONJI. * Major General OBATA's view, according to KONOYE, was that the present incident was related to the Chamber affair. After the October affair the Army was devoted to establishing control within itself and had, to a great degree, succeeded. Army officers of major or below had been acting with naval officers, who had at last become out of touch with naval circles. So the naval officers at last brought about a naval affair. The younger military officers were originally of the same mind and followed simply toward those who participated in the affair. Fearing the affair might prove fruitless, some asked for an interview with ARAKI and others called on OBATA. * They seemed to be striving to take this opportunity to attain their objective. If a party cabinet was formed again, the dissatisfaction of the military would be such that even ARAKI would find it difficult to control the military. They seemed to disfavor even a HIRANUMA cabinet. But according to OBATA, he had dissuaded them from objecting to a HIRANUMA cabinet. KIDO's summary of measures to cope with the situation submitted to Lord Keeper MAKINO stated that jeopardizing the national foundation by direct action should be avoided and the people should be warned against being induced to side with it. They should not act

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- 30781 contrary to the constitution. Effort should be made to form a cabinet based upon direct unity by urging the political parties to rouse themselves. * A man of character such as SAITO should be selected to head the cabinet. Future national policy should be set out in an Imperial rescript, which would be a new interpretation of the constitution and the Five Article Oath. While admonishing the military, stress should also be put on remedying political corruption. To carry out these measures, SAITO should be asked to come to Tokyo to have confidential talks with War Minister ARAKI and Navy Minister OSUMI on general policy to obtain a full understanding. After that MAKINO should interview the presidents of the Seiyukai and Minseito parties and persuade them to action. MAKINO supported these measures.
30782. The sentences introduced as exhibit 2252 * tend to create the impression that KIDO's thoughts were set forth there, but he had only recorded information received from SUZUKI, Teichi, NAGATA, and others as to army intentions and the young officers' part in the May 15 incident. KIDO interviewed KONOYE and them for information to be offered to MAKINO. In the diary entry of 17 May 1932, SUZUKI said the incident had been brought about by the same faction as the October affair. In March, when officers of the rank of Captain, who were in the October affair, met with the Naval officers in the present incident, * the latter urged decisive action, but the army officers refused and they parted without agreement. ARAKI seemed to intend to strengthen unity within the army force and, then after extraordinary Diet session, recommend means to bring about national unity. But before he realized this, the incident happened. As the younger military supported the cause, they should make efforts lest the actions of the participants come to nothing. SUZUKI added that if a party cabinet was again formed, the present incident would be repeated, so some remedy must be devised. A whole nation cabinet might be suggested. War Vice Minister KOISO favored a HIRANUMA cabinet. SUZUKI thought that the declaration for safeguarding of political parties gave a direct incitement to the incident for some of the young military were extremely enraged at it.
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- 30784 * NAGATA told HARADA, KONOYE, and KIDO that he held a most moderate army opinion, but his opinion differed little from SUZUKI's. He said the military were against party government. If a single party cabinet was adopted, perhaps none would take up the portfolio of war and the attempt would prove abortive. It was obvious that NAGATA had an aversion to political parties, for he asked if it was difficult for a party member who joined the cabinet to have his name struck off the party register. According to KONOYE, MORI, Kaku had an interview with WAKATSUKI, and two other Minseito party leaders to discuss a succeeding cabinet. It seemed that it was unlikely that a coalition cabinet would be recognized. * MORI submitted a condition to President SUZUKI, Kisaburo, of the Seiyukai
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- party that a powerful cabinet with a vigorous foreign policy be formed. If it was not accepted, he would not enter the cabinet. OBATA told MORI that military circles were criticizing, although OBATA and ARAKI had always screened MORI, but if MORI joined a new cabinet his political life would end. Therefore, MORI seemed resolved not to join a SUZUKI cabinet based on existing political parties. MORI interviewed ARAKI and on 21 May 1932 KIDO received information about public opinion and the political situation.
- 30786 * Director of the Police Bureau MORIOKA said that reports from prefectural governors in connection with the recent affair showed it had no considerable effect on financial circles. The cry against military tyranny was heard everywhere. Opinion in favor of a party cabinet was quite dominant, and if a new cabinet was not based on political parties, it would give rise to a constitution safeguarding movement. If a riot broke out in the city, the new cabinet would have to enforce martial law and it would be extremely difficult in submitting plans for a new cabinet to the Throne. It was necessary to obtain beforehand a full understanding of the political parties.
- 30787 * An Imperial rescript might be suggested as a last shift. According to HARADA, the Emperor told Elder Statesmen that he desired that SAIONJI select a person as premier who had no fascist leanings, and about whose character there had been no unsavoury rumour, and who was moderate and not militaristic. Although SAIONJI used to recommend a succeeding premier to the Throne, as he advanced in age he desired Lord Keeper MAKINO to seek the views, not only of the Genro, but also the Senior Statesmen. Subsequent conferences of the statesmen were held and thereafter the Lord Keeper attached great importance to their views.
- 30788 In the diary entry of 26 August 1932 MAKINO told KIDO that SAIONJI wished that in the future * the Emperor consult not only the Genro and the Senior Statesmen, and after deliberation the Lord Keeper should submit an answer to the Emperor. This refuted the prosecution's contention that when he became Lord Keeper, eight years later, KIDO developed a new function of advising the Emperor on every new premier. When KIDO visited SAIONJI on 27 August 1932, SAIONJI spoke of this idea and also approved KIDO's opposition to making the office of the Lord Keeper another Privy Council with the Lord Keeper going deep into
- 30789 politics. * SAIONJI said also that he didn't approve of a conference in the Emperor's presence, it would be a good idea when a cabinet resigned to make a senior statesman conference deliberate and submit an answer to the Emperor. On the question of creating advisors in the Lord Keeper's office, KIDO said he was against it if it resulted in providing another organ similar to

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30790. the Privy Council, to which SAIONJI agreed. * The diary extract of 16 September 1932 disclosed that at the request of MAKINO, KIDO prepared a draft of procedure to be used in connection with a Senior Statesmen Conference called at the time of cabinet changes. This provided that the Presidents of the House of Peers and House of Representatives should be included among the statesmen to make it more democratic, but the Imperial Household Minister objected and it was stricken. * When KIDO heard SAIONJI's opinions, as related by HARADA on 18 October 1932, he resolved more firmly than ever against militarism and in favor of cooperating with the United States and Britain.

30792 * In the diary entry for 15 December 1932, SAIONJI said he wished to see the Genro system abolished and asked KIDO to explain the draft of the Senior Statesmen's conference. KIDO explained that we could devise no system apart from the Genro and that it was impossible to abolish the Genro system while SAIONJI lived. SAIONJI asked KIDO's opinion on the system of letting the Lord Keeper alone recommend a premier, and KIDO answered that the position of Lord Keeper would then be so important it was feared his position would be unsteady. * KIDO explained that in the Senior Statesmen's conference, the speakers of both houses, Marshalls, and Fleet Admirals were not included as a rule, but might be included by a conditional clause. KIDO told SAIONJI that he was especially needed at the post.

30793 As to Prince KONOYE, SAIONJI said that if he became Household Minister, he would find himself in a plight because he had a weakness to decline requests which might be made by the many acquaintances he had in all quarters. SAIONJI thought it would be better for KONOYE to become speaker of the House of Peers. As an example of another duty of the Lord Keeper, that of advising the Emperor on foreign affairs, the diary entry of 8 March 1933 showed * that the Foreign Minister reported to the Throne that the government intended to petition for an Imperial rescript simultaneous with an announcement of withdrawals from the League. After the Minister withdrew, the Emperor instructed Prime Minister and Minister of Foreign Affairs through the Grand Chamberlain that the rescript should include that it was very regrettable that Japan had been forced to withdraw from the League and that even though she withdrew she would continue to cooperate with other powers.

30794 * KIDO delivered to the Foreign Minister the Imperial intention and asked him to deliver it to the Premier, and read and reported this to the Lord Keeper. Regarding the Lord Keeper's interview with the Emperor about Japan's withdrawal from the League,

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30796 MAKINO said that the Emperor asked regarding arrangements to resign from the League and whether it would still be necessary to withdraw now that the situation had improved after the settlement of the Jehol problem. The Lord Keeper told the Emperor that while his words were reasonable and Plenipotentiary was already active in accordance with the government's previous decision to withdraw, and that the government had taken a firm stand, and if that should now change their attitude, foreign countries would have the impression they were vacillating, while internally the people would become utterly confused. Therefore, the Lord Keeper, MAKINO, advised the Emperor * that there was nothing to do but let the government carry out its decision. In serving under MAKINO, KIDO became steeped in the duties of his office, and on 24 March 1933, as shown by the diary, MAKINO told him that regarding the Imperial rescript, the Emperor said enough results had already been gained as far as advancing military virtues, but they should now show encouragement concerning civilian virtues also. The Lord Keeper, MAKINO, then showed the Emperor the draft of the rescript from the cabinet and said that he thought the phrase "Military and civilian officers must be true to their duties, etc.," in the rescript revealed the Imperial wish. The Emperor then accepted the draft and warned MAKINO not to change the above phrase.

30797 * Exhibit 2253 shows the opinion of SUZUKI, Teiichi, about Russia. When General HISHIKARI became Kwantung Army Commander and concurrently Ambassador to Manchukuo, the Emperor stressed two points: (1) To respect the principle of equal opportunity, and (2) To maintain friendly relationships with neighboring countries. On 24 August 1933, KIDO was appointed to the position of President of the Bureau of Peerage to serve current with his position as Chief Secretary. * Although the prosecution apparently attaches great importance to his receiving a decoration on 28 April 1934 in connection with the Manchurian Incident, over 300,000 persons received the same decoration. He only received it because he was a member of the House of Peers and not because he was Chief Secretary, and he had never received a decoration from a foreign government.

30799 * As the diary entry of 9 August 1934 shows, SAIONJI told HARADA and KIDO that cabinet ministers should represent their views of general current problems to the Throne more freely rather than formally, and he advised Premier OKADA in the same way. When OKADA asked SAIONJI's view as to whether the Grand Chamberlain should attend on the Emperor when cabinet ministers were received in audience, SAIONJI said such a formality would make their reports formal and empty. He added that the Emperor's intention might be more

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reflected since he had attained maturity. It was a shame that instead of leaning heavily to the Greater Asia Principle, like they did, they did not settle world questions in concert with Great Britain and the United States.

30801 On 30 May 1935 KIDO was shocked to read in the newspaper that Japanese forces in North China had made an important proposal to the Chinese authorities. Therefore KIDO inquired about this to Vice Minister of Foreign Affairs SHIGEMITSU. Fortunately this incident did not become serious due to the efforts of Commander UMEZU. * SAIONJI knew that KIDO was opposed to the militarists and that he agreed with the Emperor's policy of peaceful relations with other nations. When there was talk of MAKINO's resignation as Lord Keeper, SAIONJI declared his preference to have KIDO accept the position, but KIDO's opinion was KONOYE would be a better choice.

30802 After the discharge of MAZAKI as Inspector-General of Military Education, and the assassination of Chief of the Military Affairs Bureau NAGATA in August 1935, sectionalism became recrudescent in army circles, * and there was a tendency for subordinates to defy their superiors. KIDO kept a vigilant watch on this and gathered information for the Lord Keeper.

30803 On 30 September 1935, KIDO visited the Lord Keeper and MAKINO told him that the Emperor warned the War Minister to deal with the younger men more firmly, even at the sacrifice of the War Minister himself. The Emperor asked Prince KONOYE to help the War Minister on this matter. * The Lord Keeper was answerable only to the Emperor, and if the Lord Keeper's views did not coincide with the Emperor's, the Emperor would ask for his resignation. This was shown by the diary entry of 17 December 1935, where it appeared that the Emperor wished MAKINO to remain as Lord Keeper. But if this was not possible, SAITO he appointed his successor. On 26 December 1935, MAKINO resigned and Viscount SAITO was appointed his successor, with KIDO continuing as his Chief Secretary.

30804 * Notwithstanding the Emperor's admonition to the War Minister on 30 September 1935 to control the younger militarists, the 26 February 1936 incident broke out. It was true the incident broke out suddenly but an ugly atmosphere had been discerned long before. Even now he could not understand why the military failed to take advance precautions.

30806 * As the diary extract for 26 February 1936 shows, KIDO was awakened at 5:20 a.m. and told that the Lord Keeper's residence was being attacked and both he and his wife seemed to be fallen victims. KIDO telephoned the Police Commissioner but could not ascertain what arrangements had been made by the police force. KIDO notified KONOYE and HARADA. When he went to his office KIDO was told that the Grand Chamberlain, Premier OKADA, and Finance Minister * TAKAHASHI had also been
30807 attacked. When the War Minister was received by the Emperor, the

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Emperor said that whatever their excuses were, he was displeased with the incident and it had brought disgrace on their national character. War councillors appeared in the court, but none of the cabinet ministers were there, and unless a center administrative organ was established, remedial measures would not be worked out. KIDO therefore consulted Vice Grand Chamberlain HIROHATA, and under the directive of the Minister of the Imperial Household, contacted the Minister of Overseas Affairs KODAMA asking that the cabinet members proceed to the Palace. Because Lord Keeper MAKINO had been killed, they decided also to ask the President of the Privy Council to come. But the President was to stay * in the Lord Keeper's room until the cabinet formation was completed. One opinion among the War Councillors was that the rebels should be disbanded by an Imperial Decree, but others insisted on the enforcement of martial law.

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About 5:00 p.m. KODAMA gave KIDO a message that they wanted the Emperor to appoint a Premier ad interim. But the Imperial Household Minister replied to KODAMA that the Premier's residence was surrounded by insurgents and they did not know whether he was killed or not, therefore, there was not time for such recommendation. It was understood that junior officers of the War Department and General Staff agreed to a provisional cabinet and made a proposal to that effect. This cabinet, it seems, would have a strong fascist tendency, and this same idea was shared by the insurgents. The War Minister demanded enforcement of martial law. * But if the army could not take responsibility, there might be no other way. Although Home Minister GOTO was against this proposal, he yielded at last. President of the Privy Council ICHIKI expressed a wish to resign because he was originally responsible for the incident. The Emperor did not approve of formation of a provisional cabinet. The Emperor is said to have confided his idea to Chief Aide-de-Camp HONJO, using words which implied the army wanted to "suffocate him by using floss silk for strangling."

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At 9:00 p.m. GOTO became Premier ad interim and the resignations of the cabinet members were tendered. The Emperor said that the insurgents should be brought under control as soon as possible and they should attend assiduously to their duties. At 11:30 p.m. the Privy Council passed a draft proclamation of a state of siege. * On February 27, 1936, KIDO talked with HONJO at 7:00 a.m. and understood that the military were boosting Prince FUSHIMI as Lord Keeper.

On 28 February 1936 KIDO received information that two of the insurgents still adhered to their original intentions, and consequently the authorities decided to bring pressure on the insurgents. The Imperial Household Minister consulted on a successor to the Lord Keeper and they could think of no other than KONOYE for the post. KONOYE was asked to have an interview with Imperial Household Minister YUASA. According to KONOYE he had received reliable information that

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30811 the incident was motivated by Major-Generals OKAMURA and YAMASHITA and Colonel ISHIMOTO. A rumor ran that under the support of Colonels ISHIMOTO and KUHARA an attempt was made to put Admiral YAMAMOTO, Eisuke, in an important position, but the Navy rejected it. * Connection had been maintained among ISHIHARA, HASHIMOTO, and NEMOTO, etc., with respect to the incident, and it was confirmed that Assistant Professor HASHIZUME was urged to expedite a reconstruction plan.

As Premier OKADA proceeded to the Palace, GOTO was relieved as Premier ad interim. Since OKADA had presented himself at the Palace, the reason for the previous resignation of the cabinet had become void, and they thought it necessary for a fresh collective resignation. So OKADA again tendered the cabinet resignation.

30812 On 29 February 1936 at 6:30 a.m., Commander KASHII of the forces enforcing martial law issued a proclamation explaining why suppression of the rebel army was delayed and declared * that he had decided to repress them because they defied the Imperial Order. At 8:30 a.m. the army began to take action. At 9:00 a.m. KIDO conferred with the Imperial Household Minister and the Vice-Grand Chamberlain agreeing that it was indispensable to nominate the forthcoming cabinet as soon as possible, and they further conferred with President ICHIKI of the Privy Council. They decided that first, the Vice-Grand Chamberlain would report to the Throne that they were conferring on remedial measures and wished the Emperor to consult the President of the Privy Council regarding the next premier. Next, when the President was summoned by the Emperor, he would rep'v it advisable for
30813 the Emperor to ask for the advice of Prince SAINONJI. * After this Vice Grand Chamberlain HIRCHATA would convey it to SAIONJI. Lastly, considering the emergency, he would convey the intention by telephone instead of sending a messenger.

30814 At about 9:10 a.m. HIRCHATA proceeded to the Throne to convey their opinion. Though at first the Emperor seemed not to care for such an early launching of the remedial measures, he summoned the President and said to him that at last, as they had taken steps to take the rebels away, they must deliberate on a succeeding cabinet. The President replied that he desired that the Emperor seek the counsel of SAIONJI. Since SAIONJI must prepare himself for the Emperor's inquiry, * it was not always necessary that the time of inquiry be determined after settlement of the rebellion, and the President would inform the Emperor of the time at which inquiry could be made, after investigating the circumstances.

30815 * The Emperor's opinion was that the cabinet seemed very difficult to organize, for one which the military circles would approve would be hated by Finance circles, but they could not afford to concern

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themselves only about the interest of the latter. The president replied that it made it very difficult to form the cabinet then but a way would be found and SAIONJI was sure to be considering the situation. The Emperor expressed nearly the same opinion to HIRCHATA.

30816 At 2:00 p.m. Chief Aide-de-Camps HONJO reported to the Throne that the greater part of the rebel army was suppressed and HIROHATA, after conferring with the President of the Privy Council, and the Imperial Household Minister, asked the Emperor how it would be to make an Imperial Inquiry to SAIONJI at that moment, and the Emperor approved. HIRCHATA then called SAIONJI asking him * to proceed to the Palace.

Prince CHICHIBU stressed to HARADA that it would be absolutely improper for General MAZAKI to form a succeeding cabinet for rumor had it that MAZAKI was behind the February 26th incident, which was nothing but a Army coup d' etat.

30816 * On 2 March 1936 at 4:10 p.m. SAIONJI was received by the Emperor. At 9:00 p.m. KIDO called on HARADA and SAIONJI's son. HARADA entered after an interview with CHICHIBU. The conclusions of middle grade officers were that all the present generals should retire and such a persons as ITAGAKI should become War Minister, and one who would cooperate with ITAGAKI should appear. KAWAI and ARAKI were not satisfactory, and fair persons who had heretofore no connection with the army would be more preferable. HIRANUMA was also not satisfactory, * and he especially wanted to stress MAZAKI, for although some circles in the House of Peers seemed to back him, a MAZAKI cabinet would be absolutely unsatisfactory.

30818 Although the prosecution inferred he was a protagonist of fascism, KIDO had always opposed it and an example to show this was his diary entry of March 3, 1936, when he recommended Ambassador MATSUDAIRA, Tsueneo as Lord Keeper because he was well informed in diplomatic affairs and had no inclination toward fascism. The same diary entry also showed that he also recommended KONOYE to SAIONJI as succeeding premier as a man of moderation and rectitude, that CHICHIBU sent a message to SAIONJI * warning him against MAZAKI and others, and that when CHICHIBU went to the Palace, he stressed to the Emperor the necessity of dismissing MAZAKI.

30819 SAIONJI asked KIDO whom he considered most suitable as Premier. He told him no one but KONOYE could be found. When KIDO told him that ICHIKI was intending to resign, and it would be difficult to find a successor as Privy Council President, and that ICHIKI had said that this time there might not be no other choice but HIRANUMA, SAIONJI strongly objected and also said that HIRANUMA was unsatisfactory as

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30820 premier. KIDO was summoned on the same day by CHICHIBU who told him that there was a rumor that MATSUDAIRA would be appointed Lord Keeper, but * he was afraid some trouble would result because he was associated with the London Treaty. CHICHIBU thought he would like to avoid frequent sad events involving senior statesmen close to the throne. KIDO replied that CHICHIBU was right, but the Lord Keeper must enjoy the full confidence of the throne. One who wins the admiration from those now criticizing everything would not acquire the Emperor's confidence. Some might criticize MATSUDAIRA but they could not but select him. HIRAHATA told KIDO of the conversation between the Emperor and CHICHIBU and the Emperor told HIRAHATA to speak to KIDO about it. This conversation was that HIRANUMA was improper as the succeeding premier. MAZAKI would be discharged. As for War Minister, it was necessary to have a young person with no relation in any direction, 30821 * and get him to recognize and freely exercise his ability.

On 4 March 1936 SAIONJI recommended KONOYE as the succeeding premier, but because of his health he was unable to accept. SAIONJI then recommended HIROTA, who accepted the Mandate on 5 March 1936. When KIDO resigned as Chief Secretary on 13 June 1936, he felt relieved as had spent seven years fighting militarism and needed a rest. He had tried to complete every task to the best of his ability. Marquis MATSUDAIRA was appointed his successor. Considering the 30822 incidents of the seven years he held the post, * he was glad to have been free from serious fault.

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* When he called on SAIONJI and told him he had retired from the office of Chief Secretary, SAIONJI told KIDO to do as his grandfather had done.

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* Exhibit 2254 stated that MATSUI called on KIDO and talked of discontinuing the sending of troops to North China and became indignant, but the MATSUI referred to was MATSUI, Seikun, and not the accused MATSUI, Iwane. Needless to say, KIDO had nothing to do with the China Incident, as he held no position in the government or military for one year and 21 days before it broke out, and his position as President of the Board of Peerage at that time was a very inactive one. KONOYE used to seek his views, but aside from this KIDO had no direct connection with politics. He knew of no preparations nor did he participate in the Incident and did not know it was going to happen, nor did he transpire or plan to bring it about.

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* KONOYE, who regretted the hostilities, did his best to pursue a policy of non-expansion, and KIDO counseled him in executing this policy. When the hostilities spread to Shanghai in August, hopes grew slim. At first the army made light of the affair and vauntingly stated China would be fixed up in three months, but the hostilities kept expanding.

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KONOYE asked KIDO to join the Cabinet as Education Minister on October 17, but he declined at first, being dissatisfied with the China Hostilities, and thought it proper to assist KONOYE from outside the Cabinet. However, KONOYE insisted, and moved by his request, KIDO accepted, * only as a means of assisting KONOYE. To join the Cabinet, he had to resign as President of the Board of Peerage. The Emperor's approval of the resignation and his evaluation of KIDO appeared in the diary of 21 October, 1937.

According to the Imperial Household Minister, The Emperor said KIDO was needed in the Household Department, but was willing to let him go since the government needed him more. Should KIDO go into the Cabinet, he would do his best in persuading KONOYE not to take unreasonable steps in the amnesty question concerning the February 26 Incident.

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* Exhibit 239, a plan for the heavy industries in Manchuria, was approved three hours before KIDO joined the Cabinet, and he did not attend the meeting that day.

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Exhibit 2225 refers to a decision of an extraordinary session of the Cabinet with respect to its statement and answer in connection with the Nine Power Pact. This was five days after he joined the Cabinet and the policy had already been decided upon.

30828 Being interested in fulfilling his duties as * Education Minister, he was eager to receive information so he could make proper decisions, and his diary shows that he consulted with the President of Tokyo Imperial University and the Dean of the Law School. During his tenure as Education Minister he respected their requests for self-autonomy, and never interfered with their freedom of thought.

30829 After joining the Cabinet, there was an absence of teamwork, notwithstanding KONOYE's efforts. At KONOYE's request, he met and talked with War Minister SUGIYAMA (exhibit 2256) and intended to bring forth better understanding between SUGIYAMA and the Premier, * by finding out his real intentions regarding settling the China Affair. Even before joining the Cabinet, he had heard from KONOYE that he had been discontented with SUGIYAMA's attitude. After joining, he found the relationship between them divergent beyond his expectations. The reason why he joined the Cabinet was not explained by exhibit 2257, for it was to make every effort for settling the affair successfully according to the agreement made with KONOYE, but as soon as KIDO joined the Cabinet, KONOYE proposed his resignation.

30830 On November 15, 1937, he was told that while absent, KONOYE had telephoned. * When KIDO telephoned KONOYE after learning this, KONOYE revealed that Imperial Headquarters would be established soon, and when he had formed the Cabinet he had little expected the situation would develop so seriously. He then said he would resign by all means, and asked KIDO to obtain the understanding of SAIONJI and the Lord Keeper, and added that even though he were requested by the Emperor to form a new Cabinet he would not accept. KIDO was surprised to hear KONOYE's intention, but he would not change his mind.

30831 KIDO * considered that so long as KONOYE was in such a mood he could not settle the affair and should engage himself more seriously. Therefore, he dissuaded KONOYE from resigning, but this was not for the purpose of carrying out the war. KONOYE had extremely close relations with China, so there was no one else who would settle the affair successfully.

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Page Exhibit 2257 shows the effect his resignation would have had.

30832 * Exhibit 2258 sets forth a decision regarding liaison between Imperial Headquarters and the Government. The day before the General Staff amended Headquarters regulations to include the establishment of headquarters by adding the words "in the case of incidents" to the existing limitation "in wartime". KIDO deplored this revision and had nothing to do with it, comprehending that the military might abuse it. He inquired of the War Minister as to the reasons for this revision, and warned him about abuse of the regulations.

30833 KONOYE set up an educational council to revamp the educational system. To prevent militarists from becoming members, KIDO sought and obtained the services of non-military men as president and members. * The diary entry of 27 November, 1937, shows that KIDO called on Privy Council President HIRANUMA, and asked him to request Councillor ARAI to be the president of the Council on Education and Councillors HARA and MINAMI, Hitoshi, to be its members.

30834 OUCHI testified that KIDO demanded Professor YANAIBARA be dismissed from Imperial University. He denied making such a demand, but refused to interfere and left the problem to the proper university authorities. Furthermore, the testimony of IKESHIMA that the school system was reorganized and more time devoted to military training and subjects under his ministry was absolutely false.*

As shown in his diary of 8 December, 1937, KIDO called on KONOYE, and views were exchanged on the policy on how to terminate the war. In December, 1937, the question rose to open peace negotiations with Chiang Kai-shek through the German Ambassador in China, and KIDO hoped this might materialize. There was no proper liaison between the Cabinet and the High Command, whose attitude was not fully known to the Cabinet, causing KONOYE deep concern. KIDO recalled that he asked SUGIYAMA at a Cabinet meeting about the possibility of the peace negotiations, but failed to elicit any definite reply.

30835 The peace terms offered China through the German * Ambassador had been decided by the Cabinet Ministers concerned in early December, 1937, before they were submitted to the Cabinet, and as Education Minister he was not a member of the preliminary conference nor did he take part in any liaison conference, nor was he aware what proposals were made by Vice Chief of Staff TADA to the government.

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30836 In a message from KONOYE received 16 December, 1937, he stated he could not grasp the Army's real intentions and requested KIDO to ask War Minister SUGIYAMA on that point at the next Cabinet meeting. On the following day, KIDO said to SUGIYAMA at the Cabinet meeting that it would be a matter for sincere congratulation if the China Affair could be settled under the terms now being discussed, but as it was a bilateral negotiation he thought it might * become necessary to make a further concession according to China's counter proposals.

He asked SUGIYAMA if the Army was prepared for it, but SUGIYAMA replied, no, that these were the minimum terms. If they were rejected there would be no alternative but to keep up military action. KIDO failed to understand, therefore, that the Army had made a firm determination to bring about peace. After the question to SUGIYAMA, Admiral SUYETSUGU, the Home Minister, submitted his views, and the plan for epitomizing the peace terms under four points was drafted by SUYETSUGU. Even though KONOYE could not grasp the Army's real intentions, the Cabinet decided on peace proposals, which were submitted to Chiang through the German Ambassador.

KONOYE was eager to restore peace without a day's loss, so he agreed to the abstract epitomization of peace terms so as not to obstruct the negotiations but make room for a future concession to insure success for the negotiations. This was KIDO's idea also.

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* It was suggested at the Cabinet meeting of 18 December 1937 that CHIANG's answer be requested before the year's end. His exhibit #259 shows the German Ambassador requested further instructions, which were given and that they discussed at the Cabinet meeting the principles for dealing with the Affair, and KIDO maintained that policies for cultural movement toward China should be established instead of carrying out military activities to no purpose and thus the way to Sino-Japanese friendship should be opened.

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* China's reply was expected at the end of December, but it did not materialize. He understood it was decided to wait for the reply until 15 January, 1938. In view of the fact that the Diet would resume business on 21 January 1938, the authorities seemed in a hurry in deciding a new policy.

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- Page Exhibit 2260 deals with the all-day Cabinet discussion of the proposed peace with China and the Premier's statement. With respect to the former, the Cabinet decision not to deal with Chiang was made on the basis of a plan drafted by the Foreign Office. Prior to the decision, the Cabinet received a report from HIROTA on details of the negotiations. Further, HIROTA said then that he had arrived at the conclusion that no good faith could be discerned on the Chinese side.
- 30839 * At that time HIROTA met German Ambassador Dirksen and received China's reply, which was of a dilatory nature and sought an elucidation on the meaning of Japan's proposals. KIDO recalled that the War Minister spoke briefly, and the general trend of the talk was in favor of peace with the new regime. KIDO expressed no opinion; hence the Cabinet decision not to deal with the Kuomintang Government any more, but establish peace in cooperation with a new China. It was to be regretted that Japan missed the first opportunity to make peace with China.
- 30840 General TADA was not present at any of these Cabinet meetings, although he may have been present at some Liaison Conferences, but KIDO never attended these. KIDO could not understand on what basis KAWABE was cross-examined, and asked if TADA told him that KIDO vigorously opposed peace with China. KAWABE clearly denied this, and no document of the prosecution substantiated this inference.
- 30841 There is no evidence that KIDO signed the statement of January 16, 1938 (exhibit 268), but the fact was that he did sign it as a Cabinet member. The statement spoke for itself. As it was ascertained that Chiang had no bona fides in restoring peace, Japan thought it a short cut for settling the affair to take constructive measures in conjunction with Chinese who shared her ideals, rather than over-run China with armed forces. Prior to the Nanking campaign, there was no unity between the military and government, and the High Command kept all military operation plans secret from the Cabinet, which therefore could not launch on timely diplomatic * demarches ahead of military operations. The Nanking campaign was started with the Cabinet losing the opportunity to take any advanced diplomatic move.

The prosecution contended that although he made no reference to the horrors of Nanking that they must have been known to him, and although KIDO may not have been responsible for the outbreak he was to blame for its continuance. The first time he ever heard of the Nanking atrocities was after the end of the war.

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If he had heard about it at the time, he would certainly have tried to do something, even though it was not a matter of Cabinet responsibility.

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* In March, 1938, there was public demand to judge Professor OUCHI and others who had been arrested in February and were awaiting trial on suspicion of communistic activities. Notwithstanding this, KIDO discussed the matter with three university professors and refused to purge OUCHI and the others pending their trial. While Education Minister, he sought and obtained the views of educational critics so as to better fulfill his duties.

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Exhibit 266, an article in the Tokyo Gazette entitled "The Japanese Spirit", was not written, edited, nor published by KIDO. * The first time he saw it was in the Tribunal. It was not a policy-making document of the Ministry. It was the custom in the ministries for individuals in the department to write articles for "Shu Ho", a weekly publication of the Board of Information. Manuscripts were collected and sent to the Board of Information, after approval of the vice-ministers contributions to the "Shu Ho", which were exclusively in their charge.

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The article "Enhancement of the Japanese Spirit" published in the "Shu Ho" was not written, edited, published, or approved, nor ever seen until recently by KIDO. * His efforts to find out who wrote it had been unavailing. After articles were published in the "Shu Ho", the Information Bureau would submit them for translation and publication in English in the Tokyo Gazette.

Exhibit 266 omitted one line which read that the Empire's action in the China Affair did not contemplate aggression or conquest.

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* As further evidence of his desire to settle the Incident, exhibit 2261 showed that General HONJO had the same opinion as ITAGAKI, ISHIHARA, and others, that the China Affair had to be settled as soon as possible. The exhibit showed that ISHIHARA told KIDO that it was not good that Japan had no dealings with Chiang-Kai-shek, and the policy had to be changed. KIDO agreed, and promised to make efforts to that effect. They had begun to realize that breaking off relations with Chiang was improvident, and he had stated in his diary that it was necessary beforehand to give full consideration to prepare for breaking the impasse caused by the statement.

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* The Premier's mental attitude was disturbed, and it appeared difficult for him to remain in office. KONOYE told KIDO on 11 May, 1938, that they must launch upon a new stage. For this purpose, it was necessary to strengthen the Cabinet, but it was difficult to reconstruct it. He had two alternatives, either for the Cabinet to resign en bloc, or to start afresh with a new line-up. He asked KIDO to think this over.

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KIDO agreed with KONOYE. It would be difficult to settle the affair if things went on as they were, but when it came to a definite plan, it was no easy task. If the Cabinet resigned en bloc, it would be impossible for a succeeding one * to settle the affair unless suitable persons were appointed Ministers of War and Foreign Affairs. KONOYE was dissatisfied with the War Minister, SUGIYAMA, as were army circles, but no agreement of views were reached as to his successor. During the Diet session, criticisms were made against Foreign Minister HIROTA in connection with the statement refusing to deal with Chiang. Intelligent classes were skeptical as to the statement. KIDO thought the selection of a succeeding Foreign Minister would also be a big question. The retreat of the KONOYE Cabinet would have far-reaching effects in China, which would jump to the conclusion that the KONOYE Cabinet quit because of its failure to settle the China Affair. Further, should a political change be brought with these questions unsettled, the succeeding Cabinet would not be in a position to attain any success.

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* Meanwhile, it transpired that SUGIYAMA would resign, to be replaced by ITAGAKI on 22 May. KIDO called on KONOYE regarding reconstruction of the Cabinet following the War Minister's change by enlisting the services of UGAKI, IKEDA, and others. At KONOYE's request, he spoke with HIROTA, and told him the Premier's intention, asking him to think over his resignation. KIDO was relieved to hear HIROTA say he had entered the Cabinet partly to help KONOYE and partly because of the recommendation of SAIONJI, and so, if his resignation was desirable, he would resign at any time.

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The War Ministry opposed Cabinet reconstruction, but KONOYE and KIDO opposed them, as they were determined to bring about a settlement of the Affair. To accomplish this, they evolved an idea which took form in the Cabinet reconstruction of 26 May, 1938, which made UGAKI, KIDO, and ARAKI join the cabinet. The appointment of ITAGAKI, who understood China and the Chinese and was popular with them, was intended for settling the affair.

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Page 30850 The selection of UGAKI as Foreign Minister aimed * at facilitating a rapprochement with Chiang. KIDO ceased being Education Minister on 26 May, 1938.

The diary entry of 26 May, 1938, showed that Chief Secretary KAZAMI told him that UGAKI wanted to postpone reorganization until the change in War Ministers was made, to which KIDO replied the Cabinet should be formed that day. Later in the day, KIDO met KAZAMI on the way to call on the Premier. UGAKI, it seemed, was uneasy about the change of War Ministers, but the reorganization plan had leaked out to the public, and furthermore, some of the War Ministry opposed the plan chiefly. If they hesitated it might become difficult to reorganize the Cabinet, and ITAGAKI's appointment might fail. Besides, if army opposition was strong, it might be all the more necessary to separate personnel changes of the army from the reorganization, and if reorganization failed because of army opposition, there might be an unfavorable impression in financial circles.

30851 * Thus KIDO strongly advised the Premier to execute reorganization at once, and told IKEDA that if reorganization failed, KONOYE would have to keep the Cabinet, if only for a month, to provide for future policies lest there be no way for KONOYE to apologize to the Emperor. KIDO stated it was necessary to complete reorganization that day, even by letting the Premier hold concurrently the office of Foreign Minister and by IKEDA as Finance and Commerce Minister if UGAKI did not consent. Calls to HARADA and KAYA resulted in persuasion on the part of YUKI and YAMASHITA, Kamesaburo, which had an unexpected prompt consent from UGAKI, and the reorganization plan was completed at 4 o'clock. During this whole time KONOYE and he were working on various plans. * Thus UGAKI was appointed Foreign Minister, IKEDA, Finance and Commerce, and ARAKI Education Minister. KIDO received an order that he was appointed Welfare Minister.

30852 KIDO dined with ITAGAKI on 18 June, 1938, and exchanged views with him on KONOYE's frame of mind, the necessity for an early termination of the China Affair, and the War Minister's intentions were revealed. * KIDO felt much reassured when he knew ITAGAKI was a person worth talking with.

30853 On 23 July, 1938, he talked with KONOYE and stressed the necessity of concluding the Incident before the end of the year. At that time they also talked about the progress of the Five Ministers Council, but KIDO was not a member of it.

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* The situation however, did not move as expected. New questions cropped up. On 20 July, 1938, the Changkufeng Affair occurred, when Soviet troops invaded Manchukuo, closely followed by Soviet planes invading and bombing Korea. The situation with the Soviet grew tense, and KONOYE, who sought KIDO's view, was told that the Affair should be settled through peaceful channels. KIDO had no part in the commencement of this Incident.

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At the Cabinet meeting on 2 August, 1938, reports of conditions by ITAGAKI and UGAKI concerning the Changkufeng Incident and the Korea invasion, were heard. * They made the resolution that in dealing with it, they were to adopt a policy of non-aggrandizement to avoid war with the USSR, and to solve the problem by diplomacy, and if necessary withdraw from the Changkufeng line. In pursuance of these policies, negotiations were conducted, and the affair settled amicably.

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About this time, Germany submitted proposals for the conclusion of a military alliance to strengthen the anti-Comintern Pact. When KIDO learned of it from KONOYE on 9 August 1938, he thought it a serious question. He was not shown any draft of the proposals, and expressed no opinion. He believed any policy which would stimulate the U. S. and Britain and make them skeptical about Japan should be most cautiously studied, * and he told KONOYE of this. KONOYE was greatly embarrassed, though he agreed with KIDO. As KIDO understood, the Navy was opposed to a military alliance with Germany, and he stressed the necessity to make the Navy express its conviction.

The political situation became complicated, and KIDO thought it might be necessary to effect a drastic change of policy. There would be much room for discussion if Japan further approached Germany, leaving the China Affair as it was. If circumstances dictated, he thought it necessary to switch to a rapprochement with the U. S. and Britain, and he feared that certain rightists, extremists, and army officers opposed to settling the Incident would create disturbances if peace was established with China. He thought it necessary to take measures to control these elements, and interviewed KONOYE on 23 August, 1938.

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The Diary entry for 25 August 1938 sets forth his interview with KONOYE. He understands that the Cabinet was called for indignance toward Rightists and in view of the situation it might be necessary to keep the party well together but if national policies necessitate a policy fight it would be necessary to take drastic measures and take arrangements in advance to make the Chief of the Police Affairs Bureau and of the Metropolitan Police move to the back and walls of the Premier, and KIDO urged the Premier to take such measures. KONOYE told him that when the Chief of the Police Affairs Bureau called he advised KONOYE to resign because of the growing tension but KONOYE was told by KIDO that this would be inexcusable and KONOYE agreed. Since KIDO was Welfare Minister at that time, he pointed out that in the domestic situation the unemployment question came to the fore and was a matter of deep concern for maintaining peace and order. Also, with regard to the China affair the statement refusing to deal with Chiang Kai-shek was criticized and opinion was gaining in a section of the General Staff that the affair be terminated even by negotiating with Chiang, if necessary. A similar opinion raised its head in the Rightist camp and together with distressed home conditions served to start a new party movement to strengthen political power.

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At an interview with KONOYE on 7 September 1938 KONOYE was depressed at political matters and had unpleasant feelings toward the maneuvers of the UGAKI faction and again expressed his intention to resign but since KIDO believed that only KONOYE could settle the affair he emphasized that he should summon his courage and proceed resolutely even if it had to be with Chiang Kai-shek.

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In view of the opposition at the time UGAKI had been appointed Foreign Minister and KIDO charged there was still opposition to him in Army circles. KIDO observed that so long as UGAKI remained in that position opposition would not be so pronounced as it would be if the plan to overthrow KONOYE and become Premier came about. KONOYE was still supported by the public but if UGAKI became Premier there would be political criticism of him and anti-UGAKI feeling in the Army would break out again. The atmosphere

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30860 for forming a new political party suddenly brewed and the Home Ministry (cont.) considered the matter. KONOYE requested Home Minister SUYETSUGU to draft a plan, expressing his desire that KIDO and Justice Minister SHIONO take
 30861 part in formulating it. *Consequently KIDO met SUYETSUGU and SHIONO on 27 September 1938, when KIDO found the new political party was patterned after the Nazi party. But it was KIDO's conviction that party leadership as practiced in Germany would be impossible in Japan, and a heated debate took place.

After several meetings, the draft platform and declaration of the new party were submitted to KONOYE on 15 October 1938. KONOYE, too, was worried that the draft and declaration were not freed from the party leadership complexion. Strong opposition to a government sponsored political party came from political circles and the Home Office plan was dropped and it was decided instead to study a movement for a national organization to convey the will of the ruling to the ruled, and vice versa. On 15 November 1938 KIDO met SHIONO and SUYETSUGU to study the
 30862 question. * All state ministers concerned cooperated in evolving a definite plan but the Cabinet resigned before any definite plan was worked out.

30863 * While Exhibit 2264 records the Privy Council decision to cease cooperating with League bodies, KIDO was not a member of the Council, but did attend this meeting as a Cabinet Minister. Japan had previously withdrawn from the League and the matter concerning abandonment of cooperation with various League organs was proposed by the Foreign Minister. The conclusion was that Japan could not but abandon such cooperation because relations between Japan and those organs had become gradually unfriendly. The government failed to take measures at home deserving popular confidence, and there was no prospect of an early settlement of the China Affair, though there was information that Wang Ching-wei would flee from Chungking on 18 December 1938. There was no wonder, therefore, that KONOYE was inclined to resign.

30864 * The situation at the time showed that an ideological and intransigent spirit was stressed on one hand, and on the other Communist activities were brisk and the situation marked with confusion;

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30861 many university students were rounded up as Communists. Reform of the educational system was a plank in the platform of the first KONOYE cabinet. The China affair was more than 12 months old and trade with China and the southwest was entirely paralyzed due to a Chinese boycott. A blow was dealt industry depending on exports. The unemployment question came to the fore and a relief committee was set up in the Welfare Ministry. It was feared that economic depression would be capitalized on by Communists, agitators and this worried KONOYE most.

30865 Under these circumstances Japan was not in a position to reject flatly a policy to check Communist infiltration but KONOYE watched the situation closely as he thought Japan would be called on to study what effect her cooperation with Germany would have on the United States and Britain. On 17 December 1938 KONOYE told KIDO that OSHIMA and others intended to conclude a military agreement with Germany even against England and France which was different from the policy decided on by the Five-Minister Conference and apparently was already proposed to the Germans. KONOYE was apprehensive and stated he would like to resign since he could not assume responsibility for such an extension of the pact. KIDO could understand that although OSHIMA might have to assume heavy responsibility for settlement of the China affair he would not like to be accused of understanding the fact which KONOYE could not approve also. Exhibit 2865 showed a conference KIDO had with HIRANUMA who thought the KONOYE cabinet should continue as it had been reported Wang Ching-wei had escaped from Chungking.

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Exhibit 2866 showed SUZUKI, Terauchi, and KIDO to express the same opinion. The cabinet situation had gone so far that they could not help it so they all expressed the opinion that for a time there was no way for dissuading KONOYE from resigning. The KONOYE cabinet resigned in fact on 4 January 1939 and KIDO became Welfare Minister until he was invited by HIRANUMA to be the Minister in his cabinet. HIRANUMA stated it was actually an accomplished fact as he had accepted the Premiership on condition KIDO be appointed Vice Premier.

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KIDO declined the offer but HIRANUMA insisted KIDO was aware that ideological reformist opinion had strengthened in the Home Office under SUYETSUGU so he requested a free hand be given him in dealing with Home Office political questions. When this condition was approved KIDO accepted.

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One of these political problems was that since SUYETSUGU was a Fascist devotee of international fame, a Fascist atmosphere prevailed among Home Ministry bureaucrats. Also a troublesome question was left for the Ministry by SUYETSUGU's retirement in the form of the bill reforming the municipality system drafted under his guidance. This aimed at fascistizing provincial administration by extending executive powers at the sacrifice of the legislative organ. Preparations had been completed for submitting the bill to the Diet but KIDO decided not to introduce it and requested the cabinet to meet on 17 February 1939 and submitted his decision. The cabinet approved and the same day orders were communicated to that effect and the bill died.

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The HIRANUMA cabinet demonstrated that there was a continuing of policy between it and its predecessor by appointing KONOYE Minister without portfolio. The most important question facing the HIRANUMA cabinet was that of the German alliance. The Army most enthusiastically advocated concluding the alliance but the KONOYE cabinet failed to arrive at a conclusion and transferred the question to the HIRANUMA cabinet which referred it to the Five-Minister Conference which failed to reach an identity of views due to Navy opposition to the alliance.

The question did not emerge from a discussion stage at the Five-Minister Conference so that KIDO not being a member of the conference had no direct connection. His only concern in the Tri-Partite Alliance question while he was Home Minister consisted in maintaining peace and order which he was duty bound to secure.

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Exhibit 2268 showed that the Premier told him about the proposed alliance and the difficult situation concerning it and that he had an interview with KONOYE at which they talked about the China affair and its settlement. KIDO was not in favor of strengthening the alliance with Germany and Italy but negotiations had been started without his knowledge or participation. The Five Minister Conference deliberated over the question but was unable to arrive at a decision because the Army wanted to conclude the Pact and the Navy opposed it. If the Army and Navy came into a frontal clash it could be imagined that they would stage a coup d'etat and assassinate the senior statesmen and government leaders. It was but natural that KIDO should be seized with apprehension and he endeavored to avert such a clash between the Army and Navy. Although he was informed of the uneasy situation it seemed to him that the cabinet should not resign. He stressed that it was necessary for the cabinet to surmount every obstacle and do its utmost and HIRANUMA agreed.

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On April 14, 1938 KIDO consulted ITAKAKI on the matter and they agreed to exert their efforts. He also consulted ARITA who stated that there was nothing but for the Premier to send letters to Hitler and Mussolini personally to explain the circumstances. KIDO stressed this must necessarily be done. If they made a mistake it should result in leaving calamity to posterity and the Senior Statesmen would be eliminated. If a clash occurred between the Army and Navy, riots would spring up and when China became aware of this breach it would be unfavorable. KIDO told HIRANUMA that he desired him to exert his best effort so as not to bring about an unfavorable effect on these problems whether the agreement was concluded or not.

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During conversations with OTA and Navy Minister YONAI, KIDO thought that if the cabinet would collapse because of the difference in view between the Army and Navy regarding the Alliance it would give uneasiness to the people and the cabinet had to avoid resignation en bloc by leaving the problem as it was. YONAI agreed to deal prudently with the problem. His Diary stated that since there was the other party with whom they must negotiate it was not necessary to conclude the alliance. This shows he was not eager for it but the focus of his

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concern was to maintain peace in the country. He vigilantly watched the development of the Tripartite Alliance question from this angle. While the prosecution had singled him out for particular responsibility for aggression against the USSR in the summer of 1939 he knew nothing of this until after the incident started. As a cabinet member he had no responsibility. On July 22, 1939 the cabinet adopted a statement for submission to the Japanese-British Conference which was expected to lead to settling the China affair. This was opposed by the Army, so KIDO took steps to maintain public order. At this time the Army was spreading propaganda in its efforts to obtain support for the Tripartite Alliance. KIDO was opposed to this and asked his subordinates to control this agitation and keep him so advised.

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* As Exhibit 2271 showed, the Japanese hoped for settling the Incident by the establishment of the Wang regime and hoped for the success of the Japan-British Conference. It was rumored that the Army and Navy still disagreed on the military alliance problem and consequently the Army became impatient and planned to lead the Cabinet to resignation by having the War Minister resign, proclaim martial law and thus establish a military government.

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* KIDO resisted this and considered that if the Army took such measures, public peace would be in danger and told ITAGAKI to that effect.

As Exhibit 775 showed, KIDO was surprised when he heard of Germany's treacherous act in concluding the Non-Aggression Pact with Russia in view of the German-Japan agreement against communism. There was no factual foundation for the prosecution claim that he supported a military alliance with Germany.

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As a result of the Non-Aggression Pact, the HIRANUMA Cabinet resigned on 28 August 1939 and his Cabinet service ended. Exhibit 2272, the entry for that day showed he refused to interfere in conflicts within the Army, and * regarding the Emperor's order to the new Premier, showed KIDO was consulted by KONOYE regarding the Emperor's selection of a War Minister. KIDO gave him his view based on his experience while Chief Secretary and advised KONOYE to settle the matter smoothly. The entry also showed that the Emperor instructed the new Premier that diplomatic policy should follow the line of cooperation with Britain and the U.S. and that discretion should be used in the selection of Home Minister to maintain order at home.

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While the prosecution had contended that while he held Cabinet posts, he had a general responsibility for all events in that period, he had absolutely nothing to do with most of these events. * With respect to the various bills passed during that period, they were approved by the Cabinet and passed by the Diet. He did participate in drafting the Motion Picture Law of 5 April 1939, and voted in favor of bills presented by other ministers based on the explanations given for their passage.

At no time did he know or suspect that any of them were designed for promoting aggressive war, but the

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Page economic situation at that time required their adoption.

30885 After the resignation of the HIRANUMA Cabinet, KIDO led a retired life detached from politics. * As to the political situation, simultaneously with the formation of the ABE Cabinet, the European war broke out and everyone sensed the possibility of a second World War so the ABE Cabinet issued a declaration for non-intervention.

30886 * The question of the procedure to be adopted in selecting a new Premier when a Cabinet fell, after the incapacity or death of SAIONJI, was being considered and KIDO's opinion was sought by KONOYE and on 10 November 1939 he talked with Marquis MATSUDAIRA and KONOYE. These conversations were reported in Exhibit 2273.

30887- (KIDO submits translation challenging the Prosecution translation of Exhibit 2273.)
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30890 * As Exhibit 2273 showed, he suggested it was undesirable to charge the Lord Keeper solely with the duty of selecting a new Premier but believed the senior statesmen should deal with it. Though this suggestion was supported by KONOYE, it did not materialize. KIDO wished to point out that when he was appointed, Lord Keeper, SAIONJI, was still alive and he followed the principle which he had contemplated and reported it to the Throne after SAIONJI's death in October 1940. KIDO studied this problem but could not get a definite plan for leaving the problem to the senior statesmen alone, so had to act according to the former Premier.

30891 The ABE Cabinet fell on 12 January 1940, being succeeded by the YONAI Cabinet. The Lord Keeper YUASA became ill and KIDO was informed on 8 May 1940 that SAIONJI desired that he accept the post * but KIDO recommended KONOYE for Lord Keeper and HIRANUMA for Chairman of the Privy Council.

After the outbreak of the European War, there was heated discussion on political reconstruction. An atmosphere was created for merging all political parties into a new one and the question of

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Page national reorganization was discussed vigorously. There was a movement for having KONOYE preside over the new political party and from early 1940 he seemed to consider these questions but paid more attention to the movement for national reorganization than for leadership of the new political party. It was KONOYE's intention to prevent the Army from making a political advance * by concentrating political power. On the strength of KIDO's Cabinet experience, he felt the necessity of establishing a political party but was opposed to one state, one party, after the Nazi fashion. He hoped political power might be established by combining all existing parties, but at that time stood aloof from political circles and only got information through his friends.

30892

On 14 April 1940 KIDO exchanged views with Count ARIMA on the movement for combining all existing parties with KONOYE as leader. The new party movement gained momentum. It was rumored that the YONAI Cabinet would resign and KONOYE become the next Premier. It was * KIDO's intention to support KONOYE as long as KONOYE was active in politics so KIDO expressed his opinion frankly that he had no intention to lead a new political party. The IKEZAKI referred to in his Exhibit 2274 was at that time a member of the Lower House and a Councillor Parliamentary of Education.

30893

The belief that the YONAI Cabinet would soon retire and a KONOYE Cabinet be formed became more pronounced. KONOYE felt that his former Cabinet not having a political party's support, had found it difficult to carry out his policy and was desirous to obtain the people's backing in some form.

* The result of a meeting between KONOYE, ARIMA and KIDO appeared in Exhibit 2275. They inquired first into a policy to be adopted in case KONOYE was commanded to form a Cabinet. KONOYE strongly opposed "one state, one party" but they thought instead of a union of political parties. KONOYE had strongly opposed this when a movement for the new party was inaugurated during the first KONOYE Cabinet.

30894

* The new party would emerge only after KONOYE received the mandate to form a new Cabinet, and they agreed that due consideration would be given to organizing a Supreme National Defense Council with the object to suppress the Army and restore

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Page political leadership to the Premier's hands. Since they were still at war with China they believed consideration should be given Army and Navy wishes regarding finances, national defense and foreign affairs. They also considered the request to all political parties to dissolve.

30896 On 31 May 1940 HARADA told KIDO he was being recommended to the position of Lord Keeper * but KIDO told him he had no confidence. KIDO was recommended as Lord Keeper by such anti-militarists as MATSUDAIRA, SAIONJI, YONAI, YUASA, and KONOYE, and knew of no militarists who recommended him. He accepted after due consideration and was duly installed. IKEZAKI had intended to recommend KIDO as president of the new party, but knew that if he became Lord Keeper, the intention could not be realized, and came to dissuade KIDO from taking that office, but KIDO did not listen to him.

30897 * While the Prosecution contended that Exhibit 619 showed his attitude toward the U.S., Britain and the Netherlands, the entry for 19 June 1940 merely reported what Foreign Minister ARITA told him. As that exhibit showed, he told KIDO about what transpired at the Four-Ministers Conference regarding FIC, but KIDO did not attend for the Lord Keeper never attends Cabinet or Minister Conferences.

30898 In Exhibit 1294, he was again merely reporting what ARITA told him regarding a conversation with Grew about a proposal for a treaty between the U.S. and Japan, and it was not his attitude toward the U.S., Britain and the Netherlands that was set up. * ARITA's and not KIDO's opinion also was recorded in Exhibit 1295 and KIDO merely listened. The spectacular achievements of the Germans in Europe imported strong stimulus to the army and rightists and a reformist atmosphere grew and criticisms were heaped on the YONAI Cabinet for its alleged pro-U.S.-British character as well as for its maintenance of the status quo.

30899 * The diary entry of 5 July 1940 referred to a report about the July 5 Incident which was to kill various moderates and KIDO understood later he was also on the list. The men to be killed were all

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Page close personal friends of his, and all except two^o were in the Court Circle and had the reputation of being against war. KIDO reported the incident to the Emperor, telling him the plotters' actions were blame-worthy, but so far as their motives were concerned, the administrators must seriously reflect. Such untoward incidents would take place unless the leaders made deep introspection.

30900

Exhibit 532 showed KONOYE's popularity and that HIRANUMA's representative told him that no one but KONOYE would be recommendable for the next Premier * and that KONOYE was almost the only person fit for premiership. Exhibit 532 showed it appeared that the Army would support KONOYE. KIDO's reaction was that judging from the political situation, a political change might be inevitable. He discussed with KONOYE the concentration and strengthening of political power but KONOYE was identifying himself with a new political structure, having resigned as president of the Privy Council. KIDO thought there would be no one suitable except KONOYE but was uneasy when Vice War Minister ANAMI assured him that the Army solidly desired KONOYE because KIDO feared the Army might push its own policy, taking advantage of KONOYE's overwhelming popularity. To KONOYE it seemed that political moves were steadily taken to counter the Army's advance in politics. Should KIDO refuse to recommend KONOYE for fear of Army political machinations, the result would be to hand over political power to the Army. Therefore he thought he would have to recommend KONOYE.

Exhibit 534 showed the steps he took to ascertain the information the Emperor requested him to obtain about heavy artillery mobilization in the South China Campaign and showed he told the Emperor he would avoid direct negotiations with the military but have the Chief Aide-de-Camp investigate. If this was unsatisfactory, KIDO would negotiate. As Lord Keeper, he always tried to avoid direct contact with the military on operations and only discussed policy matters with them.

30902

In Exhibit 532 he set forth the circumstances concerning the YONAI Cabinet's resignation. It fell * because after War Minister HATA's resignation, the Army refused to suggest a successor. The entry showed

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Page that the procedure used in the selection of a new Premier was the same as that used by KIDO's predecessor, YUASA, except that the senior statesmen were to be consulted as a body, and not individually. This minor change had been previously discussed with KONOYE and MATSUDAIRA on 10 November 1939 and 27 June 1940. He had also discussed it with SAIONJI and the Emperor approved.

30903

On 17 July 1940 a senior statesmen meeting took place to select a succeeding Premier, with Privy Council President HARA and ex-Premiers, WAKATSUKI, OKADA, HIROTA, HAYASHI, KONOYE and HIRANUMA present. HARA, a noted pacifist, asked KIDO about the truth of the resignation of the Cabinet and KIDO told him the gist of what he had learned. At the * conference, WAKATSUKI first recommended KONOYE and the others agreed. KIDO concurred as KONOYE was depended on to settle the China Affair and it was apparent that KONOYE was the popular choice of the political parties as well as the Army.

KIDO sent his Chief Secretary to SAIONJI who did not dare give any opinion because of illness and old age. When KIDO reported to the Emperor, he asked KIDO if he could give KONOYE some advice, and KIDO told the Emperor that KONOYE should be especially prudent in the choice of Foreign and Finance Ministers due to conditions at home and abroad. This appears in Exhibit 532.

30904

Exhibit 539 recorded a statement that it was wrong in formalities that War Minister HATA * recommend to the Emperor that TOJO be appointed his successor and KIDO advised the Chief Aide-de-Camp that the act should not be a precedent.

Of all the members of the KONOYE Cabinet, it was MATSUOKA who was regarded as a problem minister and a dangerous character. MATSUOKA carried out a big shakeup of diplomatic representatives on the ground the situation could not be pulled through by the old court diplomacy. The ambassadors chosen by him, which included OSHIMA to Germany, attracted widespread attention and deep concern was felt. KIDO drew KONOYE's attention to the matter and though KONOYE was deeply concerned, he could not stop it.

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* As a result of MATSUOKA's shakeup, the pro-British and pro-U.S. colorings of the diplomatic front began to fade.

The diary entry of 9 August 1940 showed that the Emperor expressed regret that MATSUOKA failed to have any clear prospective of the U.S.'s future policy. On 10 August 1940, the Emperor told KIDO of his conversation with Prince FUSHIMI about the Navy's attitude and lack of preparations for war.

On 9 September 1940, KIDO was advised by the Chief Aide-de-Camp that the proposal for peaceful advance into Indo-China was in negotiation, but their forces suddenly invaded causing a reversal of negotiation. KIDO was clearly indignant at the actions of the military in the field.

30906

* MATSUOKA's suggestion that an ultimatum be sent to FIC was pending in September 1940. The Emperor told him that the views of MATSUOKA and the Army General Staff did not coincide. In case the explanation of the government or Supreme Command regarding policy was deemed well grounded, the Lord Keeper used to advise the Emperor to approve, but in such case the Lord Keeper was cautious if he was asked and gave his own opinion. Much more so was it the case here.

30907

As the Emperor told KIDO he thought there was nothing to do but have the government policy carried out, KIDO replied that he agreed, but as KIDO was aware that things were grave and that the Emperor did not so heartily approve, he added that the Emperor had better direct the government to take a cautious attitude. Exhibit 627 * showed that KIDO merely reported to the Emperor what he heard and only advised him to follow constitutional government.

In September 1940, German Ambassador STAHRER came when an important negotiation was started for concluding an alliance with Germany. MATSUOKA conducted the negotiation so secretly that even Foreign Office Divisional Chiefs were not aware of it except for advisors. KIDO learned of it from KONOYE for the

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Page first time on 12 September 1940 and was surprised at
30908 its progress. KONOYE and KIDO were among the disciples
of SAIONJI. Since KIDO was appointed Chief Secretary *
to the Lord Keeper, he made it a rule to call on SAIONJI
almost once a month. SAIONJI repeatedly stressed the
necessity for Japan's cooperation with Britain and the
U.S. KIDO entirely agreed so the question of the alli-
ance with Germany tormented KIDO and he could not bring
himself to approve it.

30909 * Especially he feared the alliance would lead
to war between Japan and the U.S. He drew the attention
of KONOYE and MATSUOKA to this; however, they surprised
him by arguing the alliance was not intended to prevent
the U.S. from joining the war and that if Japan was iso-
lated without an alliance with Germany she might be
attacked by the U.S. any moment. Notwithstanding their
explanations he felt deep concern as he thought eventu-
ally they would have to oppose both Britain and the U.S.

On 16 September he told the Emperor that the
alliance would divide the world into two parts notwith-
standing KONOYE's and MATSUOKA's opinions, and that the
China Incident was an irritant to the U.S. and should
be concluded quickly.

30910 * On 21 September 1940 he told the Emperor that
with regard to solution of the China Incident, eventu-
ally they would have to oppose both Britain and the U.S.
if they concluded a military alliance with Germany and
Italy. They should therefore make necessary adjust-
ments regarding relations with China. KIDO was help-
less to prevent the government from approving the alli-
ance. Once the government approved it, tradition dic-
tated the Emperor approved the decision, though prior
to that the Emperor might express his views or caution
the Cabinet to reconsider. In this case it might be
imagined the Emperor inwardly felt uneasy but sanctioned
the requested conclusion of the alliance.

30911 * The Emperor expressed that conclusion of the
alliance would necessitate an anticipation of eventual
war between Japan and the U.S. and asked KONOYE and
MATSUOKA about this. Both stated that the alliance
was intended to avert war and if it was not concluded
danger of a Pacific War would be the greater and they
petitioned the Emperor to sanction it.

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To prevent war with the U.S. and Britain, KIDO thought they should eliminate one of the major factors irritating the two, which was the China Affair. This is why KIDO advised the Emperor to resolve the affair and told him this should be accomplished even if concessions were required.

On 26 September, KIDO was advised that an army unit had landed in FIC to bomb Haifong and as Exhibit 643 showed, he was indignant.

30912

* On 24 November, SAIONJI passed away. There was no prospect of an early settlement of the China Affair and peace moves taken toward Chungking led to no tangible results. True to his policy of unifying diplomacy, MATSUOKA was determined to take up negotiations with Chungking in his own hands and sent TAJIRI, MATSUMOTO and others to Hongkong to conduct negotiations.

30913

At first the negotiation appeared to make some progress, but later proved to be in the stage of political warfare after all. The Liaison Conferences between the Government and High Command on 28 November 1940 decided that a basic treaty be concluded between Ambassador ABE and Wang Ching-wei, paying no attention to the negotiation with Chungking. * As a result, the China Affair entered a definite stage of protraction.

As 1940 ended, their power was becoming exhausted and KIDO was extremely pessimistic as to settling the Affair and told the Throne they would be unable to settle it by compromising with positive action proponents, but would only have national strength exhausted. This reply was in answer to the Emperor's expressed solicitude about the formula for dealing with the Affair and the Emperor told him that the moves hitherto taken toward Chungking must be regarded as a failure, while conclusion of the treaty with the Wang Ching-wei Administration would make the affair protracted.

30914

* The success of the Russian Five-Year Plan and relations with Russia caused the Emperor great concern and he asked KIDO for his opinion. As KIDO was opposed to war, he advised the Emperor on 3 December 1940 that the USSR was in the most favorable position in the world for the less she moved the

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Page better her position got. Russia was haughty and it was possible she would not readily consent to negotiating with Japan. After the war, the only uninjured countries would be the USSR and the U.S. Then Japan would be placed between the two and subjected to enduring hardship, but they need not be pessimistic because even those two powers would inevitably deteriorate. * Provided Japan was prepared for ten years of hardships and cultivated simplicity and verility, he believed it not so difficult to emerge favorably in the end.

30915

Germany's military achievements had far-reaching effects in Asia. The question arose as to the propriety and otherwise of advancing to the south as France had collapsed and British influence had waned. When Japan mediated in the border dispute between FIC and Thailand, an "Outline of operations on French Indo-China and Thailand" was adopted to establish leadership in the south and with access to raw materials, seize the occasion to bring pressure on China to hasten settlement of the China Affair. It was natural that Japan could not look on the world-wide upheaval with folded arms, there being no objection to trying to have access to oil, rubber and oil resources by Japan, who was lacking in them; but these moves must * be taken through peaceful channels and resort to force should be strictly guarded against. KIDO feared that tactless display of force might excite doubt in Britain and the U.S. and possibly lead to a clash. He drew KONOYE's attention to this and the Emperor was solicitous about it. When the Chiefs of Staff of the Army and Navy reported on the military agreement with Thailand, the Emperor expressed fear it might stimulate Britain and the U.S. and KIDO agreed.

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30917 * The Emperor instructed the two Chiefs to give due deliberation with regard to the time of enforcement and after coincidence with the opinions of both parties they were to carry out the plan on the condition that this was strictly observed.

30918 On 1 February 1941 the Chief Aide-de-Camp told KIDO that the outline of operations in FIC and Thailand was intended to establish Japan's leadership in the South and prepare the ground for her southern advance,* taking advantage of FIC and

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Page Thailand's acceptance of Japan's mediation in their border dispute. The Navy intended to use Camranh Bay and the air base near Saigon, but its objects could not be boldly expressed so that such phraseology as safeguarding trade and communication and guarantees for the prevention of recurrent disputes between FIC and Thailand was used. In case armed force was resorted to, it was arranged that Imperial sanction be obtained afresh.

The term "leader position" began to be frequently used and worried the Emperor, who stated that one's leader position should not be imposed on others, but Japan's leader position would only be established after she was looked up to as leader.

30919

* On 3 February 1941, the Emperor reported to KIDO on his conference with the Chiefs of the Army and Navy General Staffs on the measures to be taken toward FIC and Thailand. The Emperor said personally he did not approve in principle these policies of taking advantages and making demands while the opponent was weakened, but in dealing with the fast changing world it would not be gratifying to err on the side of benevolence, so he approved the policies.

30920

KIDO regretted that the Emperor's advice was not embodied in the measures taken by the government and in a subsequent conversation with KONOYE gathered that the Emperor's advice was given to the Chiefs, but he was not certain. KIDO did not approve MATSUOKA's proposed visit to Europe * and suggested to the Emperor and KONOYE that careful consideration be given this.

30921

Exhibit 1058, the diary entry of 3 April 1941, stated that KIDO's advice was sought by KONOYE on the prospective appointment of Admiral TOYODA as Minister of Commerce and Industry, and SUZUKI as President of the Planning Board. It was for carrying out personnel affairs smoothly that the Lord Keeper was consulted about the appointment of the minister. The Lord Keeper would agree about that matter in case there was nothing particular to be censured concerning the character and career of the person in question. This was to ensure that there would be no reflection on the Emperor as to the character of the appointees.

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Page The custom of consulting the Lord Keeper about the appointment of a Minister did not originate when KIDO was in that position, but it had been practiced for many years.

30922 * On his way home from Germany and Italy, MATSUOKA concluded a neutral pact with Stalin, adjusting relations with the Soviet. On 18 April 1941 a telegram was received from Ambassador NOMURA, asking for instructions on a draft plan for understanding between the U.S. and Japan, which had evolved as a result of negotiations conducted by NOMURA with Hull and Roosevelt in secrecy. The telegram delighted KONOYE as he had come to realize that the Tripartite Pact had failed to restrain the U.S. as it was intended to, but relations had become worse. KONOYE got in touch with MATSUOKA and pressed him to hurry home. Not only KONOYE, but the army and navy were enthusiastic over the projected understanding with America.

30923 * The China Affair was stalemated so the Army thought it would be fortunate if it was settled as a sequel to an understanding with U.S. As to the Co-Prosperity Sphere in East Asia, they were convinced its object never did lie in conquering by arms the countries to the south, and it was never in conflict with relations with U.S. to strive for mutual prosperity with those countries. They concluded that they had to explain the Japanese policy to remove misunderstanding with U.S. and materialize the understanding with her.

Concerning the meaning of the Co-Prosperity Sphere, KIDO believed that the policy was necessary for the actual situation was that France and the Netherlands, to which various colonies in the Southwest Pacific belonged, had fallen, and Britain was being threatened with a landing operation by Germany.

30924 The issue of the southern colonies and its affect on Japan's existence * became a matter of grave concern. Some positives advocated that Japan should secure those areas by appealing to force. KONOYE and others being worried by this trend of opinion thought of this policy with a view to unifying public opinion and checking such a radical idea. KIDO agreed but strongly opposed to advance with arms. There was an opinion that FIC might become German or American if America participated in the war which would present a grave menace and KONOYE was greatly concerned about

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30925

On 28 April 1941, Chief Secretary MATSUDAIRA told KIDO that the Emperor wanted his opinion as to whom he should consult on diplomatic matters if the Premier, the Foreign Minister and the Lord Keeper were simultaneously ill. * KIDO told MATSUDAIRA that as the Lord Keeper had no authority concerning diplomatic matters but to convey Imperial questions to the Premier or Foreign Minister, nor had authority to answer a diplomatic problem on his own responsibility if the Lord Keeper was ill, the Imperial inquiry should be conveyed by the Grand Chamberlain to the Premier or Foreign Minister. KIDO submitted his views on the Japanese-American negotiations to the Emperor on that occasion. He could not recall what he stated, but did recall that he submitted that the negotiations would be a favorable development because the Premier was anxious to push them, though there was some difficulty with MATSUOKA.

30926

* When MATSUOKA returned to Tokyo on 23 April 1941, a Liaison Conference between the Government and High Command was held to deliberate over the instructions to be sent NOMURA. MATSUOKA was extremely dissatisfied with the negotiation with America and though he attended the conference, he withdrew before it was closed without touching on the question. The next two weeks MATSUOKA made no progress with the plan under a pretext of studying. Meanwhile, the Chief of the Military Affairs Bureau and Chief of the Naval Affairs Bureau and others visited him, urging him to approve the understanding with the U.S. as a result of which instructions were cabled to NOMURA on 12 May 1941 on his approval, but the negotiation did not progress due to MATSUOKA's indifference.

Exhibit 1084 merely showed that KIDO read OSHIMA's telegram concerning the outbreak of war between Germany and USSR and also MATSUOKA's estimate that this was not so imminent.

Exhibit 1089, the diary entry of 18 June 1941, showed that MATSUOKA told KIDO he had sent instructions to the Reich to negotiate with Vichy in connection with the FIC problem.

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The substance of his one hour of conversation with KONOYE on 20 June 1941 (Exhibit 1090) was that KONOYE, who was of weak character, worried about MATSUOKA's attitude and told KIDO again of his intention to resign. KIDO could not agree to his resignation so he told him that he had better talk frankly with MATSUOKA and ascertain his real intention, explain his policy to MATSUOKA and persuade him into it. If MATSUOKA still did not agree to it, he should ask him to resign, but if KONOYE met MATSUOKA's refusal to do so, then KONOYE must take responsibility for the lack of unity in the Cabinet.

30928

* The diary entry of 21 June 1941 (Exhibit 781) recorded a talk between KONOYE, HIRANUMA and the accused. They gave KONOYE encouragement and hoped he would display his power and take a lead in the emergency period. On 22 June 1941, hostilities opened between Germany and the Soviet. This was a big question for Japan as Germany was Japan's area while a pact of neutrality existed with the Soviet. To conduct foreign affairs in such a complicated situation was delicate and difficult.

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* MATSUOKA began to advocate over KONOYE's head a military expedition to Siberia, but this met with disapproval not only from the Cabinet, including KONOYE, but Army and Navy leaders. Frequent liaison conferences between the Government and High Command resulted in a decision to settle the China Affair, to bring pressure upon China from the south instead of pursuing MATSUOKA's policy.

30930

The diary entry of 22 June 1941 (Exhibit 1093) showed KIDO reported to the Emperor the talk he had the day before with KONOYE and HIRANUMA that MATSUOKA had an audience with the Emperor; that there was a difference of opinion between the Foreign Minister and the Government and High Command regarding MATSUOKA's opinion that Japan would advance to both the north and south; that KIDO phoned KONOYE to be prudent and that MATSUOKA told KONOYE his report to the Throne did not refer to immediate action. * The Emperor was perturbed with MATSUOKA's opinion and since returning from Germany, MATSUOKA's attitude was not understandable and he took a disdainful attitude toward KONOYE. KIDO often heard KONOYE complaining that he could not understand MATSUOKA's attitude and it was reported to KIDO that MATSUOKA was emphasizing

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Page the necessity of sending troops as far as Irkutsk and Soviet Russia. Expecting he would be sure on receiving the report of the outbreak of the Russo-German War, to proceed to the Emperor, KIDO previously told the Emperor about MATSUOKA's possible action and asked him to be prepared for it.

30931

On 23 June 1941 (Exhibit 1094) KIDO reported to the Emperor the conversation of KONOYE with MATSUOKA. The conversation he had with KONOYE on that day included an exchange of views on various problems. * KIDO told KONOYE that Germany by way of waging a war against the Soviet had violated the principle that it was necessary for both states to adjust relations with the Soviet. Germany had agreed to this at the time of the alliance, and her waging a war now changed one of the elements by which the pact was formed, and KONOYE should consider whether the alliance should be continued. KONOYE agreed and said he would examine into the matter and KIDO heard later that KONOYE expressed to MATSUOKA a strong desire to reconsider the alliance, but MATSUOKA did not take it seriously and only protested to RIBBENTROP.

30932

* The diary entry of 25 June 1941 (Exhibit 1095) recited what KONOYE told KIDO of his conversation with Wang Ching-wei. Also that the Premiers and Chiefs of the Army and Navy General Staffs reported to the Emperor the decisions of the Liaison Conference with respect to the entry of Japanese troops into FIC.

On 28 June 1941, after an audience with the Emperor, War Minister TOJO explained the matters listed in Exhibit 1098. KIDO expressed no opinion. At that time it was a grave concern that the Kwantung Army with the outbreak of war between Germany and the Soviet might start some action, so TOJO told him that the Kwantung Army was taking a calm and prudent attitude and would not violate discipline. He said that while the China Affair remained unsolved the war had broken out between Germany and the Soviet and the situation had become strained. He would like to have Imperial Headquarters strengthened so staff members might assemble at the Palace daily and prepare for any situation. He also spoke about information from Ambassadors and of the progress of Japan's political declaration toward China.

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* Prior to the Imperial Conference of 2 July 1941, KIDO was advised that the discussions at the Liaison Conferences centered primarily around MATSUOKA's idea of proceeding north against Russia and which KONOYE was opposing. Of secondary importance after the outbreak of the Russian-German War was the public discussion of the necessity of Japan's southward advance to obtain materials and necessities for defense and to end the China War. After the conference, KIDO was informed that MATSUOKA's idea of going north had been disapproved and that Japan's policy was to proceed south by peaceful means. KIDO never knew until he saw KONOYE's memoirs that the plan at the Convention contemplated an advance to FIC and was to be carried on even if it meant war against the U.S. and Britain.

30934

* The diary entry of 5 July 1941 (Exhibit 1112) sets forth MATSUOKA's attitude toward the invasion of FIC. KIDO did not express his views but was interested in getting this information as he wanted all the knowledge he could have to reply to the Emperor's questions. Relations between KONOYE and MATSUOKA were extremely aggravated and KONOYE frequently told KIDO he could not grasp MATSUOKA's real motives.

30935

On 3 July the so-called oral statement from Hull to KONOYE was received, apparently intended to hint that Hull could not trust MATSUOKA. MATSUOKA was indignant and contended that it be refused and then the matter for negotiation be commenced to the U.S. * but KONOYE held that it be handled lightly and not hamper the negotiation and that the reply to the oral statement be sent with the matter for negotiation on the ground that there was fear that the negotiation might be interrupted if MATSUOKA's contention was accepted. The Army and Navy supported KONOYE, who sent Diplomatic Advisor SAITO to MATSUOKA to make the latter agree to his view. MATSUOKA did not reply until midnight but sent a reply to the oral statement also on his own judgment. Hence KONOYE's decision that he could not work together with MATSUOKA. As Exhibit 1115 shows, KIDO told his Chief Secretary that he thought MATSUOKA should resign so as to prevent a resignation en bloc,

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Page but if he did not, it would be best to have KONOYE form a new Cabinet upon a resignation en bloc.

30936 * When KIDO told KONOYE that it was advisable to have MATSUOKA resign to avoid a Cabinet change, KONOYE disagreed, saying that if this were done, MATSUOKA and his party would make propaganda that his resignation had been compelled by U.S. pressure. KIDO's interest in this was based on the fact that the Emperor was anxious to conclude peaceful relations with America, and MATSUOKA was a stumbling block. To accomplish the Emperor's purpose he made this suggestion to KONOYE.

30937 The Second KONOYE Cabinet resigned on 16 July 1941. * KIDO was summoned to the Palace and received an Imperial Order that the Premier had tendered a general resignation. In regard to selecting the next Cabinet, the Emperor had ordered the Lord Chamberlain to invite the Privy Council President and the ex-Premiers to the Palace and the Lord Keeper was to ask their opinions as to who was the suitable person.

30938 The next day a conference of Senior Statesmen was held. The most important question was adjusting relations with America. In view of the fact that negotiations had been in progress, it was thought there was no other suitable candidate but KONOYE. * ABE was first to recommend KONOYE, and the others heartily concurred, except WAKATSUKI and HIROTA who were not so positive in their support. YONAI said no other person would do, and KIDO reported to the Emperor.

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30939 * In forming a new cabinet, KONOYE replaced MATSUOKA with Admiral TOYODA as Foreign Minister, and KIDO understood MATSUOKA's appointment was aimed at facilitating the negotiation with America. The cabinet change synchronized with a flareup of anti-Japanism in the United States, causing concern to the Emperor. This anti-Japanism was stimulated by the sending of Japanese troops to French Indo-China. It was profoundly regrettable that Imperial concern about the operations turned true. In July the United States froze Japanese assets and the effect of this caused a critical situation. War clouds gathered and a rupture with America seemed inevitable. Those not trained in diplomatic matters thought the freezing of assets was America's first step towards war, but KIDO felt hopeful of peaceful relations.

30940 On 31 July 1941 when Navy Chief of Staff * NAGANO reported to the Emperor on the contingency of war with America, it was a matter of solicitude to the Emperor. KIDO gave the Emperor his views, refusing to share NAGANO's statement, but stressed the necessity for pushing the negotiation. NAGANO's opinion regarding war was the same as FUSHIMI's had been, in that they should try to avert war as much as possible. NAGANO seemed strongly opposed to the Tripartite Alliance and he thought as long as it existed adjusting relations with America would be impossible.

30941 * If the adjustment of relations with the United States was impossible and they were cut off from oil supplies, oil in store would run out in two years. When war with the United States broke out, the oil would only be sufficient for one and one-half years and, under these circumstances, there would be no alternative but to take the initiative. According to the report submitted, the Emperor believed Japan would win, since it was stated there in the written report. When NAGANO was asked if it was possible to win a sweeping victory as in the Russo-Japanese War, NAGANO replied that it was even doubtful whether they would win, to say nothing of a great victory.

30942 KIDO was filled with trepidation about the Imperial anxiety and answered the Emperor that NAGANO's opinion was too simple. The United States recognized the existence of the Tripartite Pact and KIDO was doubtful if they could deepen United States confidence by annulling the pact, as the United States * respected international treaties. They must deliberate in a constructive manner, and KIDO would urge KONOYE's consideration on the point.

While the prosecution contended that KIDO disagreed with NAGANO and stated that if the pact was annulled, the United States would not have faith in Japan, he denied saying this, his expression was one of contrast. He told the Emperor that he was doubtful whether they could deepen United States confidence if they annulled the pact, or whether

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30943 they would be held in contempt if they annulled it. The prosecution overlooked that there were several means to be tried with respect to relationship with America * which was the advice he gave, and that he advised that further constructive deliberation was necessary.

30944 Up to that time KONOYE took the attitude to control the army by relying on navy influence. However, the navy markedly stiffened its attitude after NAGANO's report. On 2 August 1941 KONOYE expressed to KIDO misgivings about the government's cooperation with the High Command, pointing out that opinion was gaining strength in naval circles for a vigorous policy. KIDO told KONOYE that it should not be hastily decided to go to war with the United States then, Japan's actual power was not fully studied. * Fundamental national policies must be exhaustively discussed with the military ministers. Should KONOYE fail to reach agreement with them, it might be inevitable that he should quit.

30945 KONOYE stated that he was reassured and would think it over carefully. From discussions with KONOYE, KIDO knew he wanted to pursue a peaceful policy through diplomacy, but the army stood pat on a vigorous policy on the basis of its continental policy, while a section of the navy advocated war with America to forestall her for fear of the steady drain on Japan's oil supplies. KONOYE did not evolve a plan for saving the situation in the direction counselled by KIDO, but instead made up his mind to cross the Pacific and have a personal talk with Roosevelt.

30946 * The military ministers approved the plan. Common sense told them that the outcome of war with America would be horrible. As an agreement with America was not easily arrived at, KONOYE was much worried and, when in August the navy attitude became strong, he was very much concerned. * When KONOYE asked KIDO's advice on 7 August 1941 (Exh. 1130), KIDO told him to make deliberate consideration and tried to show him the hopelessness of war with America. He told KONOYE it was high time for the government to put forth a concrete and constructive view to learn whether it was acceptable to the army, with a view to checking the army from rushing to war and get it to keep pace with the government policy. He pointed out that the situation was hopeless from the standpoint of oil alone. KIDO's sole thought was to advance positive arguments to convince the military, and intentionally omitted what was related to humanity and peace as those are fundamental. He concluded the talk by advocating that they should do everything to restore friendly relations.

30947 Although pressed economically, they should resolve to toil through ten years of hard struggles. KIDO also pointed out that they needed materials, and their hopes lay in the southern regions. He had no thought of obtaining these * other than by peaceful means. He realized that if Japan succeeded in warding off war with the United States and the European War ended, a desire for peace would be possible after war and

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it might then be possible to get politics to follow their proper course through redoubled efforts to reconstruct politics and check the military. These views were expressed to convince the militarists of the vital necessity for an understanding with America, as they would not swallow the no-war formula unless accompanied by a constructive plan in another direction. He thought it might be possible to secure raw materials if Japan fostered her resources.

KONOYE was expected to take a step in the direction counselled by KIDO, but judging by the result he made no development in that direction but instead committed himself to the fateful Imperial Conference of 6 September 1941.

30948

Ever since August 1935 when * NAGATA was assassinated, the Metropolitan Police had protected KIDO and family from the militarists and rightists by assigning police protection. After a rightist's attempt to assassinate HIRANUMA in August 1941, the police guards were doubled because of KIDO's well known pro-American and pro-British and anti-militaristic stand. At 4:30 p.m., 5 September 1941 when KONOYE went to submit the agenda of the Imperial Conference to the throne, he came to KIDO's room. The draft agenda consisted of three points: (1) War preparations be made against America and Britain, (2) In parallel, negotiations with America be pushed very hard, and (3) In case no prospect of amicable conclusion with America came in sight in the first ten days of October, Japan was to make up her mind to wage war with America and Britain.

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* To that day, KONOYE made no reference to the question which was advanced to KIDO. KIDO was astonished at its nature and blamed KONOYE for submitting such a serious plan to the Emperor so suddenly. KIDO told KONOYE that the plan showed the time limit was fixed in the first ten days of October and it was disastrous to fix a time limit, and asked him to modify this point, and if he could not see his way to abandoning the plan. KONOYE stated, as it had already been decided by the liaison conference between the government and the High Command, it was difficult to modify or give up the plan, and there was no alternative but to bring the negotiation to an amicable conclusion.

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When KONOYE submitted the agenda to the Emperor, the Emperor asked him strategical questions, to which he could not * reply and petitioned the Emperor to summon the Chiefs of Staff and promised to consult with KIDO. KIDO requested then that the Chiefs of Staff proceed to the Palace with the Premier and they were granted an audience at 6:00 p.m.. The only advice KIDO gave the Emperor was that he should follow the Premier's advice to summon the Chiefs. KIDO did not attend the audience with the Emperor to which the Chiefs appeared, * but KONOYE called on KIDO after the conference and told KIDO that the Emperor asked various questions. He asked Chief

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of Staff SUGIYAMA as to when the projected southern campaign would be terminated, and SUGIYAMA answered he expected the campaign would be terminated in a short time. The Emperor reprimanded SUGIYAMA reminding him that he had said a similar thing at the outbreak of the China Affair, but SUGIYAMA pleaded that there was a difference, China being a continent, while the southern area was mostly islands. Chief of Staff NAGANO interposed and said if things went on they would steadily lose the game, but there would be a hope of recovery if there was a drastic operation, and that was war.

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* KONOYE told KIDO further that the Emperor asked why diplomacy was not placed first. KONOYE replied that it was aimed at attaching primary importance to diplomatic negotiation, and asked the Emperor to approve the plan as it was. The Imperial Council was to be held the next day, and before being summoned by the Emperor the morning of September 6, KIDO suggested to HARA that he ask questions at the conference emphasizing continuation of diplomatic negotiation rather than preparation for war. When summoned by the Emperor, he told KIDO he would like to put questions at the conference. KIDO replied it would be a good idea but he thought Privy Council President HARA would cover the important points in his questions, and it was KIDO's desire that the Emperor point out the importance of the conference's decision, and order the * High Command to extend full cooperation in bringing negotiations to an amicable conclusion. KIDO was not present at the Imperial conference.

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HARA asked if primary importance was attached to diplomatic negotiation, to which Navy Minister OIKAWA alone replied, and there was no reply from the High Command. This was regretted by the Emperor who took the High Command to task and ordered it to extend full cooperation in the negotiation * and avoid war by all means. This was told KIDO by the Emperor (Exh. 1135).

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* On 11 September 1941, TOJO came to see KIDO, after an audience with the Emperor, telling him the result of preparations for war with the United States (Exh. 1138). In view of the decision of 6 September 1941, the army was investigating preparations for a case in which there was no hope of leading the negotiations to a successful conclusion. KIDO remembered that the talk he and TOJO had on that day impressed him that preparations were being made, thereof he didn't recall the details. TOJO said that when the Emperor asked about the preparations, the Emperor said he understood his words at the 6 September conference had made it clear to TOJO of his desire to avert war.

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TOJO explained that the army understood the Emperor's desire and was making strenuous efforts to bring the negotiations to a conclusion.

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30956 He said that the army was bound at that time to make adequate preparation by the 6 September decision.* Exhibit 1138 showed that Foreign Minister TOYODA told KIDO about the progress of negotiations and he discussed this later with the Emperor. SHIGEMITSU also spoke to KIDO on their progress on 25 September, and on the 26th, KONOYE called on him telling him he had to quit as he had no confidence, if the army meant to start war on October 15.

30957 Whereupon KIDO chastized him that he was responsible for the decision of 6 September * and it would be irresponsible of KONOYE to quit leaving the 6 September decision as it was. It would be better for him to propose a review of that decision. If he failed to reach an agreement with the army, it could not be helped if he quit. At the end of the talk, KIDO cautioned KONOYE to be prudent. KIDO did not discuss the possibility of war at this time.

30958 On 29 September the Emperor ordered KIDO to investigate the amount of resources from which the United States would be able to draw, for he was worried about newspaper propaganda underestimating United States power. * The same day HARA told KIDO that he thought that the Imperial conference as it stood was so perfunctory that it would pass any bill in its original form and the method had to be improved. He asked KIDO if there was any way to have Senior Statesmen attend and express their opinions. KIDO replied that any remedial plan would have possible merits and demerits, but he would consider it carefully. HARA said he made this suggestion in connection with the Imperial Council meeting in which the decision as to war would have to be made if the diplomatic parley failed. This suggestion was followed in the meeting on 29 November. HARA and KIDO both felt that the prudence and acumen of the Senior Statesmen would be a steadying influence.

30959 * The gist of talk with the President of the Planning Board SUZUKI, on 1 October 1941, was that both were worried about the adjustment of relations with America which made little progress, and they agreed that war should be evaded (Exh. 2280). The prospect of negotiations became slimmer while war moves, let loose by the military, gathered momentum. On 7 October, Chief Secretary of the Cabinet TOMITA told KIDO he would urge KONOYE to display his powerful leadership and TOMITA explained the attitude of army and navy sections (Exh. 1143). KIDO merely listened without expressing any opinion. TOMITA was further worried that the date fixed by the Imperial Conference, 6 September, was drawing near.

30960 On 9 October, KIDO interviewed KONOYE counselling him * that the 6 September decision appeared too abrupt, and asked him if it was not better to change the policy and devote his all to solving the China question

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30961 instead of deciding on war with America. KIDO set forth a positive solution which KONOYE could use in arguing with the military, and this policy was given for the same purpose as that advanced to him on 7 August. The diary entry of 9 October (Exh. 1146) followed the above, * and that KIDO said that judging from the situation, it was difficult to predict the outcome of war with the United States and they better reconsider. It would be inadvisable to declare war immediately but the China incident was the first consideration and they should acquire freedom without paying attention to economic pressure. The Japanese should be made to understand the necessity for ten or fifteen years of hard struggle to establish a defensive nation. If necessary, they were ready to put belligerency in action to promote the completion of the China incident and use their whole military force in China.

30962 KIDO knew the army would never agree unless a positive * diversionary attitude was put forth. It was for this reason that he offered the last suggestion as an inducement to them to complete the China affair, for he knew the army would not listen to any plan which held entire cessation of hostilities. His suggestion was a sop to avoid a clash with America. Exhibit 1147 related what was told him by three different people and no opinion of his appeared. KOYAMA, mentioned there, was a liberal indignant at army control of politics, who expressed the opinion that he wished for redoubled efforts by KONOYE. KATO was Commander of the Gen-darmerie Army who told him about the political situation.

30963 * KONOYE had called a conference of the War, Navy, Foreign Ministers, and the President of the Planning Board on 12 October to discuss how to deal with the decision of 6 September, and the third visitor, TOMITA, came by KONOYE's order to tell KIDO about the conference. According to the information KIDO received from him, TOJO contended that the government should make up its mind to wage war, in accordance with the 6 September decision, as he thought there was no hope for the negotiations, but added that he did not want war if a convincing explanation was forthcoming; that the negotiations would be brought to an amicable conclusion. OIKAWA said he thought there was still hope for the negotiations. If they were to restore friendly relations through diplomacy, it should be done in a thorough-going manner. If the negotiation was 30964 concluded amicably through diplomacy, * it was desired that Japan should come to terms with America, even making considerable concessions.

It would be embarrassing to conduct half-baked negotiations for some time and then suddenly start war. In any event the Prime Minister was desired to display his leadership.

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Foreign Minister TOYODA said it would be impossible to make any prediction, but he thought there was hope for the negotiation. KONOYE stated that there was still hope and he should like to continue. TOJO was not satisfied with KONOYE's explanation. The conference rose after it was decided to draft a memorandum and entrust TOYODA with its study. TOYODA also told KIDO that from conversations with Admirals OKA and OIKAWA, the navy was opposed to war, but could not openly express its views and would leave it to the Prime Minister to make the decision.

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* They made an agreement among themselves on the advice of TOJO that they should not change their policy * of stationing troops in China, or the other policies connected with it, and should not entertain anything affecting the result of the China incident. It should be found out whether negotiations within the time set forth by the High Command could succeed. When this had been ascertained, the matter should be settled through diplomacy and all operational preparations be discontinued, and TOYODA should study this to find out whether it was possible or not.

Thus the last important meeting of the third KONOYE cabinet ended with no decision as to whether Japan should go to war with America. The only decision reached did not involve a decision for war but concerned the policy to be adopted toward the China incident and the possibility of negotiations with America. Everyone's opinion at the meeting hinged on the success or failure of negotiations with America, and even Foreign Minister TOYODA could not answer TOJO's inquiry.

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* On 13 October 1941, in consequence of this conference, the political atmosphere became so tense that it was feared that war would break out any moment under militaristic pressure. The situation was so delicate that on that day the Emperor showed his concern in discussing with KIDO an Imperial Rescript in case, he was required to grant sanction to the opening of war (Exh. 1149). The Emperor said that the negotiations seemed less hopeful, and that if it ended in war that we should have to issue a proclamation. In past rescripts, especially the one at the time of their withdrawal from the League, * the cause of world peace was emphasized and the necessity for harmonious cooperation of the civil and military officers in the country, but the people seem to have overlooked this point. It was regrettable that when the edict was issued at the conclusion of the Tripartite Pact, the people missed the point that the pact was proposed to bring peace and took it as if it were our challenge to the United States and Britain. If a proclamation of war were issued, the Emperor would like to have KONOYE and KIDO assist and have their sincere thoughts well expressed in the proclamation.

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In case of war with the United States and Britain, they must study all specific conditions, especially the truth underlying the peace talks between Britain and Germany, and Germany and Russia, and they must, through diplomacy, stop Germany from concluding an individual peace, and they must have Germany assist in the war with the United States. They must also make plans as to what to do at the end of the war, and must adopt good will policies, such as exchanging envoys with the Vatican City.

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The same day KONOYE came to KIDO, after a conference * with the Emperor about Japanese-United States problems. Later SUZUKI visited KIDO to talk about his political views, which might contribute to a new turn in the political condition. Their conclusion was that the Premier should promote mutual understanding with the War and Navy Ministers. SUZUKI, in fear of a possible change of government, or a sudden plunge into war, expressed his opinion to KIDO, who communicated his views to SUZUKI that KONOYE should have a talk with the War and Navy Ministers to solve the dilemma to bring about a peaceful situation.

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* The desire for a cabinet lead by a prince of the blood, Prince HIGASHIKUNI, suddenly raised its head and was expressed by the followers of both KONOYE and TOJO. Rightist quarters also voiced such a desire. It was no wonder that a cabinet lead by a prince of the blood should be desired by the people, but KIDO thought it would lead to grave consequences unless the matter was handled cautiously. On 15 October 1941, when SUZUKI came to convey TOJO's intentions and referred to a HIGASHIKUNI cabinet, KIDO told him that anything relating to the Imperial family must be handled cautiously, and that the petition to HIGASHIKUNI to emerge as Prime Minister must be predicated on an agreement between army and navy. KIDO asked him if his understanding was correct, and stressed the necessity for furthering study of the question. Later KONOYE asked KIDO about a HIGASHIKUNI cabinet, and KIDO said he was considering it carefully.

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*After further deliberation, KIDO decided to recommend a policy against HIGASHIKUNI as succeeding Prime Minister. Advocates of a HIGASHIKUNI Cabinet had all different motives. There was no doubt that KONOYE wished for HIGASHIKUNI as Prime Minister to restrain the army and avert war. As for the army, even granted that TOJO agreed with KONOYE, it was doubtful the real motives of the young military. The possibility of availing themselves of HIGASHIKUNI's emergence as Prime Minister and dragging the country into war was in full evidence, especially since the Prince's entourage included many dangerous elements. While HIGASHIKUNI was talented he lacked political experience, making it impossible * for him to grasp the complicated situation. The result would be that HIGASHIKUNI would be a mere figurehead and actual power would be assumed by the Deputy Prime Minister, which would probably be concurrently assumed by the War Minister. The possibility of averting war would be very small under a HIGASHIKUNI Cabinet.

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30975 If war broke out, direct responsibility would be borne by the Imperial family. KIDO's outlook was that no optimism should be warranted for a Pacific war, but a very pessimistic view should be taken. Should the worst happen, he thought the Imperial family might become the target of hatred by the people and the question of national policy would be involved. The only case permitting a cabinet formed by a prince of the blood would be one organized as the result of the army being convinced of its error and deciding to effect a volte-face. For the purpose, the army might petition a prince of the blood to form a succeeding cabinet as it would be beyond the power of a subject * to effect such a reorientation of policy.

At 4:00 p.m. the same day, KONOYE told KIDO he would have to resign as a breach between him and TOJO had reached the point where TOJO did not wish to speak with him. In response to KONOYE's request for KIDO's opinion about a HIGASHIKUNI cabinet, KIDO repeated what he had told SUZUKI. When KIDO spoke with MATSUDAIRA, he too strongly objected to such a cabinet. In the afternoon of the 15th, KIDO spoke with SUZUKI again trying to find out TOJO's real intention and requested SUZUKI to find this out and report. KONOYE joined us then and said he had seen the Emperor who would approve a HIGASHIKUNI cabinet if the army and navy would first agree on a peaceful policy. Later SUZUKI reported that TOJO wanted to establish harmony between the army and navy by the influence of HIGASHIKUNI. KIDO told him he objected as a peaceful policy should first be agreed upon.

30979 * KONOYE telephoned KIDO to say he wanted to secure an informal consent of HIGASHIKUNI, but KIDO answered it would be too early to do so, though he had no objection to him as long as his action was in capacity as Premier. At midnight KONOYE sent a report that HIGASHIKUNI had asked for a few days' consideration, * and a meeting with TOJO and KIDO.

30981 A cabinet change at that time presented a crisis. To meet it successfully, it was necessary to comprehend fully Japan's situation in world affairs. KIDO spent sleepless nights in an endeavor to find a solution which would avert a catastrophic war. Foremost was the negotiations with America. An atmosphere was being created, partly due to militarist propaganda, for making the people keenly feel pressure from the so-called ABCD encirclement line. The news from abroad was stimulating the nerves of the Japanese people and the young military and naval officers, who had secured * the 6 September decision, proved a powerful driving force for an ominous situation.

KIDO realized it would be well-nigh impossible to form a cabinet aimed at effecting a volte-face, nor would it be possible for anyone not acquainted with the circumstances to form a cabinet, since serious

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difficulty would be experienced in appointing the war minister, just as UGAKI had found out some years prior. Troops having been sent so far as Southern French Indo-China, nobody could tell that if the army got out of control an untoward incident might not occur. But if it took a long time in forming a new cabinet, KIDO was afraid the country might be plunged into confusion which might develop into civil war. The military might resort to anything, as they were in high spirits with their armaments replenished, if the government made a bid for a volte-face. In such eventuality the negotiations with America would have broken down.

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* On the morning of 16 October 1941, SUZUKI called on KIDO (Exh. 1151), who opposed a HIGASHIKUNI cabinet because a prince's cabinet should be carried out only when unavoidable. A member of the Imperial family should never be asked to overcome the obstacles that then existed. Formation of a HIGASHIKUNI cabinet would indicate they lacked suitable person among the subjects, and great problem would be created if war with the United States broke out under such a cabinet. There were important reasons why even KONOYE was prevented from carrying out * the policies decided at Imperial councils, and if they asked a member of the Imperial House to assume a responsibility he could not fulfil, the Imperial House would become an object of public hatred.

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On the afternoon of 16 October, KIDO was asked by TOJO for an interview, receiving him in the official room of the Lord Keeper. TOJO repeatedly stressed that the time had come, there was no course left to Japan but to carry out the 6 September decision. KIDO replied that it was needless to say that the decision of the Imperial conference was extremely important, and therefore must be respected and executed, but asked TOJO if it was not proper to reconsider in case there was any point manifesting want of care therein, because he thought the decision was careless. KIDO drew TOJO's attention to the report that the navy necessarily had no confidence. TOJO agreed, adding the decision could not be executed as it was, though he did not receive such a report about the navy.

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*TOJO said that if things could not go on as they were, it would be difficult for the KONOYE cabinet to handle the situation, and he thought there was no alternative but to petition a prince of the blood. KIDO asked if that meant the army had decided to change its past policy and that a prince would be petitioned to dispose of the aftermath, as such a volte-face could not be affected by a subject.

TOJO replied in the negative, adding that a prince would be petitioned to form a cabinet for the purpose of deciding on future policy. KIDO strongly objected, stressing that a cabinet headed by a

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prince of the blood should not be formed except when the country decided on an absolute peaceful policy. When TOJO asked KIDO what would become of Japan then, KIDO replied that Japan might become a third-or fourth-rate power if what he was doing was persisted in, and pointed out that the least Japan expected was true unity between the army and the navy.

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* The interview with TOJO lead to no definite result*, but KIDO thought that if he talked to KONOYE and he exerted a little harder, a way out of the difficulty might be found, judging by the interview with TOJO. KIDO lost no time in telephoning KONOYE, who, however, had been making his cabinet tender their resignations, and KONOYE tendered his resignation the same evening.

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* As KIDO thought a succeeding cabinet headed by a prince of the blood would not receive Imperial sanction before the government had established an absolutely peaceful policy, KIDO consulted KONOYE after KONOYE resigned, telling KONOYE that the 6 September decision was "cancer" and should be scrapped so as to start afresh. For the purpose, one fully acquainted with the whole circumstances must undertake formation of a new cabinet. If one not acquainted with these circumstances, which were kept secret, attempt to form a new cabinet, there was no doubt he would meet with army opposition. Therefore, KIDO thought there would be no other course but to make OIKAWA or TOJO form a new cabinet and told KONOYE to that effect, pointing out the good and bad features of either's appointment. Since TOJO had disagreed with KONOYE, it might be taken as a surrender if TOJO were appointed. But if it were offered * to OIKAWA, because the navy did not want war, the army might react stronger.

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If TOJO were selected and ordered to disregard the Imperial conference, 6 September decision, he would be able to control the army and if he continued peaceful negotiations, the effect on America would be favorable as she expects war upon the resignation of his cabinet. KONOYE agreed and said that Japanese forces were as far south as Southern French Indo-China. If the army got out of control, no one could tell what situation might be precipitated by troops on the spot, and they might eventually drag Japan into war. To avoid this, TOJO, who had the army in hand must be made to undertake the formation of a succeeding cabinet, especially since he did not advocate immediate war with America, judging by his most recent remarks. As TOJO said that Japan would not be able to wage war if the navy had no confidence, it would not mean opening hostilities, even if he organized a new cabinet. A way out of the difficulty might be found if the Emperor granted a message to TOJO on this point when the Emperor commanded him to form a succeeding cabinet.

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30987 KIDO asked KONOYE to give this matter further thought. * Recalling the interview with TOJO, KIDO noticed he became more thoughtful, as it did not seem he would necessarily advocate war if the navy opposed it. A change had apparently come over his thinking in the last few days. Another reason was his character, for since appointed War Minister, TOJO much respected Imperial wishes. This is one of the reasons why TOJO was pressing for the execution of the 6 September decision, which was held in the Emperor's presence. If the Emperor ordered it scrapped and review the situation on a fresh basis, KIDO had confidence that TOJO would change his policy in pursuance of Imperial wishes, as the backbone of his contention would be gone, for it would not be obligatory to execute the decision, and it had become clear that it would be difficult to carry out the past policy.

30989 KIDO understood that cynical criticisms were rampant among foreign residents in the country, and that * it would be no use to ask the Prime Minister or the Foreign Minister about Japan's foreign policy, which would be known only by the General Staff of the army. In deference to these criticisms, KIDO thought that if the army was made to conduct state affairs, and if the cabinet formed under the army itself, undertook to adjust relations with America, American misgiving might be dispelled.

30990 * On the morning of October 17, KONOYE telephoned KIDO that it was his opinion that TOJO would be a better choice as Prime Minister than Navy Minister OIKAWA provided he was given an Imperial command to scrap the 6 September decision and use his efforts to effect cooperation between the army and navy and strive for peace. KIDO did not discuss TOJO's appointment with either TOJO or OIKAWA before the meeting of the Senior Statesmen, and so far as KIDO knew, TOJO never knew he was going to recommend him. MATSUDAIRA was of the same opinion as KONOYE and KIDO.

30991 Several days after the 17 October conference (Exh. 1154), KIDO dictated a resume of it * which showed that KIDO stated to the conference that since the present cabinet change was complicated, he intended to invite KONOYE to give an explanation. But KONOYE had just sent word he was ill and unable to attend, but nevertheless he would send a document which KIDO would read.

30992 This document of KONOYE's * stated that the 6 September decision had provided that in case there was no prospect for contentions being accepted through diplomatic negotiation by early October, the government would immediately make up its mind to open war with America,

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30993 Britain, and the Netherlands. The army held that there was no prospect of their conditions being accepted and it is a natural conclusion, based on the 6 September decision,* to make up its mind for war at the middle or late October. Whereas the government contended the current situation of the negotiation could not be regarded as having no prospect of being accepted and, further judging by the notes exchanged with America and other information, the United States also desired the negotiations brought to an amicable conclusion. The real intentions of Roosevelt and Hull had been obscured by misunderstanding and misgiving, for instance army units in North French Indo-China had increased piecemeal since early October, though this was done in accordance with treaty provisions.

30994 Therefore the government held that if more time was given, it could not be thought hopeless to bring negotiations even with the terms then submitted to America. If the army modified its terms* the government had believed that there was hope even then for an amicable end of the negotiation.

30995 * Attention must be paid to the fact that the army, which in pursuance of the demand from the Supreme Command, had been urging the government to make up its mind by early October as decided by the Imperial Conference, was then pressing the government to do so by the middle of October, and at the latest by the end of October, otherwise the army warned the government that it would be extremely disadvantageous in prosecuting war. The negotiation with America was still on the way.

30996 It could not be imagined that America's real intentions had already been clarified, but difficulty which had been so far experienced could be reduced to the following three points; (1) The question of withdrawal of troops from China and stationing of troops in China, (2) Japan's attitude toward the Tripartite Alliance Pact between Japan, Germany, and Italy, and (3) The question of commercial nondiscrimination in the Pacific area. * Those three difficult points centered in the question of withdrawing troops in China, and their stationing there might be said to be the only difficulty in the negotiation.

The army's contention as to this was Japan's terms of peace with China as submitted to America were extremely generous, demanding no territorial annexation or reparation. However, communistic and other lawless agitations were rampant in the interior of China, thus menacing the security of both Japan and China. It was therefore necessary for economic development, as well as for peace and prosperity of Japan and China, to station Japanese troops in designated districts for a prolonged time to carry out joint defense. But the troops might be

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withdrawn following the settlement of the China Affair with the exception of those needed as mentioned. According to the army's contention, stationing of troops in China was necessary. * Therefore, this was the first basic principle, because it was the only result of the China Affair. Should the affair be settled on the basis of troop withdrawal, without permitting troops stationed at designated districts, the army could not acquiesce, for this was the army's heart, without which defeatism would spread.

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America's real intentions with regard to troop withdrawals had not yet been manifested. It was not thought impossible to have the terms accepted by America if only time were given for negotiation. America's contention had been so far regarded as follows; that troop withdrawal should be accepted by Japan in principle. It was not necessarily clear if America would recognize the stationing of troops, but judging by past negotiation, there was a point-giving impression that America would not pursue an attitude * flatly refusing the stationing of troops. America wanted to ascertain Japan's sincerity concerning troop withdrawal. The government's stand on this question was that negotiations with America should be kept up, with more time granted for the purpose. Japan should demand the right to station troops in view of the necessity, but should this question become the key to the success of the negotiations, how about accepting withdrawal of troops in principle and formally making a concession to make an arrangement for having Japan's stationing of troops virtually recognized by America?

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* Regarding the view of the government and army on war, pointing out that it had become almost impossible to import military supplies since the freezing of assets, the army held that if the situation was allowed to take its own course, Japan would become impoverished. She would not be able to counter it, even if America brought pressure to bear, nor would she be able to rise in self-defense. The army further contended that there was some risk, but if the nation united there would be no occasion for anxiety because they had their own weakness just as Japan did. The army held that if too generous terms were offered in settling the China Affair through the intermediary of America, it would deepen China's contempt and it might be necessary to launch a second punitive expedition within three years. To this fact the Prime Minister held it would be impossible for anyone who keenly feels the growing heavy responsibility since the outbreak of the China Affair * to plunge into a big war in the midst of the China Affair. A dwindling of war supplies since the American freezing of assets might represent the steady impoverishment of Japan, but with regard to securing oil resources, it was problematical whether Japan would be able to expect

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her desired volume of oil in a year or two, even if she conquered the Dutch East Indies, because destruction and risks of oil transportation must be considered. If it was planned to increase synthetic oil instead of going to war, it would not be necessarily impossible to produce 500,000 tons of synthetic oil by the end of 1943, and increase the figures to 4,000,000 in 1944. Due to the China Affair, national resources were drained and popular morale was lax. Therefore KONOYE believed that at this juncture, Japan should settle the Affair by some means and steadily foster her resources by going through hardship and privation with the navy as her hope.

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31001

* The Navy's view was that Japan was at a cross-roads. If it was to be settled through diplomacy, she must stick to diplomacy to the finish. It was impossible to go to war after two or three months diplomatic negotiations on the ground there was no chance of success for diplomacy. Since it was the government that decided on diplomacy or war, it must be left entirely to the Premier. There was a strong opinion in Navy circles that war should be avoided as far as possible, and the best must be done to adjust relations through diplomacy.

31002

* As regards the development of diplomatic negotiations with America in mid-April, Under-Secretary Welles submitted the draft understanding to NOMURA, telling him relations would be able to be adjusted if points concerning the attitude of the two powers toward the European war and their relations to the China Affair were clarified. Japan's counter proposals were sent, after approval by a Liaison Conference in mid-May.

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Late in June, the U. S. submitted counter proposals, and the opening of the German-Soviet war added to the gravity of the situation. * Japan sent troops to South FIC in accordance with treaty provisions, whereupon America froze Japanese assets. In mid-July, Japan sent her reply to the American proposals of late June, but the second KONOYE Cabinet resigned before it was handed to the U. S. In early August the third KONOYE Cabinet proposed a personal interview between Roosevelt and KONOYE for heart to heart talks, and in late August KONOYE sent his personal message to Roosevelt.

31004

An "Outline of Execution of the Empire's National Policies" was decided by the September 6 Conference, but it was clear that the outline aimed at settling the question with America and Britain through diplomacy, and that * recourse to war might be added only when there was no chance of success for negotiations. Early in September he hastened the Roosevelt-KONOYE interview, and Japan submitted to the U. S. matters which might form a basis for the interview.

On 20 September, Japan collected the proposals and counter proposals, submitting them to the U. S., and in acknowledgement the U. S. sent an aide-memoire on October 2. With regard to the aide-memoire, a divergence of views developed between the government and army, one holding there was no chance of success for the negotiations, while the other refused to believe this, contending the negotiations be kept up or their terms modified.

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 31005

* After the KONOYE message, which was read by KIDO to the statesmen, the affidavit continued with a resume of the proceedings of the Conference. WAKATSUKI said advocates of war with America often based arguments on the danger of resources being gradually exhausted. Nothing could be more dangerous.

HARA said the oil situation was the gravest of the situation. He was told the Navy stock would last two years, but he would like to know how much oil the Army had. OKADA said that no matter how long they might discuss the oil question, it would afford no conclusion.

31006

ABE said these were extremist views or those desirous of prolonging negotiations or permitted by the same sentiment on the question of oil. He wondered how deeply the Premier had pursued this subject. * KIDO said it seemed KONOYE had duly pursued this study, but had not been able to handle the question fully. WAKATSUKI said the decision of the Imperial Conference should be respected, but its handling was totally legalistic. * Even if there was little hope of attaining the objective through diplomacy, was it wise to wage war at once? He asked if it was not proper to pay more political consideration to the question.

31007

OKADA stated that the Navy contention that if they went by treaties, everything must be regulated by treaties might be admissible. KIYOURA asked why the government must decide its attitude at once, when the Ambassador abroad said there was a chance of success. KIDO said, as for that point, the Imperial Conference fixed the date of decision in early October. There had developed a divergence of views between the government and army, and he thought the government could not help being pushed to the wall.

31008

ABE noted that, as KIYOURA pointed out, it was incomprehensible why the government had to quit when there was a chance of success. KIDO said that point was difficult to understand. America, who believed Japan was dominated by the Army, would not reveal her real intentions so easily. * KONOYE wanted to meet Roosevelt and decide policies on broad lines first and thereafter upon details. Herein lay the divergence of views. While America's final reply had not yet been forthcoming, the date of the Imperial Conference was fast approaching.

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WAKATSUKI pointed out that the China Incident was already four years old, and asked how long they thought the war with America would last. YONAI replied that the Navy said Japan would win in a war with America, which meant it would win if it fought the American fleet in the Pacific. No one could tell when such an engagement would take place. Endurance was another question.

HIROTA said that since they were in the midst of the China Incident, he thought politics must be conducted with the intentions of the Imperial General Headquarters at center. KIDO said that since they were in a time of war, it was needless to say that the intentions of the fighting services were important. When a question such as risking national existence was concerned, a perfect agreement between the army and navy was essential.

31009

ABE said that the present moment called for a certain influence rather than a specific man, and HIROTA stated that the backing of the army and navy was necessary. OKADA said it was necessary to have a man who would be able to bring the army and navy into harmony. HIROTA asked if it was not necessary to ask Imperial Headquarters desires. HARA asked if HIROTA meant to have the Supreme Command recommend the next Premier, and HIROTA replied that he thought that might be one of the plans worth studying. OKADA questioned its advisability. KIDO thought that to make the Supreme Command recommend the next Premier was a question to be studied cautiously. The Supreme Command might be embarrassed, as it might not be able to recommend a Cabinet. HIROTA agreed.

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* HAYASHI said it was necessary to establish teamwork between the army and navy and cooperation between the government and Supreme Command. How about asking a prince of the blood in naval service to form a new cabinet? YONAI doubted the practicability of this. KIDO said that this had been proposed in certain quarters. The proposition might be practicable if the army and navy worked together. If the services of an Imperial Prince were desired as a step towards cooperation between the two services it might be practicable, but the prevailing situation had not reached that stage, and it would be a serious question to ask an Imperial Prince to tackle this question. * People might wonder if subjects lacked talents. Should the new Cabinet formed by an Imperial Prince decide to wage war, he would be called upon to tackle a question so difficult that even a statesman of KONOYE's character had failed to manage it. Should he fail, the Imperial Family might be denounced by the people, and KIDO could not agree to the plan.

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31012 WAKATSUKI asked KIDO for his view on a succeeding Cabinet. KIDO thought it might be best for the Emperor to command TOJO to form a Cabinet. Paradoxical as it might sound, * the poisonous and irradicable difficulty was the decision of September 6. On this point, he had an exchange of views with TOJO, the result being to ascertain that the army was aware it would be impossible to wage war without the navy's determination. The army could not help proceeding in accordance with the September 6 decision unless the navy manifested its intention to modify the decision. When real cooperation between the army and navy was still not forthcoming, the September 6 decision was hurriedly made. He thought it would be most practicable to command TOJO to form a succeeding Cabinet on the part of the Emperor, and the same time order him to effect cooperation between the army and navy and re-examine the Imperial Conference decision, as TOJO was fully acquainted with the development of the situation and had the difficulty of attainment keenly driven home to himself. Even if an inactive general or admiral was commanded to form a new cabinet, there might be an unexpected result if his

31013 * formation of a Cabinet was restricted by a section of the public with the Imperial Conference decision.

31014 KIYOURA said that as for a cabinet formed by an Imperial Prince, he thought HIGASHIKUNI would not be proper. It might be proper for a military representative to form a new cabinet. WAKATSUKI thought KIDO's idea was reasonable and he should like to recommend UGAKI, but would not do so because UGAKI was in the same cabinet with him. UGAKI might be one of the most powerful candidates, though it would be embarrassing should the militarists oppose him as before. KIDO also thought UGAKI one of the most powerful candidates, but some time before UGAKI had declined the order to form a succeeding cabinet due to military opposition. * KIDO's sense of responsibility dictated caution. KIDO had not yet explored that ground, but according to the Chief Secretary, if UGAKI was commanded, KIDO thought there might not be such opposition as before. Nevertheless, there had not yet been created in the army an atmosphere in which to extend full support to UGAKI, and he believed it would be extremely difficult for UGAKI to restrain the militarists.

31015 WAKATSUKI * asked what others thought about UGAKI. ABE said UGAKI used to be looked upon as an influence by other than military circles, since it was desired to restrain the army. UGAKI's name impressed one as the very man for curbing military demands. Therefore, it might be difficult for UGAKI to control the situation.

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31016 OKADA said he had no intention to say anything personal against TOJO, but the Cabinet might be regarded as having been overthrown by the Army, and he was skeptical as to whether it would be proper for the Emperor to command the War Minister representative of the Army to form a Cabinet. KIDO said his version was different. TOJO's attitude at present * was different from the attitude of HATA under the YONAI Cabinet. On the basis of a survey of the truth of the case, it could not be said that the Army alone was to blame. OKADA said that the army embraced a vigorous opinion. The Lord Keeper said the Army fires the rifles from the rear, but he was afraid it may develop into a gun.

KIDO said there was occasion for worry on that point, but the question was how useful Navy strength would be. YONAI asked if KONOYE did not quit because the Navy was not only ambiguous in its attitude, but unreliable. KIDO said this could not be said so clearly. An agreement between the army and navy and a re-examination of the Imperial Conference decision must be the foundation for saving the situation. It might be a good idea to make the Navy Minister undertake the job, as he stood for prudence, but OKADA thought it would not be absolutely proper for the Navy to recommend a new Premier from among its leaders, and YONAI agreed.

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* OKADA thought UGAKI might be a good candidate if military circles became reconciled to him. WAKATSUKI said if TOJO was chosen he thought a bad impression might be created abroad. HARA said if it was to be arranged as KIDO stated, he thought it might be necessary for the Emperor to show the course of action clearly in issuing the Imperial Command, and KIDO thought he would pay full consideration to that point.

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HIROTA asked if it was the Lord Keeper's plan to make the Premier concurrently assume the portfolios. KIDO replied yes, and HIROTA said then it would be all right. ABE supported KIDO's plan. KIDO asked if OKADA, besides WAKATSUKI, recommended UGAKI. * OKADA replied that he had not necessarily recommended UGAKI, but thought there were some points in the Lord Keeper's plan to cause worry. HARA said that while the plan could not be said to be satisfactory, since there was no other they could not help but proceed with it. KIDO said he understood their views and would report them to the Throne and obtain Imperial sanction.

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Page The affidavit continued, and KIDO pointed out that he had been charged with being present at and concurring in the decisions taken at the October 17 Conference, but no decision was taken then. He listened to the Senior Statesmen' opinions and expressed his opinion, but it was subsequent events which led to war. In recommending TOJO, neither the Statesmen nor he had any intent to do anything or had any opinion that they were doing anything preparing for or leading to war. They hoped that the recommendation of TOJO would avoid war.

31019 KIDO reported the results of the Conference to the Emperor, recommending TOJO. * Since it was difficult to settle the situation by merely setting up a new Cabinet, he asked the Throne for special instructions to be given upon issuance of the Imperial Command to TOJO, and later to OIKAWA, to make clear the Imperial wish for closer army-navy cooperation and disregarding the September 6 decision. The Emperor gave his consent. KIDO waited for TOJO and OIKAWA, and after their audience with the Emperor conveyed to them the Emperor's wish. He told them he presumed they had just received the Emperor's words in regard to army and navy cooperation. He was commanded to convey to them the Imperial desire that careful consideration be given to studying both the internal and external situations more profoundly, regardless of the September 6 resolution.

31021 * The Imperial instruction to TOJO was that he had been commanded to form a new Cabinet and would observe the Constitution. TOJO would see to it that cooperation between the army and navy would be made closer than ever. The Emperor intended to tell this to OIKAWA by calling him in later.

The Imperial instruction to Navy Minister OIKAWA stated that the Emperor had called in TOJO, commanding him to form a new Cabinet, and told TOJO that the country was in a serious situation and he must see to it that army and navy cooperation was made closer. OIKAWA was to exert himself in conformity with this wish.

31022 * The prosecution contended that it was significant that KIDO rejected the appointment of UGAKI, but as shown at the Senior Statesmen's Conference, only WAKATSUKI favored UGAKI, and only HAYASHI suggested a prince of the blood. What UGAKI might have done was problematical and speculative. It was the opinion of KIDO and others that he would not have been able to form a Cabinet, or if he did there would have been revolution and war would have resulted. KIDO did not suggest TOJO until he was asked his opinion.

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* The prosecution also contended that KIDO made no attempt to induce TOJO to adopt an attitude toward the negotiations which would offer the slightest hope for their success. He wished to point out that he was opposed to the war from the beginning to the end. The official duties of the Lord Keeper dictated that he should not interfere in national policies, and therefore he was not in a position to give public expression to his opposition.

31024

When KONOYE was Premier, he sought KIDO's views, as he was a close friend, and KIDO stressed to him the necessity for working hard to avoid war with America. The situation became worse, and KIDO gave serious thought to enable the Emperor to do his best, and made it a rule * to petition the Emperor to make the government study the situation from all angles before making a decision. Once the government decided on a national policy, he used to counsel the Emperor to approve it by trusting the government, in accordance with constitutional government.

When the TOJO Cabinet was formed, the Emperor commanded TOJO, through KIDO, to scrap the September 6 decision, a line of action which had no parallel, and KIDO presumed the Emperor had recourse to it as a last resort.

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Regarding the prosecution contention that he induced the Emperor to give an instruction to the Navy which could only mean they should appoint a Navy Minister who would do whatever TOJO told him, he wished to state that the Emperor told both TOJO and OIKAWA that they would see to it that cooperation was made closer. * Neither was told to do the other's bidding. In view of the Emperor's desire for peace, his thought coincided with KIDO's, that on the Army's part it was to refrain from acting in defiance of Navy intentions. This was the thought behind his statement at the Senior Statesmen's Conference, that it would be most practical for TOJO to form a Cabinet on the part of the Emperor and at the same time order him to effect real cooperation between the army and navy.

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* While the prosecution had contended that in exhibit 2250, written in November, KIDO abandoned the excuse for appointing TOJO which he had given on 2 October in exhibit 1155, KIDO had never offered any excuse for TOJO's appointment. He had nothing to do with the appointment of any member of TOJO'S Cabinet, and was never consulted.

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Page On 17 October, Prince KANIN asked KIDO to submit
31027 to the Throne a memorial having TOJO remain in active
service and promoting him to full general. * He merely
acceded to KANIN's request to do this. (Exhibit 1155).

As a result of the formation of the TOJO Cabinet,
TOJO, in obedience to the Emperor's instructions, canceled
the September 6 decision and set about re-examination of
it. This eased the tension for war, and the Emperor was
exceedingly glad.

KIDO had only one motive in recommending TOJO,
and that was to avert war with America, and he sincerely
felt that war had been averted. (Exhibit 1156).

The Emperor's words, "Nothing ventured, nothing
gained", expressed that he was pleased that he had succeeded
in making those with strong opinions give in to his own
ideas to avert war. KIDO told the Emperor that one mistaken
step might have needlessly plunged them into war, and that
the recommendation he made was the only choice possible.

31028 * After the Cabinet formation, TOJO devoted his
all to the negotiations with America. When TOJO was asked
why he had concurrently assumed the portfolio of Home
Affairs, TOJO told KIDO that if the negotiations with
America were amicably concluded, he was afraid the country
might be plunged into confusion, in which eventuality he
would like to assume responsibility for peace and order.
KIDO heard from both KAYA and TOGO that when they asked
TOJO if the Cabinet would be a War Cabinet, he assured
them his cabinet would not be such but would devote all
its efforts to adjusting relations with America.

31029 * TOJO made efforts to overcome the difficulties
in negotiations with America by holding Liaison Conferences
day after day, and proceeding to the Palace almost every
other day to report to the Emperor. He came to KIDO's
office after such audiences, telling KIDO of these reports.

The TOJO Cabinet settled the pending questions
from various angles. On 29 October, SUZUKI reported the
progress of the Liaison Conferences, (Exhibit 1162), and
told KIDO that the Conference was generally taking a course
toward evading war.

31030 At that time it seemed the fighting services were
pushing war preparations. KIDO knew that if they were to
come to an understanding with America, all-out efforts
should be put forth with no bluff. * When he interviewed
TOJO on October 29, he drew his attention to this.

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Page TOJO, who apparently took a different view, told him that negotiations would be brought to an amicable conclusion only when they manifested their firm determination, and that preparations for both peace and war were necessary.

31031 With its study mostly concluded on October 31, the government undertook to reach a conclusion. On that day, after TOJO conferred with the Emperor, he reported to KIDO on the progress of the Liaison Conference, telling him that from the next day the Conference was going to enter on the final stage of discussion. Then and also on November 2, TOJO told him he wanted to avoid war as much as possible, but as a result of studying the situations the government would be called on to prepare for both peace and war, especially since consideration would have to be paid to a rupture in the negotiations. * Therefore, KIDO knew the government was preparing for both peace and war since October 31, and it was the fundamental attitude in which the government faced the Imperial Conference decision of November 5.

As exhibit 1168 showed, the Conference decided Japan's policy toward the U. S., Britain, and the Netherlands according to the principles studied by the Liaison Conferences. KIDO was not present at the Imperial Conference, and after it TOJO told him of its results with little details. He told him a final effort would be made for settling the negotiations by sending KURUSU to America, and on the other hand the Southern Army should be organized in the event of a rupture. KIDO listened without comment.

31032 * The war party in Japan, which mistook the emergence of the TOJO Cabinet for the opening of hostilities, was in high spirits for a time, but when it was disillusioned the atmosphere overnight became very ugly, and KIDO's police guard was increased and he had to follow a different route to and from office. The situation showed no easing, and the solidarity of the young officers was tightened, and an atmosphere was created in the fighting services opposing army and navy leaders' policies for adjusting relations with America. News from America became
31033 inflammatory, stiffening the military attitude, * and propaganda was spread that if Japan further dilly-dallied she would be attacked by America. KIDO strove to prevent a Pacific war, and on November 19 counseled the Emperor to deprecate strongly entering into war with the passing of the end of November as if it were a routine matter, but instead handle the situation cautiously. (Exhibit 1181).

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Page 31034 KIDO advised the Emperor that when the Premier asked his final decision, the Premier should be ordered to hold the council in the Imperial presence with all Senior Statesmen participating. KIDO felt that the fact that November was ending did not warrant the inevitability of war, and that re-examination should be made of the November 5 decision. * He thought he could bring the negotiations to an amicable conclusion by invoking Imperial intervention. The situation failed to show improvement, while foreign news became more stimulating.

The Emperor asked him to seek the views of the Senior Statesmen on November 26, and KIDO replied that the Emperor's decision this time would have a final one, and it was desirable that every measure be taken so the Emperor might not be sorry for it later, and he counseled him to issue commands to TOJO freely.

31035 As exhibit 1190 showed, KIDO met Privy Council President HARA regarding a Senior Statesmen's Conference, * and that in the audience with the Emperor, the Emperor feared that the worst might come to the worst, recommending another Senior Statesmen's Conference. Whereupon, KIDO stressed the finality of the decision and prayed that the Emperor command the Premier without reserve.

31036 * Exhibit 2249, a telegram from NOMURA to KURUSU on 26 November, received in the Foreign Ministry on the 27th, suggested that if the condition did not change, negotiations must be given up, and they were humiliated by their lack of influence, and the only way to bridge the difficulty would be to let Roosevelt cable the Emperor. The telegram also discussed occupancy of NEI, and ended with a wish that the telegram be shown to the Lord Keeper. KIDO never saw this telegram, and had no recollection of ever talking to TOGO about it. If he did talk to KIDO about it, it must have been after receipt of the Hull message of the same date. If TOGO spoke to him about it, it must have been very slightly, and after TOGO consulted TOJO. KIDO had nothing to do with TOGO's answering telegram of November 28 and never saw it until the trial.

31037 * The formula for saving the situation by invoking Imperial intervention was found impossible when Japan received the Hull note of November 26. The American proposal was so strong and so beyond the pale of contingencies anticipated by KIDO, and the government said it was tantamount to an ultimatum.

Page Pursuant to his suggestion to the Emperor on November 19, the Senior Statesmen met on November 29 and listened to a full report by TOJO on the development of negotiations. The meeting was not attended by the Emperor nor KIDO, but the Senior Statesmen, some Cabinet members, and KIDO lunched with the Emperor, and KIDO learned what had transpired in the morning.

31038 * After luncheon, the Emperor had an hour's meeting with the Senior Statesmen, at which TOJO and others from the government were present, and KIDO attended solely to be at the Emperor's service, but did not participate nor say anything. The meeting was different from the Senior Statesmen's conference for the selection of a new Premier, and they gave their unreserved views. After the luncheon, the Senior Statesmen resumed their meeting with the government from 3 p.m. until 4. Neither the Emperor nor KIDO attended, but KONOYE told KIDO what transpired.

31039 * Exhibit 1196, the diary entry for 29 November 1941, showed that KIDO conferred with the Grand Chamberlain at 10 a. m. It had been arranged that the government would hold a round table conference to discuss the American negotiations. The conference lasted longer than anticipated, and it appeared they discussed all questions seriously.

31040 * From about 2 p. m. for about an hour, the Emperor listened to the Senior Statesmen's opinions.

WAKATSUKI said he was not worried about the people's spiritual strength, but in the matter of materials the question of whether they could stand a long range war deserved careful study. OKADA thought they were truly confronted with a critical situation, and he was concerned with whether they could put full confidence in their ability to supply necessary materials. While there was a government explanation a short while before, he was not still convinced. HIRANUMA stated he agreed with WAKATSUKI on the spiritual strength of the people, but if after they had been engaged in war four years things developed into a protracted war, hardships and privations would become necessary and efforts to brace up public sentiment would be necessary.

31041 * KONOYE deeply regretted he had not been able to do anything toward adjusting Japanese-American relations, but expressed his appreciation for the zealous efforts of the present Cabinet. To his regret, he was forced to conclude on the basis of that morning's government explanation that further continuation of negotiations would be hopeless.

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He asked, however, if it was necessary to resort to war at once, even though negotiations had been broken off. Would it not be possible, while carrying on things as they were, to find a way later out of the deadlock? He thought he would like to question the authorities on this point later.

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YONAI prayed that they might take care not to lose everything by trying to avoid becoming poor gradually. HIROTA said that after having talked on conditions of each of the world powers since World War I, Japan had adopted every means to avoid the intervention of Britain and America into the China Affair. * In spite of this, the diplomatic situation had become serious. According to the government's explanation, they were face to face with a diplomatic crisis. Though this had a close relation to the strategic moment, he thought the true intentions of both sides in negotiations were only revealed after several crises, and asked why they should hastily rush into war immediately after being confronted with the present crisis. Granting that war was inevitable, he believed they should be on watch to seize the opportunity for a solution by diplomatic negotiations, even though blows had been exchanged.

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HAYASHI said he thought there was no alternative but to rely on conclusions of the Cabinet, after cooperation and study with headquarters. ABE said that according to the government's explanation, it seemed that the continuation of negotiations would be difficult, and he believed they could not expect anything further from the Cabinet, as they appeared to have studied matters from every angle, * but it would be necessary to take the Chinese people's attitude into account.

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WAKATSUKI wanted to say that if it was necessary for the preservation and self-defense of the Empire, they must rise to arms even though they could foresee defeat, since it was dangerous to execute state policy or use national strength to achieve such ideas as the establishing of a Greater East Asia Co-Prosperity Sphere or "The Stabilizing Power of East Asia".

After the conference concluded KONOYE came to KIDO and they conversed on relations with America. * All the Senior Statesmen expressed cautious and prudent opinions with respect to any decision regarding war. He had been charged with being present at and concurring in the decision of November 29, but he was present only at the one hour meeting with the Emperor, Senior Statesmen, TOJO and others, which was called primarily for the Emperor to hear the opinions of the Statesmen.

Page TOJO spoke briefly, and KIDO could not recall what he said other than that war was inevitable. No decision was made at this meeting, and it was reported to him that no decisions were made at the other two meetings either, and he was not present at them.

31045 * On November 30, the Emperor summoned KIDO and said that Prince TAKAMATSU had told him that the Navy appeared to oppose war, and wanted to know the Navy's
31046 real intention. * KIDO advised that the Emperor's decision was of such gravity that if one decided it could not be later retracted. Hence if there was the least uncertainty, every possible precaution should be taken, and requested that the Navy Minister and Chief of the Naval General Staff be called to ascertain Navy intentions, and that the matter be conveyed to the Premier also.

31047 After the Emperor's conference with the two Navy representatives, KIDO was called in and told to instruct TOJO to proceed as planned. The prosecution contended that the Emperor told KIDO that in view of the fact that the Navy Minister and General Chief of Staff had given affirmative answers as to the success of war he had told * the Premier to act accordingly, but as was shown above, the Emperor's instructions were to proceed with the Imperial Conference, not the war.

On December 1, the Council in the Imperial presence decided on war with America, and TOJO called on KIDO to consult about the Imperial Rescript on the declaration of war, where the words "at last" appear in exhibit 1210. These words were not an expression of expectation, but of finality.

31048 * On December 6, the Cabinet Secretary consulted KIDO on the wording of the Imperial Rescript, and KIDO offered his suggestions. Exhibit 1220, the diary entry for December 7, showed KIDO conversed with HOSHINO, who reported to him that the Rescript had been corrected in accordance with the suggestions he had given to Cabinet Secretary INADA. They discussed nothing else.

At 12.40 a. m. on the morning of December 8, TOGO telephoned KIDO and said that Ambassador Grew had brought to him a telegram from Roosevelt addressed to the Emperor, and asked for KIDO's advice in handling the message. KIDO told him he thought TOGO should talk with the Premier about it, and did not believe the Emperor would mind being disturbed at midnight. At 1.30 a. m. Imperial Household Minister MATSUDAIRA also called about the telegram. KIDO was notified that TOJO had proceeded

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Page 31049 to the Palace, so he went there at 2.40 a. m., but only spoke for a few minutes. KIDO did not see the telegram, nor did TOGO tell him of its contents, and KIDO went home, * arriving there at 3.30 a. m. He heard nothing in advance about the dispatch of a telegram to America in connection with the breaking off of Japan-American negotiations. The next morning a little after six o'clock an aide-de-camp telephoned him about the naval attack on Hawaii, but did not go into details. This was KIDO's first information about the Pearl Harbor attack. He did not know in advance it was to be attacked, nor knew of any plan to do so. These were all military matters of the greatest secrecy, and he understood later that even military men in high places did not know of the attack before it occurred, which was not unusual due to the fact that KIDO and other court officers were not in sympathy with war with America and were not taken into the confidence of the naval officials.

Furthermore, after the assassination of the Lord Keeper in the February 26, 1936 Incident, the Emperor advised the Lord Keeper on matters pertaining to the High Command as little as possible to avoid any implacation that the Lord Keeper was interfering in military operations.

31050 * Before leaving his home, KIDO heard over the radio about the attack. On his way to the office, where he arrived at about 7.15 a. m., (Exhibit 1239), he was naturally thinking of the attack, and as a patriot wished for its success. Again, in exhibit 1239, he used the word "Iyo Iyo", meaning "certainly", and not the word "Tsuini" (at last), although the prosecution used the words "at last" to indicate he knew of the attack before it occurred. The words used in the diary did not connote waiting, and he did not so express himself. After December 7, KONOYE and he continued to confer.

31051 * Once the war was commenced, the people were intoxicated with the initial victories, and an outcry was raised against KONOYE, accusing him of evading the responsibility of opening war. This weighed on KONOYE's mind, and he confessed he wanted to give up the peerage and retire from active service, but KIDO advised him that this was too rash and the time would come when he would have to exert himself again.

31052 * On December 18, (Exhibit 1269), TOJO visited KIDO, mentioning the need for controlling discussion about KONOYE. but this was a mistranslation and it was KIDO who mentioned this to TOJO.

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The military achievements for the first six months after the war intoxicated the nation, and KIDO * shared their rejoicings, but none the less could not believe Japan would emerge victorious, and inwardly thought it necessary to exert every effort for peace. He believed Japan would commit a blunder if she went too deep in it, elated over her initial successes.

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Army and navy leaders, however, did not think too seriously about this, and Chief of Staff SUGIYAMA, in response to an Imperial inquiry on the draft change for the conference of September 5, 1941, optimistically stated the Southern Campaign would be finished in three months, but KIDO could not share his sanguine optimism. On February 5, 1942, he told the Emperor * that the enemy had an indomitable fighting will, though he had suffered reverses. The Pearl Harbor attack not only strengthened the feeling against Japan, but unified American public opinion, and the war would not easily end. The shortest way to peace was to fight it out, but they must also pay due attention to construction. It would be necessary to seize the occasion to return to peace soon to minimize war ravages. The army and navy had recently stated that they had gone through elaborate preparations and training, but it was problematical if the picked, specially trained troops would be maintained for long with replacements. It was inevitable that the time would come when a difference in the resources of the contending powers counted, and full consideration must be paid by the army and navy to this.

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* The Emperor seemed surprised at KIDO's strong warning, but appeared to understand that an alarming situation was in store. KIDO's statement to the Emperor served to help the Emperor grasp the full significance

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of the war. * In an audience with the Emperor on February 12, the Emperor told KIDO that when TOJO was received the day before, TOJO reported that all future home and foreign policies would be studied by the Liaison Conference. The Emperor told TOJO that he presumed he was paying full attention so as not to miss the opportunity to terminate the war, for it was not desirable for the sake of humanity and peace to have it drag on needlessly. The solution of this might depend on the future attitude of America and

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Britain, * and it might also be necessary to ascertain the future development of the situation between Germany and the Soviet. It would not do in handling the natural resources

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in the south to take half measures, * but Singapore fell on September 16, and there was a quick succession of military successes, and army and navy circles were making pronouncements that elaborate care had been taken in war preparations.

Page

31059 These pronouncements captured the people's fancy, and they reposed greater confidence in the fighting services. KIDO and others were not aware that special training had been gone through by army and navy units, and was all the more surprised at the big successes. Neither was the Emperor aware that such elaborate training had been undergone as the fighting forces had announced, and the Emperor was not free from uneasiness. * Later, however, army and navy leaders seized every occasion to report to the Throne on the special training undergone.

KIDO was skeptical, that even if picked troops had gone through elaborate training, they could not maintain successes for long. The result was uneasiness, that a difference in the resources of the contending countries would eventually tell. KIDO thought it would be no easy task to terminate the war easily.

31060 As exhibit 1985 showed, Imperial Household Minister MATSUDAIRA called on KIDO on March 13, 1942, about the speech delivered by British Foreign Minister Eden, who referred to violence committed by Japanese troops on British POWs in Hong Kong. MATSUDAIRA thought they would have to pay considerable attention to this * problem, and KIDO reported this to the Throne, and the Emperor consulted TOJO. TOJO examined into things in Hong Kong, receiving a report that the treatment of POWs was just and fair. KIDO was relieved, and reported to the Throne, and believed the report.

31061 Quick successes in Java and Boendang intoxicated the people with victory, and no one thought of peace except for a very few. * SHIGEMITSU returned home from China, and on April 11 KIDO heard from him about the China situation. SHIGEMITSU disclosed that the actual situation was not developing as satisfactorily as the army claimed. He stressed the necessity for a reorientation of Japan's policy toward China, emphasizing that Chinese independence and sovereignty be recognized and China returned to the Chinese and the two countries work on a cooperative basis. KIDO approved SHIGEMITSU's moderate policy, promising to support it. KIDO thought it may be possible to settle the Affair, which might pave the way for ending the Pacific War itself.

31062 * On May 21, the Chief Aide-de-camp advised KIDO that the fliers who had raided Tokyo on April 18 had been taken prisoner in China and would be court-martialed in Tokyo. As this was a military matter, KIDO expressed no opinion, assuming they would be given a fair trial because the Emperor had previously reprimanded SUGIYAMA when he suggested immediate execution.

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* The Midway Campaign ended in a big failure early in June 1942, and Japan's fleet air force was swept out of existence. It was foreseen it would not be easy to build replacements and the necessity for seizing occasion at the earliest opportunity to save the situation was again brought home to KIDO.

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* At this time there were some in the intellectual classes who thought seriously about the necessity for hastening the return of peace. One of them was YOSHIDA Shigeru, who called on KIDO on 11 June 1942, telling him about a plan to have KONOYE go to Europe and sojourn in Switzerland so as to get in touch with leaders of various countries when opportunity arose. KIDO had no objection to YOSHIDA's basic idea to terminate the war as soon as possible, but told him he would like to think over the propriety of KONOYE's immediate visit to Europe. * YOSHIDA and KIDO pledged to do their bit for an early peace.

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Exhibit 1273, the diary entry of 1 September 1942, revealed the circumstances surrounding the resignation of TOGO from the TOJO Cabinet because TOGO objected to the establishment of the Greater East Asia Ministry. From the rationalistic point of view, KIDO did not dissent from TOGO's opinion but thought that the first thing to be avoided was a change of government for this would reinforce the enemy * and being desirous of evading a great political change, he used his good offices. Abolition of special service agencies in China was one of the purposes of the Greater East Asia Ministry.

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The court martial of American flyers was under the Chief of the General Staff. On 3 October 1942, TOJO told KIDO about the disposition of the American flyers, but KIDO was not told of any "treatment." TOJO told KIDO that he was advised that the death punishment would be inflicted, but that he caused the penalty for most of them to be reduced. At TOJO's request, KIDO reported this to the Throne, pending a report by Chief of Staff SUGIYAMA. KIDO knew nothing of the treatment of the flyers while they were prisoners.

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* The war situation progressed decidedly against Japan and the necessity for terminating hostilities was further driven home to KIDO and on 4 February 1943, he exchanged views with MATSUDAIRA at the request of KONOYE who had repeatedly stressed the necessity for ending the war without delay on the ground that the Communist movement would become recrudescent if the home structure were to be strained. MATSUDAIRA and KIDO shared KONOYE's concern and pledged with KONOYE that they would never miss the opportunity to terminate the war.

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* On 30 March 1943, at an audience with the Emperor, the Emperor expressed concern over the war situation and told KIDO about the necessity for terminating the war without delay. KIDO in reply stated his views on the basis of the talks he had had with KONOYE and MATSUDAIRA. On 20 April 1943, TOJO called on KIDO, telling him he had decided to reconstruct his Cabinet. As a result, SHIGEMITSU was appointed Foreign Minister. In SHIGEMITSU, KIDO found a partner to talk to about his peace moves and from then until the surrender he worked closely with SHIGEMITSU for ending the war.

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* SHIGEMITSU questioned Ambassador Stahmer on the status quo of Germany after Germany's submarine warfare began to lose its power. At this meeting KIDO confided in SHIGEMITSU his idea of peace moves, one part of which was army control through a Prince of the blood. On 14 May KIDO told Prince TAKAMATSU that in case there was a situation requiring peace moves, it would be most difficult to adjust the fighting services' demands and in such a contingency the Prince would be requested to double his efforts. He told TAKAMATSU that no solution would be

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* forthcoming unless a Prince of the blood intervened for the hardest task would be to reconcile the demands of the military with the peace terms. The turn of the year warranted no optimism and KIDO wrote a memorandum on the outlook of the war and a peace plan. On 6

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January 1944, he expressed to Chief Secretary MATSUDAIRA (Exhibit 1276) * that Japan should act on her own judgment in case Germany surrendered unconditionally, that if the so-called ABCD encirclement line was broken, Japan's war aim would have been fulfilled and therefore the Pacific War would be terminated by

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31073 Page making large-scale concessions. The Pacific question should be handled by a joint commission of Japan, the Soviet, China, Britain and America. The area under Japanese occupation should be demilitarized and the smaller Pacific nations be neutralized permanently, and the economic policy be based on liberalism and equal opportunity. KIDO also stated that Japan should devote the coming century to fostering her national resources at home and during this period she should cooperate with the Soviet and China to provide against a general attack (Summarizer's Note: Exhibit 1276 says Japan should cooperate with the Soviet and China against Britain and the U.S.) In other words, Japan should build up a defense to meet the changing circumstances. KIDO therefore arranged all his views and told them to MATSUDAIRA whom he asked to sound various circles about it. When he told the plan to SHIGEMITSU, his opinion was more pessimistic * and he said that unconditional surrender would be unavoidable. As a result, KIDO was silent on this particular plan to government circles.

31074 * The failure in Saipan in June 1944 made KIDO think it extremely dangerous to be led by wishful observations. On June 26, KIDO talked to SHIGEMITSU about the outlook on the war and Japan's foreign policy. SHIGEMITSU and KIDO reached the conclusion that the government had no intention to take action while the fighting services were recklessly pushing the war and there would be almost no chance of success if peace moves were taken on these quarters. If the secret leaked out it would defeat the purpose and the fighting services would stiffen their attitude. *

31075 SHIGEMITSU suggested that the senior statesmen be made to serve the Emperor to strengthen the Court. KIDO replied it would be problematical whether senior statesmen would be able to render such services for they might further stimulate the public who might regard them as Japanese Badoglios. SHIGEMITSU and KIDO reached an agreement that there was no other course but to take action on the strength of Imperial decision, assuming full responsibility for the Imperial Court and Government.

31076 * On June 29, KIDO talked with Chief Secretary MATSUDAIRA and MATSUDAIRA, Tsuneo. At that time, KIDO

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Page thought of peace moves the same as which he later took, aimed at negotiating directly with America by obtaining the Emperor's personal message. Senior statesmen became more active, but on the other hand the meeting of eight generals and admirals was reported. KIDO received visits in July from SHIGEMITSU, KONOYE, State Minister KISHI, and Home Minister ANDO, and he was aware of the strong indications of an imminent political change.

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* On July 3, Chief Secretary MATSUDAIRA told him that OKADA had called on HIRANUMA about the war's outlook. OKADA contended it would be necessary to change the Cabinet, while HIRANUMA held that a memorial be filed by the senior statesmen with the Throne in this connection. The situation became so bad that TOJO decided to reorganize his Cabinet again and he submitted his proposals to KIDO on 17 July. (Exhibit 1277)

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* KIDO made no comment about the policies of the Cabinet, the establishment of the High Command, changing the Navy Minister and strengthening the Liaison Conference. The same day the senior statesmen met and OKADA called on KIDO, reporting the agreement of views reached by them. (Exhibit 1277) * The informal decision of the statesmen was that to find their way through the difficult situation, the popular mind must be renewed and all cooperate to build a powerful national Cabinet. Partial reorganization would not be of any use.

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TOJO failed to enlist the services of ABE and YONAI as Cabinet members, while State Minister KISHI contended that since the Cabinet failed to reconstruct itself through the services of senior statesmen, it should resign.

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On 18 July, TOJO told KIDO he had made up his mind to carry out a Cabinet resignation en bloc. This surprised KIDO as it was so sudden, but KIDO refrained from comment as he thought a Cabinet change would be desirable * but he asked TOJO about his idea on a succeeding Premier. TOJO, apparently dissatisfied over the senior statesmen's attitude, replied that he thought their responsibility for the present change was heavy. They may have already formulated their own plan and therefore he did not express his views.

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After the TOJO Cabinet's resignation, the senior statesmen met the afternoon of 18 July to select a succeeding Premier. At the meeting it was thought necessary to modify the TOJO Cabinet's policy of strong economic policy on one hand and on the other exercise sufficient political ability to grasp the trend of popular sentiments. It might have been suggested to select a Premier from among the civil services but no suitable candidate was found. Since the war was at its bitterest stage, the statesmen agreed to choose a new Premier from among the fighting services * and the choice was to be limited to one in active service. It was agreed that TERAUCHI and KOISO be chosen as the first and second candidates. Both YONAI and HIRANUMA recommended KOISO.

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(Exh. 1278. The diary entry of 18 July 1944, which set forth the Senior Statesmen's Conference, was re-read into the record. This is in evidence at Page 11377.)

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* KOISO, who was in Korea, was summoned and arrived in Tokyo on 20 July 1944. The day before, SUZUKI told KIDO about the political responsibility created by the recommendation of KOISO but KIDO did not retain an exact memory of this talk. (Exh. 1279)

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However, he referred * to a considerable fear entertained as to whether it was possible for KOISO to meet the situation successfully. KOISO's recommendation made on the Senior Statesmen's recommendation, aroused fear in political circles as to the possibility of his tiding over the difficult situation. KONOYE was of the opinion that after YONAI joined the Cabinet, he might not only help toward solving the problem of unifying the Supreme Command between the Army and Navy, but also make it possible to establish the national united front. KONOYE told KIDO that HIRANUMA approved his idea. KIDO also approved and requested Chief Secretary MATSUDAIRA to find out the views of the other statesmen and on 20 July MATSUDAIRA reported.

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ABE was the only one who disagreed to a KOISO-YONAI coalition cabinet. When KIDO reported to the Emperor, he approved of the coalition. * Later, the senior statesmen reconvened and KIDO explained the development regarding the coalition,

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Page and all concurred. KIDO later explained the situation to KOISO and KOISO and YONAI received the mandate as Premier and Deputy Premier respectively.

31106 * In addition to the conversation mentioned with SHIGEMITSU on June 26 about peace plans, KIDO had others in July. SHIGEMITSU's retention of the Foreign Affairs' portfolio in the KOISO Cabinet made KIDO reassured. SHIGEMITSU gave serious and earnest thought to mediation between Germany and the Soviet and the sending of envoys. As in 1943, however, Germany refused to pay attention to the question of peace with the Soviet, nor did the Soviet pay attention to it. KIDO remembered hearing from SHIGEMITSU that the Foreign Office received allied protest * concerning treatment of POWs through the Swiss Legation. SHIGEMITSU later assured KIDO that the Foreign Office immediately communicated with the Army, who reported either that the reports were untrue or that efforts were being made to ameliorate the situation. KIDO took it for granted that efforts were really being made. SHIGEMITSU advised that the military were not easy to deal with in regard to this and many other matters and it was necessary to use great tact and diplomacy. It was at the Tribunal that KIDO first heard detailed reports.

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31110 * Early in 1944, when the war situation developed against Japan, many of the intellectuals felt deep concern and KONOYE, HIRANUMA, WAKATSUKI, and OKADA usually met once a month, mainly to exchange views on how to terminate hostilities. OKADA would tell Chief Secretary MATSUDAIRA about the meeting and MATSUDAIRA and KONOYE told KIDO about it.

31111 In January 1945 the war situation in the Philippines became very grave and the Emperor asked KIDO if it was not necessary to seek the Senior Statesmen's views, and KIDO advised him that he should consult the Chiefs of the Army and Navy General Staffs, then members of the Cabinet, and then * an Imperial Council of Senior Statesmen, and the Cabinet should be convened. He told the Emperor that he wished he would observe the transition of the war situation for a few days at any rate.

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* On January 13th the Emperor again referred to a meeting with the Senior Statesmen after observing the situation in the Philippines and FIC. KIDO advised him that he would study these matters. He had been giving the question of how the Emperor could obtain the Senior Statesmen's opinion serious thought for a meeting with them at this time was fraught with danger if the military found out about it.

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* Since the Senior Statesmen shared the Emperor's solicitude, KIDO could not look on with folded arms and had to do something. After consulting Imperial Household Minister, MATSUDAIRA, he made arrangements that the Senior Statesmen be received in audience separately to submit their views to prevent military suspicion.

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* Thereafter, in February, HIRANUMA, HIROTA, KONOYE, WAKATSUKI, OKADA, TOJO and also MAKINO, had audiences with the Emperor to express their views. KIDO had a further talk with SHIGEMITSU about the prospects of the war.

Meanwhile, the KOISO Cabinet was taking moves on Chungking for settling the China Affair, planning to open negotiations directly with Chiang Kai-shek. In early September 1944, the plan was referred to the Supreme Council for Direction of War, which decided on the guiding principle for the purpose, but no tangible result was produced. In March 1945, Premier KOISO sent Colonel YAMAGAYA to China to invite Liao Pin to Japan to open direct negotiations with Chiang. The adverse war situation in the Philippines must have been fully known to Chungking. It was beyond conception that China would make peace separately with Japan without consulting America and Britain. Further, Liao Pin was said not to be fully reliable. In consequence, SHIGEMITSU, SUGIYAMA, YONAI and Chief of Staff UMEZU were opposed to the projected peace moves toward Chungking, but KOISO was very enthusiastic and on April 2, reported to the Throne his plan for peace negotiations with Chungking through Liao Pin. *

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The Emperor referred the matter to the War, Navy and Foreign Affairs Ministers, as a result of which

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Page it was ascertained that the opportunity was not yet ripe and the matter was dropped. To cope with a sudden deterioration of the war situation, KOISO sought his reinstatement in active service and concurrent appointment as War Minister for redoubling his efforts for prosecuting the war, but the plan failed due to Army opposition. This and other reasons were responsible for the collapse of the KOISO Cabinet.

- 31118 * On 4 April 1945, KOISO told KIDO he intended to resign and explained his reasons (Exhibit 1281). At that time, feeling the necessity of taking immediate steps to end the war, KIDO considered this a golden opportunity. He had previously made known to the Chief Aide-de-Camp his intentions in the event of a Cabinet change and to meet with the two Chiefs of Staff and the War and Navy Ministers to find out what the Supreme Command was thinking. When KOISO mentioned he thought an Imperial Headquarters Cabinet should be formed, KIDO seized the opportunity to request permission from the Emperor that he would like to see the Ministers and Staff Chiefs prior to the Senior Statesmen's Conference. (Exhibit 1281)
- 31119 By an Imperial Headquarters Cabinet was meant a Cabinet in which the Premier assumed the power * of the Chiefs of Staff to direct the conduct of the war. KOISO resigned on April 4 and KIDO conferred with Chief of Staff UMEZU, Navy Minister YONAI, War Minister SUGIYAMA, and Navy Chief of Staff OIKAWA (Exhibit 1282).

- 31120 UMEZU did not stress the "need of a special cabinet" but doubted the practicability of a special cabinet. KIDO expressed no opinion. As a result of the conversations, KIDO ascertained that all of them generally opposed a change of the cabinet's character, holding that a clear line of demarcation be drawn between the High Command and the conduct of State affairs by the Government as done in the past. * It was highly problematical whether the adverse war situation would be retrieved even if a new Cabinet was formed under KOISO's conception. Judging by the home situation, the country could not afford to make such a trial. The necessity for a drastic reorientation was driven home to KIDO so he thought it dangerous to practice KOISO's idea. KIDO asked YONAI's opinion about a new Premier and he

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Page approved SUZUKI.

KIDO attended the Conference of Senior Statesmen that day, and they too opposed an Imperial Headquarters Cabinet and it was contended that a man free from any past commitment or a man capable of taking a long range view be selected and that the choice be not necessarily limited to an active general or admiral.

- 31121 * TOJO was the only exception, contending that HATA be chosen on the ground that the war situation had entered a state in which a decisive battle would have to be fought in the Japanese mainland and that the next Premier must be an active general or admiral. KIDO stated that if a decisive battle was to be fought in the mainland, it would be political power behind the gun that counted. Pointing out the Army's extreme unpopularity among the people, he said it would be better to choose a non-Army man, but TOJO would not yield, saying that if this was done, the Army might look the other way (meaning a coup d'etat). KIDO retorted that the nation would look the other way if an Army man was chosen. No conferee touched upon peace moves explicitly, fearing that in view of TOJO's presence, any tactless remark might stimulate the Army to an unscrupulous counter-measure. But all except TOJO had a tacit understanding o. this point. * SUZUKI said he would like to decline the offer as Premier as he had never taken part in politics.

31122 Exhibit 1282 (admitted but not previously read) gave the full proceedings of the Senior Statesmen's Conference on April 5, 1945, attended by KONOYE, HIRANUMA, SUZUKI, HIROTA, KIDO, WAKATSUKI, OKADA and TOJO. After KIDO explained the political change and after passing KOISO's resignation around, TOJO said that the resignation stated that both the state affairs and supreme command required supervision. He asked what the meaning of this statement was, but KIDO said there was no explanation given by KOISO.

- 31123 * TOJO said that frequent changing of Cabinets in war time was deplorable. The next Cabinet should be the final one. There was on one hand the opinion

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Page they should fight to the last, and on the other an opinion to accept unconditional surrender. TOJO thought it necessary to decide on this first.

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OKADA said the new Cabinet should shoulder the destiny of the country and solidly combine the country's total power. War or peace could be determined only at a later stage. HIRANUMA said there was no way out but to fight to the end and that * problem was simple. He was bewildered by the sudden political change. He wished they could have heard the opinions of KOISO and YONAI, but it was too late and he suggested that they carefully discuss the problems presented. KIDO agreed and said it appeared for a time that a total resignation would occur but he had thereafter heard it was changed to a reorganizing policy, and both SUGIYAMA and HATA were to be transferred to C-in-C of General Defense Command and it became necessary to change the War Minister and ANAMI was offered the post.

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* KIDO said that to effect reorganization and then execute a total resignation later would betray the Army and that was why he made up his mind suddenly. OKADA asked how about discussing the total power of concentration and powerful cabinet. HIRANUMA said that formerly the Premier was first decided and that the Premier then recommended the Ministers to the Throne, but this time if the principal Ministers were not decided, the Cabinet would not be powerful.

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TOJO said that if they decided on the Cabinet Ministers, would it not mean that the Emperor would bear the responsibilities after the formation. HIRANUMA replied it would not be right for the Emperor to give orders directly and TOJO said they should avoid having the good and bad of cabinet formation falling back on the Emperor. HIRANUMA said that what he meant to say was that how about deciding it after soliciting opinions a little more. * HIROTA stated they must win by any means. All countries have at one time been on the verge of defeat and have rallied. The next Cabinet should fight through to win the war and he thought KIDO's action in interviewing Army and Navy authorities was appropriate, but perhaps their intentions should be ascertained a little more. KIDO said he had asked them considerably but there were no special opinions expressed.

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31127 HIRANUMA said that KOISO's Cabinet Formation was a failure and he should have consulted them a little more. KIDO agreed and said that in the case of the Lord Keeper, after making a recommendation, he was to keep his mouth shut regarding cabinet formation. * When it did not go well, he was criticized on his responsibility for recommending, and he believed the system ought to be corrected. (The translation of KIDO's last remarks is different in the Exhibit than in the Affidavit.) HIRANUMA said he thought it was unreasonable that the responsibility should be taken by the Lord Keeper alone.

31128 OKADA stated that some said that considerable surplus power still existed, but before amassing the total power,* unity among the leaders was desired, and it was necessary to study whether the previous procedure was right or wrong.

HIRANUMA noted that after a decision was made by them and the Lord Keeper informally reported to the Throne, a situation would develop where he could not interfere.

KONOYE said that although HIRANUMA was right, the problem was not what form it should be carried out, and KIDO said there were many who desired firmer unity among the leaders.

HIRANUMA thought it was better to have closer contact in the organization of the Cabinet and OKADA agreed. SUZUKI thought there was no necessity to limit the scope of the Emperor's summons and he would like to ask the Lord Keeper's opinion. He remembered that SAIONJI sought the advice of Count YAMAMOTO and Admiral TOGO, and asked if after obtaining the Emperor's consent, if they should solicit the views of MAKINO.

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* KIDO said that SUZUKI was right, but the procedure was different now and had been decided upon in accordance with the Emperor's desire, that the conference membership would consist of those enjoying full confidence of the Emperor and it would be impossible to request MAKINO's participation now.

HIROTA said that unification in the upper classes was necessary and he thought it would be better

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Page to have such a person as MAKINO participate. He asked that if in the case of Cabinet changes, would the Supreme War Guidance Council continue, and was the Premier's attending Imperial Headquarters permitted only to KOISO or would this continue.

31130 KIDO said that there were opinions that since the Premier attended Imperial Headquarters, the Council was unnecessary. * He thought hereafter the Premier would be able to attend Headquarters. TOJO said the Premier would attend as a participator in the War Council and would witness the manipulation of troops.

31131 * SUZUKI said that although he could understand the case of MAKINO, he would say that only when they included him, the scope would not become obscure.

WAKATSUKI did not understand the purport of the resignation and KONOME said that since the case was so sudden, he had no idea to explain the character of the new cabinet. In regard to TOJO's opinion, it could not be decided while the Supreme Command was not represented. He asked how about limiting the field to military circles and whether it would be from the Army or Navy. TOJO said he did not mean that Premiers should be decided at the meeting but meant it should be submitted to the Emperor for preparation.

WAKATSUKI said the report of the Imperial summons was to have them choose a new Premier and he believed it was against the Imperial will to discuss things which TOJO had mentioned. To discuss whether they should fight to the last or seek peace was not the question for it went too far.

31132 * SUZUKI said that according to WAKATSUKI's opinion, they must fight the war to the end. He, too, thought this problem must be settled first and if the leader of the new cabinet did not possess this will, he thought he was unsuitable. WAKATSUKI said he thought he was requested to state his opinion regarding this but TOJO said it was not so, but was meant to be merely an assumption.

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KIDO said that when the situation was that the homeland was about to be a battle field, there was grave concern for the public did not always cooperate with government measures. The incoming cabinet must place confidence in the people. Lately, anti-militarism tendencies had appeared, and he thought this must be given careful consideration. HIRANUMA said that the basic idea was that imminent subjects should be responsible to the Throne.

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* WAKATSUKI pointed out that twenty years had elapsed since he had been Premier and while he was willing to take responsibilities, he believed he was unsuitable. If HIRANUMA's opinion should be adopted (selecting principal cabinet members beforehand) no one would accept the Premiership for it would thoroughly restrict his activities.

31134

KONOYE said that on the previous occasion, the matter of state affairs and supreme command was also the focus of consideration and for this purpose a military man was thought to be most appropriate. He asked if it would not be better to use the same process. WAKATSUKI noted that he was the one who had before suggested it but the purport of the resignation was different.* KIDO said that KOISO's resignation was but an expression of his opinion and it did not necessarily mean they should stick to it.

HIROTA declared it was better to have either the War or Navy Minister as Chief of the new Cabinet. HIRANUMA said that they must have a person who would fight it out and they could not recommend any peace advocator. He could not voice any opinion if it meant that all they had to do was to appoint a Premier and leave the rest to him. He was strongly opposed for peace and cessation of hostilities.

In the manifestation of whole national strength, influential civilians must be employed.

KIDO said they must have a system whereby the people would follow them.

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* HIRANUMA asked if KIDO meant the Premier must be an active soldier. HIROTA said that difficult situations might arise if the Premier was not a soldier on active service, but that was not always necessary if he was authorized to present himself at Imperial Headquarters.

HIRANUMA said that at least he must be in the first or second reserve, but SUZUKI said the Premier need not always be a soldier. HIRANUMA said that unless the Premier was a soldier, he did not understand war. The premise was that if it was to be fought, it must be fought out.

OKADA said that it seemed that the character of the Premier was distinctive. KONOYE said they could conclude that he must be a soldier in the first or second reserve who would fight it out.

31136 * HIRANUMA hoped no one would say it was improper as WAKATSUKI had said.

WAKATSUKI said he feared he might say something thoughtless. The question was not of the man who would fight it out to final victory. If they proposed peace, it would lead to unconditional surrender. HIRANUMA thought they needed an Army or Navy man but not necessarily one in active service.

WAKATSUKI said the fundamental principle had been clarified but how about its application, and HIRANUMA asked for KONOYE's opinion. KONOYE said a person that had no connection hitherto should be recommended and HIRANUMA added that he must also be one who could be relied upon by the people.

WAKATSUKI noted that on the previous occasion it was decided to name a man from the Army. Today it could be either from the Army or Navy and he asked OKADA's opinion. OKADA merely said that a competent man could be selected.

31137 * When WAKATSUKI asked if KIDO approved this measure, KIDO said yes. He wanted all to state their unreserved opinions.

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* SUZUKI asked how it would be if the previous Senior Statesmen made an effort. The resolution to die fighting for the Emperor was necessary. Since the Premier must be physically strong, he suggested KONOYE. After that, all would try, and how about the four trying first. He had heard that HARA had also made this suggestion. KONOYE said that it differed from the aforementioned fundamental principle. HIRANUMA said the candidate should be a military man and he agreed with KONOYE that the new Premier should be one with no previous connections. With the purport of winning the people's confidence, he wished to have Admiral SUZUKI accept the Premiership, and asked if they should appoint him after consulting them. He thought it was proper to have him appointed by submitting the Ministerial Scroll to the Emperor without consulting him, and KONOYE and WAKATSUKI agreed. *

31139

SUZUKI said that he believed that for soldiers to meddle in politics was to ruin the country. As a matter of principle, he was prevented from entering politics. Moreover, his hearing was bad and he begged to decline. HIRANUMA said that a man without involvement was desirable, and that while SUZUKI was a soldier, he enjoyed the Emperor's deepest trust as a civil official. The nation believed he had no involvements and he was a man of loyalty.

TOJO said that SUZUKI's attitude was fine. The enemy was getting bold and was likely to attempt a landing and home defense would become vital. Here the Army must be considered as the principal body, and they must have an active soldier, and he believed HATA would be suitable.

HIROTA thought a central figure in the armed services should take the post. That had been his wish always. Anyone who could control both the Army and Navy would do.

After KIDO asked OKADA's views, OKADA said he could not state it, because he knew nobody. HIROTA said that at this grave time, State Ministers should be appointed by Imperial order, meaning designation by name. He doubted if it was a procedure suited to

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Page the consent and believed it proper for the Emperor to make direct appointments without consultation with the persons concerned.

31141 * There was no need of having the consent of the person. WAKATSUKI asked if he meant they shouldn't accept their private consent, and HIROTA replied he didn't mean they must not accept.

KIDO said that since Japanese soil was on the verge of becoming a battle field, strengthening the government had become more necessary and a Cabinet with the people's confidence must be established. He thought TOJO's opinion was plausible and personally hoped to have SUZUKI rise to the occasion.

31142 TOJO said that at present when the land was about to be a battle field, they must take special care or else there was a fear that the Army might take an aloof standing. If the Army took an aloof standing, the Cabinet would collapse. KIDO said it would be grave if the Army took an aloof standing and asked if there was any omen or premonition of it. * TOJO said he could not say there was none.

KIDO repeated that anti-militaristic sentiments were quite strong and there were possibilities of having the people take an aloof standing.

OKADA asked what was meant by an "aloof standing" to a person who received the Imperial Command. He wondered whose responsibility was national defense, was it not the Army and Navy. TOJO said that because of that apprehension he had said take care.

WAKATSUKI said if there was such apprehension, it was a serious matter, and believed that so far as the people were concerned, there wasn't any such thing. The Emperor did not attend the meeting outlined in Exhibit 1282. Because SUZUKI had stated he would like to decline the offer, KIDO invited him to the audience chamber, entreating him to accept if he was commanded by the Emperor. KIDO dwelt on the gravity of the war situation,

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Page alluding to the necessity of a volte-face in policy. SUZUKI said he fully understood and said if he was commanded by the Emperor, nothing else would be his mission. KIDO was greatly reassured. SUZUKI accepted the Imperial Mandate after KIDO explained the meeting of the Senior Statesmen to His Majesty and had recommended SUZUKI.

31144 Within a month of the formation of the SUZUKI Cabinet, Germany surrendered. Up to this time, it was thought it would be open to criticism from the point of view of international faith to make peace proposals on the Emperor's part * since Japan had concluded a non-separate-peace treaty with Germany. Now that Germany was gone, KIDO believed it would be desirable for the Emperor to make his mind up at this junction.

31145 * The critical war situation in Okinawa and the bombing attacks in the Japanese Mainland caused great concern to the Emperor, and he asked KIDO if there was any way to retrieve the situation, and KIDO understood that the Emperor also asked SUZUKI the same question. However, the Cabinet took no special measure but events took their own course. On April 21, when the new Foreign Minister TOGO called on him, KIDO had the first of a number of discussions on the peace question, and many called on KIDO to express their views.

31146 * The SUZUKI Cabinet decided to open the Diet early in June. In view of the fact that a strong war sentiment used to be the keynote of previous Diet speeches, KIDO did not think the Diet held at that juncture would have a desirable effect on the outside world as it would hamper peace moves. Prior to the Diet's opening, however, the military petitioned the Emperor for an Imperial Conference in connection with the future direction of war. The military did not mean to terminate hostilities but instead wanted to continue war-like operations to make a bid for a decisive battle on the mainland while admitting difficulty in prosecuting the war. The Imperial Conference was held on June 8 and on that date, KIDO made up his mind and drafted a tentative peace plan to save the situation.

31147 * This draft concluded that it was apparent that the fighting at Okinawa would end adversely to Japan in the very near future. Statistics for national

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Page power revealed that after the latter half of the year they would practically completely lose power to prosecute war. He was not in a position to judge the enemy's future strategy, but judging by the formidable air power displayed, it would not be difficult to make a holocaust throughout the country.

31148 * If his assumption was not grossly mistaken, a keen shortage of food and clothes would appear after the latter half of the year, causing social unrest which might get out of control. He thought Japan was called upon to take a resolute move for restoring peace. It was most certain that it was the enemy's major object to overthrow the so-called gumbatsu or militarists.

31149 * He believed that the orthodox way of opening negotiations would be to propose peace on the part of the fighting services, and then decide on a peace plan and open the negotiation on the part of the government. But it would be almost impossible to do so at this juncture. If they waited for an opportunity to become ripe, it might become possible too late and Japan might share Germany's fate. He believed there would be no other course but to petition for Imperial intervention and take peace moves by ending hostilities in accordance with the following policy.

31150 * Negotiation would be started with the intermediary power in pursuance of the Emperor's personal message. It might be a good idea to open negotiations direct with America and Britain if possible, but more advisable to ask the Soviet to mediate.

The keynote of the Emperor's message would follow that of the Imperial Rescript on the Declaration of War, emphasizing the Emperor's constant concern for peace, etc. If guarantee was obtained that the Pacific be made true to its name, in view of the object of Japan's Declaration of War, Japan would renounce her right of occupation and claim of leadership for the occupied area if only those nations and peoples attained their independence. The armed forces in those areas would be withdrawn at Japan's own initiative.

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* Japan must be prepared to make a pretty heavy armaments reduction. There would be no alternative but to be content with a minimum armament for national defense. He showed this tentative peace plan to Chief Secretary MATSUDAIRA on June 9 and previously had been secretly in touch with KASE of the Foreign Office and MATSUTANI of the War Ministry in connection with peace moves. It was necessary, therefore, to seek their views. The same day he had an audience with the Emperor * reporting on a tentative peace plan and obtained sanction to consult the Premier and War, Navy and Foreign Affairs Minister. The Emperor was greatly satisfied with KIDO's plan and commanded him to set his hand to the plan immediately.

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The Diet was in session, so that the Premier and other Cabinet Ministers were very busy, so he refrained from approaching them. The Diet closed on 13 June 1945 * and he talked with Premier SUZUKI and Navy Minister YONAI. He stressed to YONAI that a survey of the war situation showed no time was to be lost. YONAI entirely agreed but complained that the Premier's real intentions were not yet fully known and therefore he could not launch a peace movement while he was a Cabinet Minister. Pointing out that he had an appointment with Premier SUZUKI later, he assured YONAI he would ascertain the Premier's real intentions and pledged with YONAI to be in closer touch henceforth.

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* He saw SUZUKI that afternoon and asked him how long he thought Japan's fighting power would last. SUZUKI replied that August would see a sharp drop in Japan's fighting potential. Thereupon, KIDO told SUZUKI his idea and the details of his report to the Throne which was approved by the Emperor. KIDO's appeal struck a sympathetic note in SUZUKI who pledged to do his bit. KIDO told him about the interview with YONAI and said YONAI was afraid the Emperor might be vigorous in his sentiment. SUZUKI said he had thought the same of YONAI.

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* On June 15, YONAI told KIDO that he had advised SUZUKI to strengthen his determination and KIDO told YONAI of his own interview with the Premier.

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He also interviewed TOGO and asked him to formulate a definite plan and told him of his own plan which was approved by the Emperor.

31156 In principle, TOGO was not opposed to the plan * but pointed out the vigorous war decision recently adopted at the Imperial Conference, he wondered how to adjust the peace plan without fearing that the Foreign Office would be in a difficult position. KIDO was unaware of the Imperial Conference decision but this impelled him to an extraordinary determination. Assuring TOGO he would do his best to facilitate the Foreign Minister's work, he requested him to formulate a definite peace plan without delay.

31157 On June 18, KIDO asked War Minister ANAMI's approval of the plan. * ANAMI agreed as to the outcome of the Okinawa campaign and the war's outlook, but argued it would be better to take peace moves after dealing the enemy a telling blow in case he undertook landing operations on the mainland.

KIDO replied that the enemy would not hurry to undertake landing operations, but prior to doing so, would make a holocaust, demoralizing the Japanese. When American deployment was completed preliminary to landing operations, their terms would not be easy and Japan would have no other course but to fight to the bitter end, and in such eventuality there would be little hope of safeguarding national polity.

31158 It was with difficulty that KIDO persuaded ANAMI to approve. Although he tried to keep his efforts for peace secret, the Army suspected what he was doing and there was talk that they wanted to * oust KIDO as Lord Keeper, and on June 18, ANAMI spoke to him about this.

31159 * That same day SUZUKI called a meeting of the Supreme Council for Direction of War to discuss terminating hostilities, and SUZUKI told KIDO about the meeting on June 20. The War Minister and Army and Navy Chiefs of Staff expected much of the imminent
31160 battle on the mainland, arguing it would be better * to start peace negotiations on top of military achievements. It was understood, however, that all agreed that efforts be put forth to seize an opportunity for restoring peace. KIDO reported to the Emperor on

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Page what SUZUKI had told him. He suggested the Emperor to summon a Supreme Council for Direction of War and command them to end the war, especially since TOGO felt so apprehensive about the recent decision of the Imperial Conference.

- 31161 * On June 21, after talking with KONOYE on the necessity for an early peace, he also talked to the Emperor, advising him he should state that the previous decision of June 8 should not hamper peace efforts. On June 22, he arranged to call the Council
- 31162 * and they were summoned when the Imperial wishes for terminating the war were conveyed to them.

The same day the Emperor spoke to KIDO on the meeting of the Supreme War Directing Council, saying the basic policy for directing the war had been decided on at a previous council. It was decided that they should study concrete means, unhampered by tradition.

When the Emperor asked for the Premier's opinion, he replied that measures would be taken as the Emperor desired. YONAI said he had the subject in mind at the previous council but that the time was now pressing for its quick realization, and TOGO endorsed YONAI's statement. The Emperor asked Chief of Staff UMEZU his opinion and UMEZU answered that though he had no objection to the plan, great caution must be used to carry it out. Thereupon the Emperor asked if in being too cautious, they might miss the chance. UMEZU answered that they needed promptness.

- 31164 * On June 25, KIDO obtained HIRANUMA's approval of a tentative peace plan. Prior to this, at GOGO's instance, the government opened secret negotiations with the Soviet Ambassador through HIROTA, but no progress was made. The Supreme Council for Direction of War had been studying peace terms but no agreement was reached. KIDO urged SUZUKI and TOGO to hurry up.

On July 3, KIDO asked the Grand Chamberlain to submit his views to the Emperor that it would be proper for the Emperor to urge the Premier to hurry up.

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* On July 7, SUZUKI reported to KIDO that he had just been summoned by the Emperor, who asked him how the negotiation with the Soviet was getting along. The Emperor said it would not do to miss the opportunity of sounding the Soviet's real intentions and asked how about asking her for her mediation and sending a special envoy. It could be seen that the Government was too much engrossed in sounding the Soviet's real intentions with result that the peace negotiation made no progress, but with the Imperial reminder to SUZUKI, the negotiation apparently got underway.

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* The Government referred the question of sending a special envoy to the Soviet Union to the Supreme Council, which decided that KONOYE be sent.

On July 12, after SUZUKI had told KIDO about his audience with the Emperor, regarding sending an envoy to the Soviet, KIDO had another audience with the Emperor, submitting his views on the question as to who should be present at the audience to be granted to KONOYE.

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* Later, the Emperor told KIDO about his audience with KONOYE. The same day, earlier, SUZUKI called on KIDO, telling him that he had talks with the Foreign Minister TOGO about the special envoy to be sent to the Soviet, but he should like to enlist KONOYE's services.

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It would be better for the Emperor to command or ask KONOYE * directly to accept the special mission than to waste time in persuading KONOYE to accept. KIDO told SUZUKI that the Emperor was now so enthusiastic over the matter that he had made up his mind to send his personal message. KIDO had approved this proposal.

31169

When KIDO reported to the Emperor on the matter in advance, the Emperor approved it and decided to summon KONOYE that afternoon and later KIDO suggested that KONOYE be received without anyone being present * but the Emperor remarked that it was formerly established that audiences be granted to those other than State Ministers in the presence of somebody else. In the case of KONOYE, therefore, there would be no necessity for it, and the Emperor took his suggestion.

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Later in the morning, SUZUKI told KIDO about the cable to Ambassador SATO in Moscow regarding dispatch of a special envoy. It was suggested by SHIDEHARA and others to defer the communication of the name of the special envoy and the Imperial message. The Premier expressed a desire that the Emperor seek KONOYE's views on ending the war and asked him to accept the possible offer in the event of a special envoy being sent, thereby reserving some latitude for his choice.

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31171 Later in the day, KIDO informed KONOYE of the progress of affairs, and prior to KONOYE's audience with the Emperor KIDO proceeded to the Throne, reporting on the matter of which SUZUKI had spoke that morning. After KONOYE's audience with the Emperor, he told KIDO that he had said to the Emperor that he had recently heard explanations from Army personnel on the possibility of the execution of the war. The explanations might not be wholly groundless, but Navy explanations suggested the untrustworthiness of Army figures. The public's morale was not high, and the only remaining hope was that the Emperor do something. * Moreover, there were signs showing resentment toward the Emperor, and KONOYE believed it imperative to end the war as early as possible. The Emperor then remarked that he had the intention to send KONOYE to the Soviet as a special envoy, and KONOYE accepted.

After this KIDO saw the Emperor, who told him he had disclosed his opinion to KONOYE, and KONOYE had replied it was necessary to end the war. When the Emperor asked KONOYE if he would go to the Soviet, KONOYE had replied he would do so.

31172 One day before the departure of Stalin and Molotov for the Potsdam conference, the government's instructions reached the Japanese Embassy in Moscow. * No definite reply was received from the Soviet that it would give its reply after Stalin and Molotov's return from Potsdam. Thus, prior to the Soviet reply, the Potsdam Declaration was issued, and KIDO foresaw the peace problem would be difficult.

31173 On August 6 the atomic bomb was dropped at Hiroshima. Japan had been on ti-toe, expecting a Soviet reply, but this was nullified and the Soviet declared war on August 9. That morning KIDO advised the Emperor there was no alternative but to accept the Potsdam Declaration and end the war. * The Emperor commanded KIDO to talk with Premier SUZUKI.

31174 * To SUZUKI, KIDO stressed the necessity for making peace by taking advantage of the Potsdam Declaration, asking him to explain to the Senior Statesmen the situation in advance, for the Emperor wanted to seek their views. SUZUKI left, saying they would like to decide Japan's attitude by holding a meeting of the Supreme Council for Direction of War.

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* Later in the day SUZUKI reported that the Supreme Council discussed acceptance of the Potsdam Declaration on four conditions: 1, Preservation of the Imperial House; 2, Withdrawal of Japanese troops on Japan's own initiative; 3, Those responsible for the war to be dealt with by the Japanese Government; 4, No guaranteed occupation to be carried out. (Exhibit 1283).

31176

* Later, TAKAMATSU expressed fear that a conditional acceptance might be regarded as a refusal, and KIDO reported TAKAMATSU's apprehension to the Emperor. The same afternoon SHIGEMITSU urged KIDO to act tactfully, contending the peace negotiation was sure to break down if Japan submitted the four conditions. That evening KIDO had further audiences with the Emperor. At this time the Cabinet, being unable to arrive at a decision to accept the Potsdam Declaration on the sole condition of preservation of the Imperial House, decided to submit it to the Emperor for decision.

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* Premier SUZUKI told the Emperor to hold an Imperial Conference and permit Privy Council President HIRANUMA to attend. This Council was held from 11.50 p.m. August 9 to 2.20 a. m. August 10, when it was decided to accept the Potsdam Declaration on the sole condition of re-affirmation of the Emperor's sovereignty and the Imperial House, the draft plan prepared by Foreign Minister TOGO.

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* At the close of the Imperial Conference, KIDO heard from the Emperor the Imperial decision, which stated that the Army vigorously advocated the necessity for a decisive battle on the homeland, but beach fortifications were not completed nor army equipment complete, nor was aircraft production going on smoothly. Such being the case, how could they win the war?

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The Emperor could not bear the sight of their loyal troops being disarmed, or those responsible for the war being punished, but he did think it was time to bear the unbearable, * and approved the draft plan. In the afternoon the Senior Statesmen, HIRANUMA, WAKATSUKI, OKADA, KONOYE, HIROTA, TOJO, and KOISO, were received in audience by the Emperor, and KIDO also attended. * That evening KONOYE told KIDO he was disturbed by the proclamation of War Minister ANAMI.

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31181 On August 10, atomic bombs were dropped on Nagasaki. This, together with the Soviet entry into the war, shocked the nation and imparted a powerful stimulus to moves and counter moves between the peace and war parties. KIDO foresaw the difficulties, and thought there was no course but to broadcast an Imperial Rescript terminating the war, and consulted Imperial Household Minister ISHIWATA, who approved the proposal. * KIDO then petitioned the Emperor to approve the proposal, and the Emperor assured him he would broadcast the message in time.

31182 On the afternoon of August 10, KIDO again called on ISHIWATA and discussed preparations for the broadcast. No reply was received from the Allies on August 11. Meanwhile, Marquis TOKUGAWA sent KIDO a letter emphasizing the country could not be saved except by a revolution carried out with the Imperial standard unfurled. * In the afternoon KIDO called ISHIWATA, suggesting that the Emperor broadcast the Imperial Rescript terminating the War, and he also submitted his views to the Emperor. Later, KIDO again called on ISHIWATA, telling him the Emperor would be ready to broadcast his message at any time. * Afterwards, the Chief of the Metropolitan Police and Premier SUZUKI talked with KIDO.

31184 On August 12, the Allied reply was received, and Foreign Minister TOGO submitted it to the Throne. After the audience, TOGO anxiously told KIDO that opposition to a reference in the Allied reply as to the free will of the people might raise its head on Japanese anxious to guard the national polity. KIDO asked TOGO the Foreign Office's interpretation of the paragraph, and TOGO said they saw nothing objectionable. KIDO thought it would not do to let their moves be swayed by the opinions of individuals, and they must abide by the interpretation of the responsible authorities. Not only the paragraph in question became a serious issue, but also the military stiffened since the Allied reply was received. On the afternoon of August 12, HIRANUMA expressed his opposition to the paragraph, * and KIDO replied that it would be better to trust the Foreign Office authorities. At 6.30 p.m. TOGO again called on KIDO and KIDO was surprised to learn that SUZUKI, too, approved HIRANUMA's opinion and felt uneasy about concluding the peace negotiation. Should the negotiation break down, KIDO thought Japan would have to face a situation far worse than if she had gone on fighting to the end. He felt called upon to do everything to make the government proceed toward the peace goal.

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31186 At 9.30 p. m. SUZUKI told KIDO of the consultations he had had and seemed much annoyed by those jealous * of safeguarding national polity. On the basis of his careful study, TOGO assured that there was nothing objectionable in the paragraph in question. SUZUKI therefore thought that there would be no alternative but to trust their interpretation. Should the Potsdam Declaration be refused and the war continued, there would be further sacrifices. Even if a disturbance occurred through acceptance of the declaration, they should have only to throw away their lives. Without hesitation, SUZUKI said, they should carry out the policy to accept the Potsdam Declaration.

31187 KIDO was greatly reassured at SUZUKI's reply. The High Command began to stiffen its attitude, and difficulty was experienced in opening a meeting of the Supreme Council for Direction of War. * The same afternoon the Emperor summoned the princes of the blood, asking them to unite solidly and assist him, and they agreed to do so.

31188 * Early on the morning of August 13, War Minister ANAMA called on KIDO, contending that paragraph 4 of the Allied reply could not be accepted as it was, or Japan would be ruined, and safeguarding the national polity would be impossible. KIDO replied that according to the Foreign Office interpretation, there was nothing objectionable in the paragraph, and as for the other parts of the Allied reply they were inevitable in view of the circumstances. If Japan refused to accept, there would be no valid reason for her doing so and the Allies would find it impossible to understand why Japan changed her attitude. Not only the Allies, but the whole world would criticize the Emperor. They must act in pursuance of the Imperial decision and accept the Allied reply.

31189 * They reached no agreement of views, although they agreed on the necessity of safeguarding the national policy. A meeting of the Supreme Council was not held on August 13 in spite of SUZUKI's extraordinary efforts. This delay stimulated the Allies, who speculated that Japan might eventually refuse to accept.

31190 On the morning of August 14, KIDO learned that aircraft were dropping handbills containing the Allied reply throughout the country. He saw that if Japanese troops saw the handbills they would feel indignant. Therefore, KIDO went to the Emperor and submitted his views, urging him to command the government to go through formalities * for ending the war. The Emperor had identical views.

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KIDO asked Premier SUZUKI the progress of the peace plan, and was told that the High Command did not yet approve of the convocation of the Supreme Council. The Army contended that it be convoked after 1 p. m., but the Navy did not even manifest its attitude on the question. KIDO stressed to SUZUKI that there was no alternative but to petition the Emperor not only to convoke a joint Imperial Conference of the Cabinet Ministers and Members of the Supreme Council, but to command the termination of the war and drafting an Imperial Rescript ending it. SUZUKI approved KIDO's proposals, and KIDO jointly petitioned for an Imperial audience with SUZUKI. * At the audience, SUZUKI reported on the day's happenings, and petitioned him to convoke an Imperial Conference. It was convoked for 10.30 a. m., but not under way about 11 a. m., when it was finally decided to terminate the Pacific War.

31191

Following the joint conference, the government pushed preparations for ending the war, which were submitted by the Premier to the Emperor at 8.30 p. m., and obtained Imperial sanction. Then, preliminary to the broadcast of the Rescript, the Emperor had the message recorded on a phonograph disc.

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The policy of terminating the war was thus decided upon, but whether it would be carried out without hitch caused apprehension, for the Army's attitude was the most important factor. KIDO conferred with the Grand Chamberlain and the Chief Aide-de-Camp, and it was decided, if necessary, to petition the Emperor to issue a precept to the Army and Navy, and KIDO requested the Chief Aide to ascertain the attitude of the fighting services ministers. In reply, the Aide said the ministers did not see any necessity for such a step.

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* On the evening of August 14, KONOYE reported that he heard the Imperial Guard Division was rebellious, but KIDO doubted this. When KIDO later met SUZUKI, SUZUKI replied that he did not hear such a rumor.

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* During the night, KIDO found that the rumor about the rebellion in the Guard Division was true, and that the Division had cut off the communications of the Imperial Household Department, and that the Imperial library was surrounded. KIDO sensed it was a very serious situation, and took refuge in an underground vault with the Imperial Household Minister. Although the Household Department was completely isolated from the outside world, it later

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transpired * that the only direct telephone circuit between the office of the Naval Aide and the Navy Office was left intact, so that communication was maintained and arrangements made.

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* When the adverse turn of the war became known to the people, opinion gained strength among intellectuals that those close to the Throne be strengthened, or the office of Lord Keeper, and some called on KIDO urging its necessity. KIDO understood their deep concern that the Emperor be advised to act wisely, but did not follow their advice, believing that in the worst eventuality Japan would not be saved except by Imperial intervention. To facilitate this, he was convinced it would defeat the purpose if Senior Statesmen were assigned close to the Throne, because Imperial intervention would be misunderstood as machinations of those close to the Throne, and there would be every probability of internal strife being let loose. Therefore, KIDO did not reveal his real intentions except to a very few, and kept his silence. This accounted for various criticisms heaped upon him, but all his trouble * must be regarded as amply rewarded, as there occurred no remarkable confusion after the war.

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In dealing with the delicate situation which he was called upon by his official duty to handle, he was able to do his bit for humanity, as well as for Japan. It was his inward satisfaction that he was instrumental in saving millions from war ravages and sparing the Americans thousands of casualties which would have been caused if Japan had gone on fighting to the bitter end.

31206

He had tried to answer all the evidence which had involved him without any intentional avoidance. With respect to the acts of aggression and conspiracies alleged in the indictment, he was never at any meeting where war plans were formulated. * He never approved or acquiesced in any such events, made no speeches in favor of militarism, signed no laws approving aggression, supported no war preparations nor was a member of any organization favoring it, had nothing to do with the treatment of POWs or civilian prisoners; never participated in or created any political, police, or military organization having for their purposes the alleged crimes charged in the indictment; had no connection with the Kempeitai; never voted for initiating nor continuing the war; had no participation in any premeditated plan for aggressive war; never promoted war propaganda, never fostered or encouraged school military training; had nothing to do with the construction of armaments for war; never advised a single person nor acted as the agent of anyone to accomplish initiation, commencement or waging of warfare. The advice he gave had as its primary object the discouragement of war efforts and the solution of problems by peaceful methods.

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* At no time did he ever converse with any of the other accused or anyone else involving the planning, scheming, and conspiring, as alleged. He met the accused YIMURA, MUTO, DOIHARA, HASHIMOTO, OSHIMA and OKA for the first time in Sugamo. To the best of his recollection, he met HOSHINO in 1941, SHIMADA in October 1941, MINAMI in 1939, TOJO, ARAKI, HATA, ITAGAKI, MATSUI, SATO, and UMEZU in 1938, HIROTA and TOGO in 1936, HIRANUMA in 1934, KOISO and SHIGEMITSU in 1932, SHIRATORI and SUZUKI in 1931, and KAYA in 1925.

31208

KIDO's assumption of office as Chief Secretary to the Lord Keeper in 1930 coincided with the start of a period of upheaval of unprecedented magnitude, which was featured by an advance of army men on the political field and punctuated by a dozen bloody incidents. Believing it would lead Japan to a catastrophic end, he exerted himself to reroute politics into normal channels. During this * period he served close to the Throne, first as Chief Secretary and then as Lord Keeper, except for two years when he was Minister of State. His official duty had nothing to do with politics, but cautioned him against meddling with them. He was not in a position to give free expression to his idea, but did his best to be true to it within the limits of his official duty. His idea was outlined in his advice to the then Lord Keeper, MAKINO, the day after the May 15 Incident. He had been consistent in that idea for the past fifteen years. He risked his life during the February 26 Incident, before, during, and after the resignation of the Third KONOYE Cabinet and during the termination of the war.

31209

The China Affair broke out when he was President of the Bureau of Peerage, and he knew nothing of the circumstances leading up to it. * Four months after it, KONOYE asked him to join his Cabinet, and KIDO accepted, at his request that he would work hard to terminate the China Affair as soon as possible. KIDO worked hard for this, but the war situation expanded and it became impossible to have any clear outlook on the future. The force of circumstances gathered momentum, threatening to plunge Japan into a Pacific war. KIDO could not bring himself to support the new war and was opposed to it from beginning to end, and never supported it in any positive way and trying hard to seize every opportunity to avert it, but the U. S. note of November 26 made him helpless, depriving him of all possible means to save the situation. Subsequent events resulted in the war dogs being unleashed.

7 152 0003 4975

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Para Reference was made to the affidavit where he testified that in February, 1942, after initial Japanese victories, he expressed an opinion regarding the enemy's fighting will, saying despite these victories efforts should be made to make peace as soon as possible. He was asked if he based these expressions on any information received from SHIGEMITSU. * He replied that one of the bases for his opinion was that on hearing SHIGEMITSU report to the Emperor, he was reminded of the tenacious British character, and also became aware of America's fighting will, and in view of their national strength felt they should try to make peace as quickly as possible.

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When asked if SHIGEMITSU continued to express the opinion that substantially unconditional surrender would be unavoidable, KIDO replied that ever since the * occasion mentioned in the affidavit, the war situation developed unfavorably, and every time he met SHIGEMITSU he continued to tell him that in the final analysis they would have to go as far as unconditional surrender.

31224

Reference was made to the affidavit regarding an agreement of views with SHIGEMITSU under which the Lord Keeper would assume full responsibility for the Imperial Court, and the Foreign Minister would assume responsibility for the Government. Also, where he testified that prior to 9 June, 1945, he had been secretly in touch with KASE of the Foreign Office * and MATSUTANI of the War Ministry, in connection with peace feelers. Asked why it was necessary to work with these younger men, he replied that his purpose was that he wished to know through them the ideas and atmosphere in the various offices to which they belonged.

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* He did this after consulting with SHIGEMITSU, for KASE was his private secretary. MATSUTANI was the private secretary to the War Minister. He worked secretly, because in view of the situation, the time was not yet ripe for conducting such movements openly.

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* It was KIDO's understanding that SHIGEMITSU continue to advocate such policies after he became Foreign Minister.

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* The Foreign Office drafted the original formula and the reference in the diary was to alterations in it. The Director of Naval Affairs Bureau was an assistant at the time the original formula was drawn up, but he did not think he took a leading part in drafting it. The Naval Affairs Bureau Director was under the supervision of the Navy Minister.

31239 * DIRECT EXAMINATION BY MR. SAKUMA
 COUNSEL FOR SHIRATORI

31240 Reference was made to the affidavit of the accused, for it stated * that the negotiations for the Tripartite Pact by MATSUOKA were conducted so secretly that even Foreign Office divisional chiefs were not aware of it, with the exception of his diplomatic advisers (T. 30,907). The accused stated he heard this from KONOYE, and asked if KONOYE mentioned SHIRATORI's name as being one of the diplomatic advisers. KIDO replied he did not particularly mention any names.

31242 * DIRECT EXAMINATION BY MR. BROOKS
 COUNSEL FC. KOISO

Reference was made to exhibit 179-F, the diary excerpt of 7 August 1931 from which was quoted that immediately upon arriving at Tokyo, KIDO called on HARADA, learning the facts concerning the latest political conditions and the plot to be carried out by military circles during the middle of last March. It was regrettable that it became very noticeable recently that the army made certain types of plots. The accused stated that these matters were learned from HARADA on that date, but he did not know where HARADA received the information, nor whether it was rumor or hearsay.

31243 Reference was made to the affidavit where HIRANUMA, at a Senior Statesmen's meeting, said there were two phases of the opinion at home in regard to the conclusion of the war, and at that time they must have a person who would fight it out, *and they could not recommend any peace advocator who favored cessation of hostilities (T. 31,134).

31245 The accused stated he did not think HIRANUMA was talking of KOISO then, although KOISO was not particularly considered as a peace advocate. * Reference was made to the affidavit where KIDO said that certain parties were opposed to the projected peace moves toward Chungking (T. 31,115). When asked why they were opposed, he replied that the government or members of High Command opposed the project because there were no prospects of it ever * coming to fruition in the light of the

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existing situation, and because full confidence and trust could not be placed in the one who was to act as mediator. He should have used the words "a part or section of the Government" instead of the word "Government" in this regard.

Where he said in his affidavit that Premier KOISO was very enthusiastic and proceeded to the Palace to report on his plan for direct peace negotiations with China (T. 31,115), the accused, KIDO, was not present but he learned of it later from the Emperor. Asked why KOISO was making direct peace negotiations rather than going through the Foreign Minister, and if it was because he was being opposed, KIDO said he was unfamiliar with such internal matters of government.

- 31247 * KOISO was not reprimanded by the Emperor for taking a direct negotiation to Chungking as far as KIDO knew. Asked if, following the meeting, the Emperor was in favor of it, he replied that the question had
- 31248 not progressed that far, and did not go further because KOISO withdrew the matter and turned in his resignation.

DIRECT EXAMINATION BY MR. USAMI
COUNSEL FOR HIRANUMA

- 31250 * The diary entry of 31 May 1937 was read to the accused, this stating that in the evening the Lord Keeper telephoned KIDO saying he wanted to have a talk with him and that he would proceed to the Palace. KIDO proceeded to the Palace and was informed of the Lord Keeper's interview with Privy Council HIRANUMA. * HIRANUMA wished KONOYE to form his cabinet at any cost and said he would like to urge upon him the necessity of doing so. As for War Minister SUGIYAMA, he thought it would be too much for him. It would be preferable to have Imperial Household Minister MATSUDAIRA as premier because of the international aspect. HIRANUMA also said that it was desirable to appoint MATSUDAIRA as Foreign Minister of the KONOYE cabinet and let him succeed to the premiership should KONOYE become unable to discharge his duty due to ill health. The accused identified the above as an exact description of what happened on 31 May 1937.
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- 31252 * CROSS EXAMINATION BY MR. CUNNINGHAM
COUNSEL FOR OSHIMA

- 31253 Reference was made to the affidavit which set forth the diary entry of 17 December 1938 (T. 30,866). The accused stated that * either UGAKI or KONOYE was Foreign Minister when OSHIMA was appointed for the first time in October 1938, but he did not know for sure. * At the
- 31254 time he made the diary entry, he did not have any exact knowledge that

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KONOYE was Foreign Minister when OSHIMA was appointed ambassador to Germany, and that it was KONOYE that appointed him. He did not ask KONOYE who appointed OSHIMA or make any additional inquiry of him.

31255 He had not seen the telegrams sent to OSHIMA concerning the negotiations up to 17 December 1938, and was unfamiliar with the internal workings going on concerning the negotiations. * When he made the diary entry he had no knowledge that negotiations were in progress in Berlin, because no instructions were sent to OSHIMA since the beginning of November. Asked if he knew KONOYE in his memoirs stated that the telegrams sent by the army and Foreign Minister UGAKI were misleading, and OSHIMA acted on the strength of them, KIDO said he had not seen anything like that in the memoirs.

31256 Reference was made to the affidavit where it was stated that OSHIMA and others intended to conclude an agreement (T. 30,866). Asked if he was aware that the final decision of the international agreement rested with the cabinet, subject to the approval of the Emperor, after the advice of the Privy Council, and never with the Ambassador, the accused stated that as far as procedure was concerned that was so. Asked if when he made the diary entry that they intended to make an agreement, he had these preliminary steps in mind if necessary, * he replied that in making the entry he laid emphasis not on the procedure but the actual political situation. He was aware that protracted negotiations were ended * in August 1939 with no agreement having been entered into. He knew that OSHIMA had been appointed only two months prior to the time he made the diary entry.

31258 * CROSS-EXAMINATION BY DOCTOR KIYOSE

31259 Reference was made to the affidavit where KIDO mentioned he fought against the militarists, and some persons were not included among the militarists mentioned. He was asked whether he had any standards by which he included or excluded persons, and he replied that he was speaking of political conditions as they prevailed and was not attempting to make any definition. When he stated in his affidavit that he struggled with the militarists, this was when the militarists forgot their proper duties and interfered in political affairs (T. 31,207-8). If a person not in the armed forces interefered in politics or if militarists were concerned with matters proper to their province there was no struggle. He did not struggle against persons making efforts to control the young officers. Asked if he struggled against the War Minister or persons assisting him when they carried out government policies, he replied that there was no need to fight against any recommendation founded on an established state policy. Reminded that he had

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entered the first KONOYE cabinet to assist KONOYE at KONOYE's request in bringing the China Incident to a conclusion in 1937, with reference to the conclusion of the Incident, he remembered that the government issued a statement on 3 November 1938, after a cabinet decision. The accused was handed a document and from it was quoted to him a statement that the establishment of a new order in East Asia was in complete conformity with the spirit in which the Empire was founded, and to achieve this task was an exalted responsibility with which the present generation was entrusted. The carrying out of necessary internal reforms was necessary and with a full development of national strength, it should be fulfilled at all costs. Asked if he participated in the issuance of this statement, he said that this was decided by the cabinet and that he was present.

31261 Asked if this was the first instance in which the construction
of a new order was first mentioned in an official document, * he replied
31262 that the question was not clear. The underlying concept at that time was
to bring about unity among Japan, Manchukuo, and China. * He did not
consider that the participation of the war and navy ministers in carrying
out this policy was meddling in politics. When various departments dis-
charged their assigned duties, the carrying out of these could not be con-
sidered participating in politics. The war and navy ministers were per-
mitted to participate in the decision of state policies. If the war and
navy ministers made efforts for establishing a new order as state minis-
ters, they would not be outside their jurisdiction.

31263 * In 1940 KIDO approved the emergence of KONOYE as premier in
his second cabinet. Regarding the decisions of that cabinet, concerning
the outline of Japan's basic national policy and of the policy concerning
the change in the international situation, in July 1940 he heard that
31264 these policies were decided, but had not heard their contents. * Deci-
sions concerning policies made at the liaison conference were not trans-
mitted to the Lord Keeper every time. He did not collect all information
concerning cabinet decisions as well as the liaison conference decision
when he was Chief Secretary to the Lord Keeper. He did not recall the
outline of Japan's basic policy, the decision of the KONOYE cabinet,
although at that time he was Lord Keeper. Asked if as Lord Keeper it was
his responsibility to the Throne to be aware of this most important
31265 policy, * he thought he knew of it at the time but had no present re-
collection.

31266 * It was part of the duty of responsible state ministers to carry
out these policies. Reference was made to the affidavit where he re-
ferred to a letter sent to Lord Keeper MAKINO the day after the May 15
incident in which he submitted measures to deal with the incident
(T. 30,780). Asked how the Lord Keeper was in a position to carry out

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- Page such political measures, the accused replied that this was a time when an unusual incident broke out and the cabinet collapsed, and this was submitted as advice with reference to the policies the next cabinet should undertake. This was within the Lord Keeper's authority.
- 31266 * Asked if it was not true that in decisions concerning the cabinet formation that SAIONJI rather than the Lord Keeper was consulted, he replied that the inquiry was addressed to SAIONJI but also was
- 31267 addressed by the Throne to the Lord Keeper, whereupon the Lord Keeper would request that the inquiry be referred to SAIONJI. The Lord Keeper consulted SAIONJI and thus had opportunity to give advice in connection with the existing situation. KIDO's collection of information was in preparation for this and he gave due attention to political developments at all times. Asked why it was necessary to do so, he said because it
- 31268 was necessary * for the Lord Keeper to be well informed. KIDO as Chief Secretary had no staff nor did the Lord Keeper.
- 31269 * Reference was made to the affidavit which reported a request made by TOJO that he should be appointed a full general (T. 31,026-7), and the accused was asked whether Prince KANIN was asked merely to tender a memorial to the Throne. KIDO stated that TOJO requested KANIN to submit a memorial.
- 31271 * Reference was made to the affidavit on the subject of the resignation of the KOISO cabinet, and a senior statesmen's meeting concerning the next premier. In it TOJO was quoted as saying, at the present when Japan was about to become a battlefield, they must take special care or there was a fear that the army might take an aloof standing.
- 31272 * There were possibilities of the people taking an aloof standing and OKADA asked what was meant by "taking an aloof standing" to a person who had received the Imperial Command, (T 31,141).
- 31273 Asked if the words "aloof standing" have included the meaning "coup d'etat", he replied that there was no such meaning, he did not know in what sense OKADA used the words. Reference was made to the affidavit where he stated that the Kwantung Army might look the other way, meaning coup d'etat. Asked if that was the correct interpretation of the word "soppo" or "take an aloof standing", he replied that it reflected his feeling at the time. What he meant there was "looking the other way", or as translated "taking an aloof standing", and what he meant was that those taking an aloof standing included elements which might possibly undertake a coup d'etat. He made that interpretation because of the current circumstances.

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* DIRECT EXAMINATION BY MR. YAMADA
Counsel for ITAGAKI

Asked if he included among the militarists who consistently sug-
gled ITAGAKI, the accused replied that it was his impression at the time of
the Manchurian Incident that the term militarists included ITAGAKI and
others concerned with the incident. Asked if he included ITAGAKI among the
militarists at present, he replied that the war was over and he had not
specially thought of it at all. Asked if he meant to say that he thought
so at the time of the Manchurian Incident, he stated that when he and
others of like mind spoke of militarists or military cliques, they were
not specifying particular individuals but speaking of certain moving in-
fluences.

31277 Reference was made to the affidavit where he stated that on 23
June 1931 HARADA conveyed information to him about a plot on the part of
military officers in Manchuria, * and that he learned, as his diary
stated, from HARADA deplorable information concerning a serious scheme
in Manchuria on the part of some military officers (T. 30728). The ac-
cused stated he did not know where HARADA obtained the information and
it might have been information he heard from somewhere else. Reference
was made to the affidavit where it stated that KIDO related the informa-
tion to the Lord Keeper as shown in his diary of 26 June 1931 (T. 30728).
It was pointed out that in his diary entry he said he called on the Lord
Keeper reporting to him the information on a conspiracy in China con-
trived by the military in with adventurers.

31278 * In reference to this information KIDO said he had no recollec-
tion if included in it was any reference to the Kwantung Army or ITAGAKI
and did not know whether that was done. Reference was made to the affi-
davit where he stated that, as shown in his diary for 23 September 1931,
that he asked HAYASHI to explain the incident and when HAYASHI did not
clarify the truth about the railway blowups, KIDO deplored his attitude
(T. 30733-4). When he said HAYASHI failed to explain how the incident
occurred, he meant HAYASHI did not give a satisfactory explanation.

31279 * He learned later that Colonel ANDO had gone to Mukden to carry
out an investigation. The accused was reminded of the testimony of the
witness, OYAMA, that he carried out the investigation on the 24th.
Asked if that might not be the reason for HAYASHI's insufficient explana-
tion, KIDO replied that that might have been the case. Reference was made
to the affidavit where it was stated that there was an idea developing
among the militarists to establish a new regime in Manchuria, and that
when he heard this from HAYASHI he thought it regrettable (T. 30738-9).
He thought the HAYASHI referred to was Major General HAYASHI, Chief of
the Bureau of Maintenance.

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31280. * When he referred to the idea developing to establish a new regime, he thought that the opinion was growing that Chang Hsueh-liang's administration was a bad one, was included, but this did not come from a very clear knowledge of KIDO's. Reference was made to the affidavit where it stated that KIDO seeing the condition of the Manchurian Army, he would like to suggest that under the circumstances in which staff officers, such as ITAGAKI and ISHIHARA, were exercising full power and carrying out maneuvers worked out by them, it was necessary to send a Foreign Office official like SHIRATORI, and have him negotiate with them, apart from their respective official positions connected with the war and try to come to a mutual understanding.
- 31281 * It was important to have reasonable restrictions placed on military activities (T. 30,746). Asked where this information came from, he replied that then he received information from various sources such as HARADA, KONOYE, and news reporters.
- 31282 * When he saw HONJO, he did not hear anything especially in the nature of ITAGAKI and ISHIHARA exercising full powers, but HONJO did say that ITAGAKI had loyally helped him in the performance of his duties, and there was no special reference to insubordination.
- 31283 * Reference was made to the affidavit where it stated that having been saddled with the Manchurian Incident, the government, early in 1932, was faced with the problem of further army intrigues and establishing some form of government in Manchuria. KIDO was opposed to this plan and when ITAGAKI delivered a lecture on the new state, KIDO was astonished to find such a wide difference between his ideas and theirs. Concerning the establishment of an independent government in Manchuria, KIDO obtained this information from ITAGAKI's lecture. He thought ITAGAKI reported on
- 31284 the true situation * concerning the new state and General HONJO's views and opinions. Asked what he meant by his statement that he was astonished to find such a difference between their ideas and his, he stated that he was very astonished to hear that a new state was going to be created and Japanese were going to be naturalized citizens of the new state.

Reference was made to the affidavit where it stated that on the morning of 30 May 1935 he was shocked to read in the newspaper that Japanese forces in North China had made an important proposal to the Chinese and that fortunately the incident did not later develop and was settled by the efforts of UMEZU (T. 30,800).

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31285 The accused stated that at this time UMEZU was Commander of the forces in North China, * but was not under the command of the Kwantung Army, for the North China Garrison and the Kwantung Army were independent. The accused was read a part of his affidavit that he feared that certain groups of rightists, extremists, and army officers opposed to settling the incident would create disturbances if peace was established with China (T. 30,856). The accused stated that he knew ITAGAKI had no connection with these groups opposed to the settlement of the incident. Reference was made to the affidavit wherein it was stated that opinion was gaining even in a section of the General Staff that the China Affair should be terminated even by negotiating with Chiang Kai-shek, if necessary (T. 30,858).
31286 Asked if he was aware that ITAGAKI from the first * was in favor of negotiations with Chiang Kai-shek, KIDO replied that he had mentioned in his diary that ITAGAKI had at first hesitated but in the end agreed.

Reference was made to the affidavit wherein it was stated that the HIRANUMA cabinet referred the question to the Five-Minister Conference, which, after meeting seventy times, failed to reach an identity of views, due to the navy's stout opposition to the projected alliance with Germany, which the army zealously advocated (T. 30,871).

31287 Asked if the deadlock was due to the fact that Germany would not make any compromise, and if the difference between the army and navy were not in existence before instructions were sent to the ambassadors in the field, KIDO replied he was not familiar with such details * as he did not attend the Prime Minister's Conference and he did not know what kind of things occurred or how things developed.

31288 * Reference was made to the affidavit where it was stated that a cabinet council was held at 10:30, after which KIDO consulted with ITAGAKI on this matter and they agreed to exert their efforts to tide over the situation, (T. 30,874). The accused was reminded that he had written he feared a coup d' etat should the army and navy come into direct opposition. The accused stated that in the passage just read he was referring to this problem. As to efforts to tide over the situation, the army became irritated because the problem did not resolve itself, and the Superintendent of the Metropolitan Police reported on the matter to KIDO. Thereupon KIDO met War Minister ITAGAKI and prevailed upon him to bring about cooperation between the army and navy to prevent any undesirable
31289 influence * on the preservation of law and order within Japan, and ITAGAKI also made efforts to prevent the occurrence of such a question.

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To the accused was quoted a part of his affidavit where he stated that on 22 July 1939 the cabinet adopted a statement for submission to the Japanese-British Conference, which was expected to lead to the settlement of the China Affair, so far as Britain was concerned, and this opposed by the army, which was also spreading propaganda in its efforts to obtain public support for the Tripartite Pact.

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* Asked if it was not as a result of ITAGAKI's approval and support that the Japanese-British Conference came to be held in Tokyo, KIDO replied yes, but added that ITAGAKI approved the conference, but the conference was held as a result of a request by the Foreign Minister. When he said this was opposed by the army, he was not saying that ITAGAKI was the army or that he was opposing it. At that time there were various oppositions from various army sections.

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* Reference was made to the affidavit where it was stated in the diary entry of 4 August 1939 that it was rumored that the army and navy still disagreed on the problem of the German alliance and the army became impatient and planned to lead the cabinet to resignation en bloc by having the War Minister resign, proclaim martial law, and establish a military government (T. 30,881).

Asked if ITAGAKI was told of this rumor, KIDO replied that he had spoken to him about it, but ITAGAKI stressed that the rumors were without foundation, but no talk was conducted with regard to control measures. ITAGAKI did say something to the effect that there would be no untoward incident and KIDO should set his mind at rest.

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* CROSS EXAMINATION BY MR. KEENAN

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The accused stated he had knowledge of the English language but it was insufficient, but was able to converse in English outside of court proceedings. He had no confidence of his being able to compare an English translation with the Japanese original to determine accuracy of expression. In the criticisms of the correctness of the translations, he had received the assistance of both * Japanese and American counsel. From early boyhood he had a standing friendship with KONOYE, and HARAHI.

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* Up until 1930 the accused stated that he had been in government service and had no connection with political matters, but he had made a study of political science at college and was very interested in the government. In late October 1930 he was appointed Chief Secretary to the Lord Keeper but was not necessarily due to the position of his family for he was recommended by KONOYE and others, in which job as Chief Secretary

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he was required to assemble information and report it to the Lord Keeper, MAKINO, who himself did not meet very many people. It could not be said that KIDO was necessarily the chief source for information. In October 1931 KIDO was concurrently secretary to the Imperial Household Ministry and he was engaged * in that work and was a mere novice at matters political when he became Chief Secretary.

31297 Asked that if within two years' time he was giving advice as to whether the Genro should come to Tokyo at a crisis in Japan's history, on 22 September 1931, he replied that he had had consultations on that matter and had occasion to report the results to the Lord Keeper. He had consultations and merely talked the matter over with the Lord Keeper but what he did after that, the accused did not hear. * Although he had occasion to have consultations with reference to the Manchurian incident about 22 September 1931, and remembered that he went to HARADA's on the night of that date, meeting with KONOYE, SAKAI, OKABE, and TAKAGI (Exh. 179 I). The KONOYE mentioned was Prince KONOYE and KIDO thought at that time he was vice-president of the House of Peers, which position did not carry very heavy duties in the political world. The SAKAI mentioned was Count SAKAI who had no connection with the government and the OKABE was Vicount OKABE. By TAKAGI, he referred to Baron TAKAGI, and he and OKADA were both members of the House of Peers. KIDO stated he discussed and studied various things with them.

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31299 Reference was made to the diary entry that the army was so determined in its positive policy toward Manchuria that orders given by the central authorities might not be carried out. The accused said he thought he got that information from HARADA. KONOYE at that time had no part in government except as a member of the House of Peers. * Asked if he meant by the statement that the army was strongly determined that the central authorities' orders might not be carried out, that mutiny was in the offing, he said not so, that the reference was made to the Kwantung Army and the fear was entertained that central authorities' orders may not be carried out thoroughly by them. When it was pointed out that he didn't use the word "thoroughly" in the diary, he replied that he didn't remember the exact words used but was now stating his feelings in his own words.

The accused was reminded that shortly before when he was asked if he included ITAGAKI among the rightists or militarists against whom he fought, he had replied that it was his impression at the time of the Manchurian incident that the militarists included ITAGAKI and others concerned with the incident, and that when asked if he felt the same today he had answered that today the war was over and he had not especially

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- 31300 thought of that at all (T. 31,276). The accused stated that when he had testified that he hadn't thought much about these things after the war, * he meant what he said. Asked if he thought his memory of events was more or less active at the time of the entry, or if he could give a more accurate story of those events now, he replied he should think his memory at the time of making the entries was accurate.
- 31301 * The accused stated he recalled the question asked whether ITAGAKI was among the rightists or militarists against whom KIDO fought consistently and his answer that it was his impression of the Manchurian Incident that the militarists included the accused ITAGAKI. As to the question following that where it was asked if he had the same view today as he had at the time of the Manchurian affair about ITAGAKI, he stated that if such were the purport of the question there might have been some misapprehension on his part. His understanding on the question was what was ITAGAKI thinking now, to which he replied he didn't know what was in his mind now. He thought the question was what kind of ideas would ITAGAKI entertain now.
- 31302 * The accused recalled his diary entry of 22 September 1931 (Exh. 179-I) that in it the meeting with HARADA, KONOYE, SAKAI, OKABE, and TAKAGI, he had also written that the army was reported to have construed to be indignant that the Emperor's opinion had been induced by his personal attendants, and that in view of such circumstances it was decided among those gathered that the Emperor had better not say anything further about the Manchurian policy, unless it was necessitated to do so.
- 31303 * Asked if it was not true that within ten months of the period he became Chief Secretary he was joining in giving the Emperor advice as to the policy he was to take on one of the most important matters in Japanese history, the accused replied not necessarily so. The gathering was purely private and the discussions did not involve important questions such as submitting advice to the Emperor, and he merely told the Lord Keeper that those who had gathered there entertained such ideas and this information was sent to the Lord Keeper for his information.
- Asked if the reason was that the army was opposing the government policy of restricting the invasion of Manchuria to the personal advisers of the Emperor, that is curbing the army's aggressiveness, was it not true that feeling it was dangerous for those around the Emperor he felt it would be wise for the Emperor to keep out of the Manchurian situation to save their own skins, the accused replied such an atmosphere seemed to exist in the army and if left not dealt with it might be a

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disturbing incident in Tokyo, and in handling such a situation tact was necessary.

31305 * Asked if he was dealing with a rather rough crowd, he stated he was not dealing with them directly, but it appeared from time to time they were coming around the fringes of the Lord Keeper and nobility. Asked if they came near enough that in that conference they decided it wasn't safe for the Genro to come to Tokyo, he replied that SAIONJI's life was in danger, their decision was that he should not come to Tokyo unless it was vitally important. His life was in danger from the people who employed force.

31306 Asked if he had described about that time that the Emperor him-
31307 self was in danger, he stated he had not used such phraseology in his affidavit. *They didn't think the Emperor himself was exposed to danger. * He would see that the Lord Keeper got the advice from these unofficial advisors, that the Emperor should keep out of the Manchurian situation, or say anything further about it. He had no recollection as to any such idea on that point.

31308 The Premier was the most important figure in the government aside from the Emperor and if there was a small epidemic of assassinations or murders on the way and it reached to the Premier, it was as serious a situation as the country could face in a constitutional way. Asked if the Emperor could have done anything about it, he replied that at that time * the best means was to encourage the Premier and bolster his morale.

He had written in his affidavit that he was indignant because Premier WAKATSUKI talked with HARADA about the danger of the situation and KIDO criticized him, saying he was most indignant at WAKATSUKI's unreliable attitude. This was in the diary entry of 19 September 1931 when WAKATSUKI called on HARADA in fear of the strong army attitude and they discussed the impossibility of making the government's principles perfectly understood among the outpost military forces.

31309 * He had agreed that he had testified shortly before that the wisest course to meet this offensive conduct was to uphold the Premier's hand and bolster him. Asked if it was not plain that WAKATSUKI was not seeking help from those around the Emperor and possibly the Emperor himself in making the trip to HARADA, KIDO replied he did not go so far as to solicit the Emperor's help but asked those close to the Emperor if they had any good advice. Asked if that made him indignant, he replied that this was on the day following the outbreak of the incident

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31310 and there were no indications that the government or cabinet held any prolonged session. KIDO resented very much the fact that WAKATSUKI would ask for help immediately * without having threshed out the matter with the cabinet. WAKATSUKI, being president of the Minseito political party, it was KIDO's fear that constitutional government would fall unless the Premier himself took a firm stand when confusion arose and that was why he was indignant.

Asked if it was not apparent that if the Premier didn't watch out, not alone would the cabinet fall, but he himself would fall by an assassin's bullet if he didn't get some strong help, the accused replied he didn't know whether or not he felt that way but KIDO was indignant over the fact that the political parties were weak and powerless. It was not true that he was not indignant that someone was trying to get the Emperor to help on the side of law and order in Japan, and the accused was asked if it was not a fact that from the beginning of his political career until Japan's surrender he consistently opposed any movement by the Emperor in a practical way to bring about law and order and stop lawlessness and violence, he replied yes.

31311 *Asked if he consistently opposed the Emperor exerting force directly to stop this lawlessness, he replied he was not opposed to that.

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* The accused referred to the fact that in response to the question as to whether there was some threat to the safety of the Emperor, he had said that he did not say so. But he wished to correct his answer.

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In his affidavit, he had used the word "the safety" of the Emperor. The word "antai" used in the affidavit had been interpreted into "safety" but the Japanese word "goantai" had a broader meaning. His feeling at that time was that those close to the Emperor might be removed and their position taken over by those * advocating positive ideas, thus creating an uneasy situation for the Emperor. For that reason he was incorrect in his reply to the question because it pertained to the threat to the person of the Emperor.

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Asked if at that time he had apprehension about the physical safety of the Emperor, he stated he did not think of the Army causing direct danger to the person of the Emperor, but his first concern was that if the coup d'etat took place and those close to the Emperor were removed from office and replaced by those activist elements who were advocating positive action, if those men became close to the Emperor, it would repress the Emperor and place him in a difficult position. By repressing the Emperor and placing him in a difficult position, he meant he was extremely anxious lest activist elements * take control and suppress the Emperor. Asked what would be the mechanics of suppressing the Emperor, he stated he meant a person of very positive ideas would take the position of Lord Keeper, giving advice to the Emperor, reflecting positive ideas so that the atmosphere around the Throne would be controlled by those in high office, not only of the Lord Keeper but of the Government itself, so that the Emperor would be prevented from rejecting the advice of those around him.

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* One illustration of repression of the Emperor would be having the wrong man for Lord Keeper, and even the Government itself would be constituted of men with positivist ideas. By activist, he meant elements who would positively carry out certain measures and by positivist, he meant persons entertaining very strong ideas. By rightists, he meant men with very strong ideas who were also of

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nationalistic leanings. * By strong ideas he meant ideas of those who advocated reforms and at that time the atmosphere toward internal reforms was extremely strong. They were not confined merely to advocates of aggression but those elements would be included, and force and aggression would be included among the policies of all of them in different degrees.

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OKAWA, Shumei was an example of a prominent leader in the rightist movement. *

He agreed that the term "coup d'etat" was well understood in all nations and had given it its ordinary meaning which meant

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Page overthrowing the government. A coup d'etat in Japan did not mean overthrowing the Emperor.

- 31321 * Incidents such as the March Incident or October Incident did not aim at that at all, nor did the Feb. 26 Incident. In 1877 there was an Incident where SAIGO intended to eliminate those close to the Throne and various incidents thereafter were not to do anything about the Emperor but remove disloyal subjects close to the Throne. Those who were made objects of such Incidents were the Grand Chamberlain, the Lord Keeper and the Imperial Household Minister as examples. The Grand Chamberlain had nothing to do with politics * but Grand Chamberlain Suzuki at that time was looked upon as having had connections with the London Naval Conference and during Feb. 26 Incident he was attacked and seriously wounded as a result. The Imperial Household Minister had nothing to do with politics. The Lord Keeper and, during his lifetime, the Genro, could be said to have been concerned with politics in that they gave advice officially to the Emperor. The term "coup d'etat" as he used it had to do merely with doing away with the Lord Keeper and the Genro, but not with the Emperor. * The powers and duty of the Emperor are provided for in the Constitution of Japan, and KIDO's grandfather was one of three who had largely to do with that Constitution. It was one of KIDO's studies at school, as well as law. His predecessor, YUASA, was a profound student of the Constitution but was an official who came from the Home Affairs Ministry.
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- 31324 The Constitution was a compact instrument of 7 chapters and it became effective about the time KIDO was born. * It was a modern instrument with such changes as had occurred during KIDO's life time, but he did not think there was any special change made in the Constitution through tradition. This was the first written Constitution in Japan. There had been various arguments from the outset as to the Constitution's interpretation as to whether it meant what it said.
- 31327 * To the accused was quoted a part of Article 4 of the Constitution, which declared that the Emperor was head of the empire, combining in himself the rights of sovereignty and exercising them according to the provisions of the Constitution, and Article 8, which provided that the Emperor in consequence of urgent necessity to maintain public safety or avert public calamities issued ordinances in the place of law when the Imperial Diet was not sitting.
- 31328 * (Exhibit 68) The accused was asked if regardless of the general powers, there was any question but that the Emperor had and was expected to exercise the powers set forth in Article 8. He answered that Article 8 referred to a time when the Diet was not in session and stipulated that the government might promulgate emergency ordinances when necessary but it did not mean that the

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Page Emperor was authorized to do anything. The Emperor might tell the government how about doing this or that, and the government on receiving such a message studied the matter, drafted it, and it became law as Imperial sanction was given.

Imperial power was restricted in the sense that the Emperor administered governmental affairs with the assistance and advice of State Minister. The wishes or will of the state became complete only with their advice and assistance.

31330 So far as the Emperor was concerned, he might give advice and caution the government, but once the government decided * on a certain policy, it had been consistent for the Emperors since the Meiji Era not to veto any measure. This was the custom which developed after the actual operation and effectuation of the Constitution. If the Cabinet agreed upon war, the Emperor had no power to prevent it. 31331 Asked if * the signing of the Rescript was a mere gesture and intended to cause the people to believe it was the real will of the Emperor and a war which he authorized and believed to be in the best interests of his people, * he replied that at the time of the Pearl Harbor attack, the Government's explanation was that there was no alternative but to rise in arms for the defense of the Empire which was placed in such circumstances where war was unavoidable. 31332

The matter of Imperial Rescript came together and was parallel with the decision for war and was a natural act. These were KIDO's observations at that time and his view and judgment. He was not in favor of the Pacific War; however, inasmuch as the decision had already been made by the government, whatever may 31333 have been his * personal opinions, he had no authority to oppose.

Asked if it was not true that the Emperor had actual power and the duty of becoming informed and acting upon his own judgment in the selection of a Premier, the accused replied that this too was a custom of long standing and in the early days inquiry of the Throne upon such questions was addressed to the Genro and later to the Lord Keeper. When such questions arose, the Lord Keeper consulted the Senior Statesmen and then reported to the Throne and the Emperor used such information as necessary and acted on the basis of it.

31334 * When asked if the Emperor was dependent upon the information he would get chiefly from the Lord Keeper in making his selection of Premier, KIDO replied that the Emperor's instructions to the Lord Keeper was to consult the Senior Statesmen on the selection of a suitable Premier and to recommend a suitable person for the position.

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- 31335 * To the accused was quoted a part of Exhibit 2272, the diary entry of 28 August 1939, which stated that according to KCNOYE, he was visited by General ABE, who told him he had been ordered to organize a new Cabinet, and the Emperor instructed him that (1) either UMEZU or HATA should be appointed War Minister, (2) Diplomatic policy should follow the line of cooperation with Britain and the U.S., (3) discretion must be used in choosing the Justice Ministers as the maintenance of public order was of supreme importance.
- 31336 After thinking over the matter, KIDO expressed his opinion to KCNOYE and KONOYE agreed * that points 2 and 3 could be disposed of at ABE's discretion, but as for the nomination of the War Minister by the Emperor, there was a danger that if left to its own course, it might bring about a clash with military service, so it was advisable that the Emperor summon the War Minister or let the Chief Aide de Camp convey to the Army the Imperial Order given to ABE as to the selection of the War Minister and let the three Army Chiefs recommend the War Minister.
- 31337 KIDO requested KONOYE to convey his opinion to ABE. * After being shown the diary entry, the accused was asked if he was not advising the Emperor on the manner in which he could bring about the selection of the War Minister to be desired. He answered no, not so. He was not holding any public office at the time and it was after he had tendered his resignation. * However, KONOYE had consulted him on how to handle the problem. He agreed that the statement that he requested KONOYE to convey his opinion to ABE appeared in the diary. He regarded it advisable that the matter be conveyed to ABE. It was nothing more than a word of advice to avoid any clash with the Army with regard to the Emperor's method of choosing a War Minister. The accused was asked if it wasn't true that he described the method by which the Emperor could get the War Minister of his choice and he was giving advice on that subject, asking it to be passed on to ABE. He replied that he was asked his opinion by KONOYE and on the basis of his experience gave his views to him.
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- 31339 * The Emperor did recommend the appointment of UMEZU or HATA and got HATA, who was at that time Chief Aide de Camp and it was apparent there was a good deal of personal choice involved. HATA was War Minister in two Cabinets and it appeared that he broke up the YONAI Cabinet because that Cabinet collapsed as a result of HATA's tendering his resignation. At that time KIDO was Lord Keeper and his close friend, KONOYE, became Prime Minister for the second time.

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* Asked if that was one instance where the Emperor was able to get a specific man for War Minister, he replied it was natural that if the Emperor expressed such a desire, and if there were no objections to a particular man by the Cabinet, such a man would be placed in office.

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* Reference was made to the Affidavit where KIDO stated on 17 July 1939 that when KIDO reported to the Emperor, he asked KIDO if he (the Emperor) could give KONOYE some advice and KIDO told him that KONOYE should be especially prudent in the choice of foreign and finance ministers. (T. 30903) Asked if he was stating that when the Emperor wanted to find out whether he could give advice to his Premiers, he asked KIDO first whether he could do so. * He replied that wasn't exactly so. When there was some

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doubt or when the Emperor was unable to make any decision, at such a time he did call upon KIDO for consultation but such acts were very rare. On that occasion he did not want KIDO's permission but wanted suggestions. When the sentence "when he reported to His Majesty, he asked me if he could give KONOYE some advice" was repeated to the accused, he stated that at that time he wrote the words "if he might give", etc.

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* The Emperor did ask him if he could give KONOYE some advice to his incoming Premier. It was not customary for him to ask the accused if he could give advice to his incoming Premier, but such occasions occurred from time to time. Asked if it did not seem strange to him that the Emperor would ask him if he could give advice to his own Premier that he was about to name, he replied that these private talks with the Emperor were not official and consequently he thought it not strange at all to talk with him on various subjects. The Emperor was, however, addressing him in his capacity as Lord Keeper.

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* It was not customary for the Emperor to discuss whom he wanted as one of his Ministers as well as Prime Minister. There was hardly any instance of the Emperor saying anything with regard to the selection of State Minister or giving instructions on whom to appoint. In the case where he virtually selected HATA

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Page as War Minister, there were two candidates, HATA and UMEZU, but he did not issue any direction as to whom the post should be given to.

31347 With reference to his agreeing that the Emperor could speak to KONOYE regarding the selection of the Foreign and Finance Ministers, the meaning of this advice was that in the light of prevailing conditions, special care and prudence should be exercised * in his selection, but there were no directions as to who should be invested.

The Foreign Minister chosen at that time was the late accused MATSUOKA. Asked if he did not consider it of like importance to advise the Premier to be especially prudent in the choice of War Minister, he replied that he did not consider it especially important. The matter was important but he didn't especially mention it.

31348 * He did not know that the last Cabinet had fallen because of the War Minister's actions. Asked if it wasn't more important that the Premier should be careful in his choice of War Minister than of all the rest of the Cabinet put together, he stated that he considered it important but not more important than all the other ministers put together. There had been a long custom with regard to the selection of War Minister. The War Minister was discussed and recommended by the three Army Chiefs and with that formula which had been in effect for a long time, he did not therefore make any specific mention of War Minister at the time. He knew that regardless of the fact that the Big Three had to agree upon the War Minister, there had been a method of the Emperor successfully getting one of his two choices named only a few months before, in August 1939.

31349. * Asked what difference it made who was Foreign or Finance Minister, the foreign policy was not carried out in accordance with the views of the War Minister who could resign and fail to agree upon a successor, causing the whole Cabinet to fall, the accused answered that such occurrences did happen.

Asked what would happen if the Big Three couldn't agree upon the successor to the War Minister, he stated if this happened, there would be no War Minister, but it was only natural to expect that following a discussion of the Big Three, a candidate would be proposed. Asked if in the event they couldn't agree, if it would be the duty of the Emperor to take a hand, he replied that there was no instance of the Big Three submitting the question to the Emperor.

31351 * The accused stated that he knew that when the Second Konoye Cabinet was chosen in July 1940, that international matters were critical and the appointment of the Premier and War Minister

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- Page 31352 was of grave importance. * The YONAI Cabinet was well known to be a Cabinet devoted to peace, but it had no special platform for peace but did have peaceful tendencies. It was opposed to a military alliance with Germany but the YONAI Cabinet through Foreign Minister ARITA was undertaking talks with Germany. Asked if it was at least against the military alliance, he replied that at that time the question of the military alliance did not loom large. But the YONAI Cabinet did not take an attitude of approving any alliance with Germany. However, * the attitude of the Cabinet did not come out outwardly as opposed, but inwardly KIDO generally knew about it. Toward the end of the YONAI Cabinet, relations with Germany approached a state of rapprochement and there were strong contentions that the conclusion of alliance would be going too far and there was a wide divergence of opinion with the Army who was in favor of a military alliance and wanted YONAI out. The technique employed was for the War Minister to refuse to agree to a successor in the YONAI Cabinet.
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- 31354 * KIDO knew that the Emperor had great confidence in YONAI. Asked if he offered any suggestion to the Emperor as to how to get a new War Minister and still keep the YONAI Cabinet by employing the same technique he had suggested to KONOYE in the preceding August, he replied he had not proposed anything to KONOYE in the previous year. Asked if he proposed to KONOYE that he pass on to ABE the suggestion of how the Emperor could get UMEZU or HATA named War Minister, he replied it was after the question arose. He merely gave him his suggestion as to how the matter might be smoothly carried out. Asked if he made any such suggestion to the Emperor for the preservation of the YONAI Cabinet, by solving the problem of how to get a War Minister to take HATA's place and still retain the YONAI Cabinet, he replied no, he did not give any special advice.
- 31355 * KONOYE became the succeeding Premier at that time. Already about a month before there were reports and rumors with regard to a political change and not only in political circles but even among political parties and other quarters, voices were heard that the next Premier should be KONOYE. Asked if he expressed in substance the opinion that KONOYE was the ideal man to succeed YONAI, he stated he did not recall using the word "ideal" but the desire of the political world and the popularity of KONOYE in political circles was extremely great, and therefore he conveyed to the Throne the opinion that KONOYE was the most suitable man to the post. *
- 31361 Asked if he also stated that KONOYE was satisfactory unanimously to the army group, he recalled having spoken to that effect at a gathering of Senior Statesmen. Asked if that was the fact, he said he believed it was because he heard about the attitude and opinion prevailing in Army circles from the Vice Minister of War. At that meeting of the Senior Statesmen, KONOYE's name was proposed by the

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Page former president of the Minseito, Baron WAKATSUKI. Whereas Senior Statesmen meetings usually took four or five hours, this meeting ended in 30 minutes after unanimous agreement in favor of KONOYE.

31362 * Reference was made to the affidavit where it was stated in the diary entry of 13 October 1941 that the situation was so delicate that the Emperor showed concern in discussing with KIDO a Rescript in case he was required to grant sanction to the opening of war and where KIDO then noted that the Prosecution had only quoted the last paragraph of the entry in its Exhibit 1149. Asked why he pointed out in his affidavit that the whole part of the diary entry was not included in the Exhibit, he replied * that he believed it was necessary to explain the situation described in the last paragraph which was the only part introduced but including the previous portion which had not been. It was pointed out to the accused that the sole subject of Exhibit 1149 referred to a visit from the accused SUZUKI to talk about his political views which must have contributed to the making of a new turn in their political condition, and KIDO expressed his opinion to SUZUKI and stated that their conclusion was that the Premier should make an effort to promote mutual understanding with the War and Navy Ministers. The accused stated that that was his meaning. Asked what he referred to by the expression "mutual understanding with the War and Navy Ministers", he stated that the situation was that the War Minister advocated that following the elapse of the first part of October, the September 6 decision should be carried into effect. The Navy Minister, however, left the matter entirely *
31363 to the discretion of the Premier. However, it became understood as discussions went on that Navy Department leaders were opposed to war between Japan and the U.S. This situation was explained by SUZUKI, the President of the Planning Board, and thereupon, KIDO told him that it would be extremely dangerous unless the Premier himself secured understanding between the War and Navy Ministers.
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31365 SUZUKI told him this on the night of 13 October 1941 at about 8 pm. * Asked if this was the first time that the information had been conveyed to him, he stated that on the previous day, Chief Cabinet Secretary TOMITA, reported on what happened at the Ogikubo Conference. Asked if he received notice of the difference between the Army and Navy on the matter of going to war from SUZUKI that night, or whether he knew about it before he stated that it was included in the report received on the 12th on the Ogikubo Conference, he stated he knew that the issue of war or peace and the difference between the Army and Navy existed before SUZUKI saw him on the 13th of October, and he heard of the Conference which took place on the 12th but did not join the Conference. He knew that there had been an Imperial Conference on 6 September 1941 and knew its result. Asked if it was decided then what Japan's action should

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Page be with reference to war against the western powers, he stated that the items decided upon at the Sept. 6th Conference included that war preparations should be concluded by the end of October and Japanese-American negotiations should be continued with every effort toward bringing about an amicable settlement. The third point of the decision was that if there was no possibility of an end to the deadlock and hope of settlement of the issues as a result of the negotiations by early October, then a decision for war should be made against the U.S. and Britain.

This was the gist of the decisions of that Conference but he was stating it only from his recollection. It was determined then that Japan would strive to fulfill her demands through diplomacy first and that if no amicable settlement had been arrived at by early October, then a decision for war would be made.

31368 From Exhibit 1135, his diary entry of 6 Sept. 1941, was read a part which stated that he visited the Emperor * who said he would like to ask some questions at the Conference. KIDO advised the Emperor that since Privy Council President HARA would ask questions on the Emperor's behalf, the Emperor should only give a warning in conclusion that the Supreme Command should exert every effort to bring about the diplomatic success inasmuch as the present decision was so important it might lead to a war. Asked if the Emperor was showing anxiety at that time to ask questions on his own, * he stated yes. The Privy Council President had already given KIDO word that he would like to ask the very questions with which the Emperor himself was concerned. Therefore, inasmuch as HARA probably would be asking the questions which the Emperor desired to ask, he advised the Emperor it should be more important for him to counsel the Supreme Command to cooperate with the Government for a peaceful solution. The Accused was reminded that a moment before he stated that he made the suggestion to the Emperor that he not ask questions and that they be asked through HARA because HARA was going to ask those questions anyway. His attention was then called * to his affidavit where he had stated that before being summoned by the Emperor he suggested to HARA that he ask questions at the Imperial Conference, pointing toward emphasis on continuing diplomacy rather than preparing for war. (T 30952).

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Asked if he was engaged in mind reading, in anticipating the Emperor's wishes even before he saw him, he stated no. At that time he had an audience on Sept. 5 when the question arose and the Agenda submitted before the Conference first had the item relating to war preparations, and the second item was concerned with negotiations. It was believed there was something strange about the order of the two items and on the 5th the Emperor inquired on this matter

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Page to KONOYE. Under such circumstances HARA called KIDO by telephone on the morning of the 6th, asking him what should be done. * There-
31371 upon, he told HARA that there seemed to be doubt whether or not emphasis was being placed on war preparations or on diplomatic negotiations, and KIDO proposed he might ask questions on this very point. When the Emperor summoned KIDO, he asked KIDO whether he might not ask the very questions which he had already discussed a short while before with HARA. KIDO then told the Emperor that as a matter of fact, he had discussed the very questions with HARA, and inasmuch as HARA would be asking the questions, there would be no need for the Emperor to address them.

A more important point than this, he told the Emperor, was whether the High Command was going to be serious in carrying on negotiations; so his advice to the Throne was that he should like to have the Emperor at the meeting's conclusion issue a warning and rather than ask questions, to take a more positive action by issuing the warning.

7 162 0003 5001

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* Asked if the questions were answered, he replied he had no direct knowledge because he did not attend the Imperial Conference. He later heard that the question was made by HARA and Navy Minister OIKAWA answered, but there was no reply from the High Command and the Emperor expressed regret that it had said nothing and told them they must exert all strength and energy in cooperating toward the successful conclusion of the negotiations.

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* Reference was made to the affidavit where it referred to "mutual understanding with the War and Navy Ministers" (T.30971), and the accused was asked how there could be mutual understanding unless one of two sides gave way. He replied that not being in the government, he would not know the actual particulars. He simply talked with Planning Board President SUZUKI as a basis for recommending all further efforts be made to save the situation.

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It was suggested to the witness that the army was taking the war side and the navy the peace side, and it would have to be either war or peace. He replied that it was for that reason that he counselled that further discussions be conducted, * but a simple answer to the question could not possibly be given.

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* Reference was made to the affidavit where the accused quoted the remainder of the diary entry for 13 October 1941, and called attention to the fact that exhibit 1149 did not contain all the entry for that day. To him was quoted a part of this entry, in which the Emperor told him that in case war with the U. S. and Britain was decided on, they must study conditions in Europe, especially the truth underlying the peace talks between Britain and Germany, and Germany and Russia. Through diplomacy, they must stop Germany from concluding an individual peace, and must have her assist in the war with the U. S., and they must also make plans as to what to do at the end of the war. It was suggested to KIDO that this part of the diary had no connection with the part quoted in exhibit 1149 of his discussion with SUZUKI, but was inserted deliberately to show * that the Emperor was making decisions and conclusions of his own in an attempt to escape KIDO's own responsibility by transferring it to the Emperor. In explanation, KIDO stated that following the OGIKUBO conference, there was extreme tenseness and confusion, and the situation developed to the point where the Emperor might be forced to decide on war even though his sentiments did not permit him to do so. There was even fear that the

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7 162 0003 5002

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Page Emperor would have to decide on war he did not desire, but if this occurred and a Rescript would have to be
31378 * proclaimed, the Emperor expressed that absolute care be exercised to reflect his innermost feelings. As a result of his anxiety there was discussion reflecting his feelings, and that was why KIDO had entered them in his diary, and had placed it in the affidavit to make clear the imminent sense of war prevailing in government and court circles.

Asked if in order to make clear the Emperor's desire for peace he found it necessary to put in his diary that the Emperor said to him they must through diplomacy, stop Germany from concluding an individual peace and must have her assist in the war with the U. S., he replied that was not his meaning at all. He merely wished to show to what extent the Emperor worried about the situation.

31379 * Asked why he did not say to the Emperor if the Emperor did not want war, that should he refuse his sanction and refuse to sign a rescript, he replied that under the Japanese system a decision by the Cabinet and High Command could not be vetoed by the Emperor. When asked why it could not be vetoed, he stated that as an actual question, nothing arose at that time, but did arise on 8 December, at which time the explanation of the government was that there was no alternative but to take up arms for self defense. To that advice the Emperor was in no position to issue a rejection.

31380 * When asked what there was to stop him, the accused replied that it was not a question of stopping or not stopping, but a custom long prevailing in constitutional practice which dated back to the Russo-Japanese war. At the time of the Russo-Japanese war, Emperor MEIJI hesitated in connection with the decision reached by the Imperial Conference, but gave his approval as it was reached by the Government and High Command. In this instance the Emperor went so far as to return to a carte blanche the conference decision of September 6.

31381 * Asked by the President where he got that authority, the accused replied that the Emperor's wishes were conveyed to the Premier, and the Cabinet over which the Premier presided subjected the matter to re-examination. Such a measure was not to be found at all, even in the MEIJI Era, and could be considered a rather advanced step.
* As a result of re-examination, the incident of December 8 broke out, and inasmuch as the position of the Government and High Command was that it was for self defense, the Emperor could not veto the decision.

0 152 0003 5003

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Page Asked what he meant by the carte blanche move of the Emperor, he stated he meant to start afresh with a clean slate, but he did not necessarily mean he used the word in his affidavit.

31381 * Asked if his advice was not sought in the last hours of the KONOYE Cabinet, he replied that as was customary there were frequent audiences and discussions, but he did not suggest these were ordinary times. The accused stated he joined the First KONOYE Cabinet in
31383 October, 1937, and * both he and KONOYE were strong advocates of peace then and before, including peace toward China.

31384 Asked if it was true that when the KONOYE Cabinet first went into power there was one brigade of approximately 5,000 Japanese troops in China, he replied that he was not a member of the KONOYE Cabinet at the time of its formation, but joined it within three or four months afterwards. He did not have any detailed information at the time, because he was then an official in the Household Department as Director of the Board of Pannage. * When he became Minister of Education in the KONOYE Cabinet in October, 1937, he was a Minister of State, becoming a general minister in accordance with the constitution. The constitutional provision regarding this point was that the Cabinet was constituted by several state ministers appointed to hold their respective portfolios, and the various ministries

31385 * were regulated by regulations governing them. He knew of the constitutional provision that the respective state ministers should give their advice to the Emperor and be responsible for it, and were collectively responsible for what the Cabinet did.

31386 Cabinet meetings were generally held twice a week, and discussions were held, but generally the details * pertaining to any particular ministry were left to the competent minister of that ministry, and his explanations generally passed the Cabinet.

Asked if he knew that troops in China during the First KONOYE Cabinet increased from one brigade of 5,000 to thirty divisions with more than a million, he replied that such matters were never discussed at a cabinet meeting. Asked if he did not discuss with HARADA that there were about 1,600,000 troops in China during the First KONOYE Cabinet, he replied that with regard to the figure he thought there was an entry in his diary in connection with the talk he had with KONOYE, but didn't recall the kind of talk he had with HARADA.

- Page Asked if he didn't state in his diary of 12 December, 1938, that ITAGAKI had sent 1,600,000 men overseas, he replied he had recalled writing that in his diary. Although he learned of this later, he felt the figure was a bit too high. * From what he learned later, he thought it was under one million. War Minister ITAGAKI spoke of decreasing strength from 700,000 to 600,000, and he felt the figure 1,600,000 was quite a bit too high.
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- 31388 * A document was handed to the witness, who
31392 identified it as a part of his diary. * Exhibit 3341, the diary entry for 12 December, 1938, having been identified by the accused, stated that KONOYE said that neither army strategy was very reliable, nor the situation in various quarters satisfactory, and the situation was deadlocked. KONOYE consulted KIDO about his intention to resign, and KIDO replied he could not agree to the Premier's opinion immediately, and that the most responsible person was War Minister ITAGAKI, who had sent an army of 1,600,000 overseas, and therefore KONOYE's resignation without complete understanding and consent by ITAGAKI would bring the latter to bay, which would be undesirable. KIDO further told KONOYE that it was reported that Wang Ching-wei would escape from Chungking on the 18th, and for the present it was not good to disclose political unrest.
- 31393 * Wishing to consult ITAGAKI himself, KIDO asked KONOYE to leave the matter to him, and KONOYE consented. When asked if he had any doubt now after hearing this read, that he was reasonably well informed that 1,600,000 troops were sent to China under the War Ministry of ITAGAKI, he replied that at that time he had heard there were about that number in China, but later on he felt it was a mistake in memory on his part. He did not deny having a talk with KONOYE, but was only stating that he later discovered he might have made a mistake.
- 31394 Asked what he meant by stating in exhibit 3341 that he thought KONOYE's resignation would have been undesirable because it would bring the war minister to bay, he explained that KONOYE was saying he was impatient * and desired to resign. As ITAGAKI himself testified, at the time ITAGAKI was invited to become War Minister, KONOYE sent a special emissary to China to request him to serve as War Minister to settle the China Affair. Therefore, KIDO advised KONOYE against taking surprise measures against ITAGAKI and to wait until KIDO had a full talk with him.

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Page On 18 June, KIDO talked with ITAGAKI on bringing the China affair to an early close and learned then of ITAGAKI's very strong desire to bring the Incident to a quick settlement.

31395 * The accused stated he did not think that relations between KONOYE and ITAGAKI were strained on 12 December, 1938, at which time KIDO was Minister of Welfare, which had no connection with troop movements in China and affairs with ITAGAKI. He was asked to exert his efforts to straighten the matter out between ITAGAKI and KONOYE as a favor for KONOYE. * This was an illustration to show he assisted KONOYE as a friend.

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31398 * The accused was asked to tell the most notable incidents where he advised or urged the Emperor to lend his personal or official powers toward subduing the militarists. * He replied that during his tenure as Chief Secretary to the Lord Keeper he was not permitted audiences with the Emperor, and in those days his views were presented to the Lord Keeper, and hence he did not know whether such views were actually transmitted to the Emperor. However, on 4 February, 1932, when Finance Minister TAKAHASHI requested the Emperor to use his power to restrain the militarists, he, with HARADA, brought the matter to the Lord Keeper, submitting his views with regard to restraining the political advance of the army. In 1940, as Lord Keeper, he submitted advice to the Throne, requesting the most careful consideration be given in connection with the advance into FIC, * and asked the Emperor to caution the military to this effect.

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31402 He made a similar admission again in February, 1941, when the FIC issue came up again. In September, 1940, at the time the Tripartite Pact was concluded, he requested that necessary and due guidance be given in connection with the early settlement of the China Incident.

31403 With reference to the conference of 6 September, 1941, he asked the Emperor to counsel the High Command to give whole-hearted cooperation toward the continuance of diplomatic negotiations with the U. S. Prior to the formation of the TOJO Cabinet on 17 October, 1941, he requested the * Emperor, * without being bound in any manner by the September 6 decision, to counsel that profound study and re-examination be made, and under the Emperor's orders this desire of the Throne was conveyed to TOJO and OIKAWA.

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On 19 November, 1941, he requested the Emperor to give fullest consideration so as not to enter into war against the U. S. at the end of November, and spoke about the prospect of the negotiations. On 26 November, 1941, he counselled the Emperor to address inquiries to the Senior Statesmen, as the Emperor had requested his opinion; on 5 February, 1942, he counselled the Emperor to grasp any opportunity to bring about the earliest possible termination of the war.

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* In either May or June, 1943, he counselled the Emperor on the advisability of bringing the war to a speedy conclusion, and later conveyed to the Throne various ideas in connection with peace efforts, receiving the Emperor's approval.

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* Reference was made to the affidavit where it described matters taking place in September, 1931, in Manchuria as constituting a plot, and the accused was asked if he thought the plot extended to movements of troops into Manchuria in that month. He replied that that was his belief, on the basis of information he received. He was in no position to give approval to such movement of troops.

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* A reference was made to the affidavit where it was stated that on 23 June, 1931, in KIDO's capacity as Chief Secretary, HARADA gave him information of a plot by military officers in Manchuria which was extremely regrettable, as KIDO opposed the army operations there and in China. (T.30728).

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Asked * what this information was that HARADA gave him, he replied that at that time relations with

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* China were aggravated, and efforts were made to settle issues through diplomacy, without avail. The Kwantung Army officers in Manchuria were indignant, and information indicated they might take positive action which was divorced from any plans of the central authorities. This was the gist of the conversation with HARADA.

Asked if the plot was on the part of the officers or of the army, he replied the information was to the effect that such movements seemed to be within the Kwantung Army. Asked if he changed his views on the matter later, he stated he acted on the basis of information received at the time. He learned in January the following year of the plans to establish a new state in Manchuria and Mongolia, when ITAGAKI made a talk.

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Page Asked if ITAGAKI was one of the Kwantung Army
31412 leaders referred to in reference to the plot in September,
1931. he replied that he then did not know ITAGAKI and was
unfamiliar with what he was doing. At the time ITAGAKI
was a Senior Staff Officer, and so was directly connected
with troop movements.

The accused was asked if he did not learn that
there was not alone a new state contemplated, but also
for the purpose of unifying three or four Japanese
organizations in Manchuria and Mongolia it was also contem-
plated to establish one organization under a government-
general, and he replied he learned about it when MINAMI
gave a lecture before the Throne.

KIDO stated he joined the KONOYE Cabinet to lend
all aid to settle the China matter, and the War Minister
at the time was SUGIYAMA, HIROTA was Foreign Minister, and
31413 RABA * was Home Minister, until his death when SUETSUGU
succeeded him around December. Shortly before SUETSUGU
became Home Minister he was Cabinet Counsellor, and KIDO
knew him from that time.

According to regulations concerning Cabinet
counsellors, their main function was as consultant to the
Premier in connection with bringing about an early end of
the China Incident, and the post was a special one created
31414 for that precise purpose. * The Home Minister, among
other things, had charge of agencies preserving law and
order. The position was not especially powerful, but had
a special position during the time of government by
political parties. After this it didn't have special
powers, but did have control of the police forces. He had
stated that SUETSUGU was an internationally known Fascist,
and abided by that statement.

31415 * He was considerably surprised when KONOYE told
him that a man of such philosophy had been invited into the
Cabinet, but made no remonstrance as it was KONOYE's job
to select his ministers. He did not register any objection
to sitting in the Cabinet with a man of such political
creeds. As far as KIDO knew, SUETSUGU said that the
incident should be terminated as soon as possible, but KIDO
did not clearly recall as to whether SUETSUGU specified
whether it should be terminated by peaceful methods or by
exterminating all Chinese who resisted army movements.

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31416

* The accused was reminded that he had testified that his chief purpose in joining the KONOYE Cabinet was to bring about an end to the China Affair speedily, and his attention was called to the fact that very shortly SUETSUGU epitomized the terms to be given Chiang Kai-shek in December, 1937. He was asked if he meant to convey that under those circumstances he didn't have frequent conversations with SUETSUGU to find out his views on how he intended to settle the China matter. KIDO replied that SUETSUGU was not taking one side or the other. SUETSUGU's epitomizing the peace terms was not for the purpose of carrying on hostilities, but was to advance peace negotiations.

31417 * Asked whether SUETSUGU wanted stiff or liberal terms, he replied he did not know SUETSUGU well and had hardly any opportunity to discuss such matters with him. KIDO's talks were principally with KONOYE, Overseas Minister OTANI, and ARIMA. He learned of SUETSUGU's ideas for the first time at a cabinet meeting on 17 December.

31418 * It was correct that he didn't get SUETSUGU's views through conversations with him, and the reason was that he didn't have fair opportunity to learn his views. In December, 1937, the matter of opening peace negotiations with Chiang through the German Ambassador came up. To the witness was quoted a part of his affidavit, which stated that in this case there was no proper liaison between the Cabinet and High Command, whose attitude was not fully known to the Cabinet, causing KONOYE deep concern. (T. 30834).

31419 * Asked whose attitude he was talking about when he used the words, he replied that it was the attitude of the High Command with respect to the question of settling the Affair. * It was not the High Command that was going to determine whether the Affair was settled and upon what terms, but since it was fighting in China it had a voice.

31420 * Since there were hostilities going on the voice was strong.

31421 * Asked if it was the truth that Premier KONOYE, in December 1937, was in the position where he had to find out from the High Command what peace terms he could offer Chiang, * KIDO replied that the situation was that negotiations could not be conducted without adequate liaison between the government and High Command.

Pare

Asked if when he used the term "the high Command" whose attitude was not fully known to the Cabinet, he meant he could not fully determine what terms the High Command would agree to, he replied that the attitude of the High Command was known to the Cabinet only through War Minister SUGIYAMA's explanations, which were not clear, and for that reason he received the impression that the question was not clear. He agreed that he had stated in his affidavit that he failed to elicit any definite reply from SUGIYAMA.

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* It was not true that he failed to elicit any definite reply to the peace terms that could be given Chiang. Asked what he was trying to find out from the High Command with reference to the negotiations with Chiang if it was not the terms of peace they were to agree to, he replied that was the army attitude toward the Incident. To SUGIYAMA he asked whether the army was serious in trying to end the China Affair or whether it intended to fight it out to the last. SUGIYAMA's reply was somewhat vague, and at that point talk was suspended.

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* Asked if it was for the War Minister to determine whether the matter would be fought out or whether it was for the Premier, Foreign Minister, and rest of the Cabinet Ministers to make the decision, he replied it was the Cabinet's duty. It was a fact that he was not able to get an answer to the question he asked SUGIYAMA in December, 1937.

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Reference was made to the affidavit where it was stated that peace terms offered China through the German Ambassador had been studied, etc. (T. 30834). He was asked what the peace terms were, but replied he didn't recall the details, * nor had an exact recollection of the main points. At the time there were eleven or twelve items in the peace proposal, and he didn't recall each and every one. Generally, his recollection was that general peace was sought through such terms as the recognition of Manchukuo and of a special area in North China, but he didn't recall particulars. At that time he did know about them as it came up for discussion at the Cabinet. * He was not the competent minister in charge, and at this date he had forgotten details.

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It was true that he generally made diary entries about important matters, and had frequent conversations with HARADA. While he had no recollection he thought he discussed such matters with him and also with Prince CHICHIBU. Asked if HARADA was dependable so far as his intent to record the truth of conversations, he replied that HARADA was one of his greatest friends, but unfortunately * he could not place utmost confidence in the accuracy of his recordings.

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The instances he saw of HARADA's recording had among them references to KIDO. He did not know if there were proposals with reference to settlement of the China War made by Vice Chief of Staff TADA. He was asked why he stated in his affidavit that he was not aware what proposals were made by TADA, (T. 30835), and if this was not clearly suggestive that proposals were made but he was unacquainted with what they were, and he replied that is not what he meant, as he did not even know that a proposal had been made by TADA.

31427 Reference was made to the affidavit where it was stated that on 16 December, 1937, he received a message from KONOYE. (T. 30835). * Asked if it was true that even on that date KONOYE could not determine from the High Command what they had agreed to with reference to a settlement, he replied that was not so. KONOYE went so far as to hold a conference of those concerned, and submitted the decision of the Cabinet the following morning. KONOYE entertained the apprehension as to whether the army would seriously carry out the terms, and the attitude of the War Minister himself was ambiguous. Thereupon, KONOYE asked KIDO to question War Minister SUGIYAMA, and KIDO put the question to SUGIYAMA at the Cabinet meeting on the 17th.

31428 * They agreed the term would be splendid for bringing about peace with China, but pointed out that there might be demands by the other side. The question to SUGIYAMA was to what extent was the army willing to compromise in the event of counter proposals, and SUGIYAMA replied, no, that these were minimum terms and if they did not accept these they should continue resolutely with armedaction.

31429 As a result of SUGIYAMA's statement the Cabinet was thrown into turmoil and KONOYE was extremely worried, believing that if the terms were rejected by China and China started counter propoganda, in view of Japanese public opinion being very strong it might lead to a civil war within Japan. KONOYE was especially worried because the Diet was about to reopen within a month. * Because of the relationship of the matter to preserving law and order, SUETSUGU's opinion was that at any rate, what was the use of putting forth terms that could not be compromised upon, and to provide flexibility to them he boiled the terms down to four points. Such being the Army's attitude, the Cabinet's attitude was that the four points be proposed and then Japan and China reach closer cooperation through future negotiations.

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Since the General Staff had already proposed very strong terms, they decided to present these terms to the Chinese, and the Cabinet adopted them and further decided to entrust the Foreign Minister with full authority with respect to carrying them into execution.

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* With regard to the policy, there were no divergencies between the Cabinet and High Command, but great caution was given to handling the matter through diplomatic procedure. Asked if he was in favor of giving concrete terms to China through the German Ambassador, he stated that he felt that if terms were submitted on the condition that the army would be willing to compromise, he thought the terms would be splendid, but in view of SUGIYAMA's reply to his questions he anticipated the negotiations would fail if the terms were presented in that form.

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* Asked if he intended to convey his belief that the General Staff was being consulted about the terms when he referred to their attitude as to whether it would be willing to make peace on any terms or what terms would be satisfactory, he replied the terms presented to the Cabinet

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were discussed and agreed upon by officers concerned. * He asked SUGIYAMA if he would be willing to conduct negotiations on the basis of the terms, but SUGIYAMA replied that the terms were the Army's minimum demands, and if not accepted the Army would continue its positive actions. The accused was very much alarmed and surprised at his reply.

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Asked if the terms required amplification or were clear and complete enough to serve as a basis for understanding for peace, he replied he had no exact recollection, but felt the terms were specific and were presented in detail. He regretted very much, but didn't remember the four points. * All he remembered was that the

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former points were included in the four points. He did not remember what the former terms were, * but at the time he understood them.

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* To the witness was quoted a purported conversation with HARADA on 21 December 1937, which stated that the whole matter had been disorderly and he said plenty at the Cabinet meeting. He wondered if General Staff Headquarters had not committed stipulations concretely through the German Military Attache. He felt it dangerous to see the Navy, and especially the Army, or rather Staff Headquarters, so anxious to press the peace solution. If they submitted concrete stipulations and they turned it down, they were only letting them in on what they wanted, and it would be all loss with no gain.

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KIDO was worried why they were in such a hurry. At the Cabinet meeting that day he strongly asserted it was necessary that peace stipulations be more abstract and contain something to cover everything, and asked what need there was to force themselves into asking Germany. It was strange that Staff Headquarters was so eager, and he was worried that Germany might put one over on them.

31436 * The accused was asked if he made that statement
to HARADA on 12 December, 1937, and he stated he didn't
31447 * recall whether he met HARADA on that day or had such a
conversation with him, but on consulting his diary he found
31448 he had dinner with HARADA that day, and it was possible
they may have talked on various matters. * Since the
conversation took place at a dinner party he hardly
thought that he could have talked in such a systematic
and organized way. He could not say for certain that he
did talk to HARADA in exactly that fashion. In regard to
the Cabinet meeting, as he had already stated, after KIDO
put his question there was considerable confusion. He had
no faith in Germany at the time, and furthermore Germany
had sent scores of military advisers to China, and he
therefore had considerable doubt as to the intentions of the
General Staff in requesting the conditions be made specific
and presented in haste. Therefore, he had felt they were
being tricked by Germany.

31449 He could not say he had never talked with HARADA
along those lines. He was suspicious of the reasons why
diplomatic negotiations were not left in the hands of the
Foreign Ministry. * Asked if he recalled anything in what
was read that sounded very unlikely to have been said by
him that would not have reflected his basic ideas, he
replied that on the whole it could be said that his ideas
were faithfully represented, but he was somewhat surprised
at the strong language employed.

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* The accused stated that during recess he had consulted his diary for 21 December 1937. He did not recall a conversation he had with HARADA on 14 January 1938 which referred to a talk with Prince CHICHIBU.

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To the accused was quoted a purported statement he made to HARADA on 12 January 1938 in which he stated that he had talked to CHICHIBU a few days before and CHICHIBU asked him on what grounds the government * was refraining from concluding present hostilities, and how much longer did they think financial strength would last. KIDO explained the circumstances and in the course of conversation CHICHIBU remarked that the present hostilities differed from those of the Sino-Japanese and the Russo-Japanese wars in that they were not waging war against the Chinese people but against Chiang Kai-shek regime, and therefore why not liquidate the friction and clasp hands? KIDO replied that even if the present situation differed from those wars, it was impossible after Japanese troops had killed 700,000 to 800,000 soldiers * for the army to look grave and say let's shake hands and truly mean it.

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Was Japan a victorious nation or a defeated one. Was it for a victorious nation to say they would like to make peace as soon as possible by submitting all kinds of terms, if by doing so they showed their true colors, and should the opponent refuse to respond, they would, in reverse, use this as propaganda, saying that Japan was in straightened circumstances and with the terms had expressed hopes for peace.

The accused stated he had no recollection of saying what had been read to him or believed it reflected his thoughts at the time. He did tell CHICHIBU what happened at the cabinet meeting but did not recall expressing such opinions.

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* An additional part of the purported conversation with HARADA was read to the accused in which he stated that if such propaganda should be spread it would result in Japan being at a disadvantage. There would be a slump in the yen exchange and government securities, and loss of confidence in economics and finance, and the nation would not be

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31454 able to purchase commodities and prices of goods would soa. men-
acing internal peace. Diplomacy was necessary to conceive a
plan for peace, but unless this was delivered in such a way
that the settlement was solid, and if things were handled in a
manner * General Staff Headquarters desired, he should have no
end of worry for the government.

31455 * After this was read to the accused, he stated he still
had no recollection concerning the conversation. With refer-
ence to the part concerning the killing of 700 or 800,000
Chinese, at that time he had no information of the killing of
such a number. As for the fact that because of this they were
unable to effect peace, even at the previous cabinet meeting,
that thought never entered his head. He did recall he talked
to CHICHIBU of what happened at the cabinet meeting and felt
the general staff had some behind-the-scenes deal with Germany,
and he feared whether negot'ations carried on through Germany
would succeed.

He recalled that after talking on various subjects at
the end CHICHIBU said the fault really lay with SUGIYAMA be-
cause he had not done a good liaison job.

31456 * Asked if he recalled if he held views at the time
that would have been dangerous for Japan economically, if neg-
otiations fell through, KIDO replied that his main anxiety was
that if Japan presented China with definite terms and they were
rejected, China would utilize this for counter propaganda and
succeed in creating internal disturbances adversely affecting
Japan's economy as well as in other fields.

Asked if that was one of the reasons why he wasn't in
favor of giving China concrete terms, and if the terms became
known and there was no settlement it would be embarrassing, he
replied that that was what he was worried about.

31457 Asked if, as a matter of fact, the terms were not con-
crete, * he replied that the Foreign Minister conducted nego-
tiations on the basis of the terms which had been summarized in
four main points, but the cabinet had already decided the
specific terms and left the handling of the matter to the For-
eign Minister.

Asked if the terms were passed to China through the
German Ambassador with a time limit for their acceptance, he

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replied that he didn't know the manner in which the Foreign Minister negotiated with the German Ambassador, but remembered that at the cabinet meeting they decided the matter should be settled by the end of the year, whether this could be called a time limit or not he did not know.

31458 * Reference was made to the affidavit where it was stated that it was suggested at the cabinet meeting of 18 December 1947 that Chiang Kai-shek's answer should be requested before the end of the year (T. 30,836-7). Asked if this was correct, the accused replied that it was and that in his diary for that date he had used the expression the deadline should be fixed as about the end of this year.

Asked if that didn't occur to him to be rather brief period of time to get an end to a matter with so many ramifications, and which had been fought out so long, he replied that that decision was reached after an explanation by the Foreign Minister and since he was not an expert on such affairs, he didn't give much further thought to it.

31459 * On 14 January, in the middle of a cabinet meeting, the German Ambassador asked to see the Foreign Minister and when the Foreign Minister returned he brought with him the Chinese reply. KIDO did not know the details of the reply but just heard the Foreign Minister make his report and did not know whether it was an official reply from the Chinese. The Foreign Minister's report was at that late date that the
31460 Chinese were still requesting explanations on the terms and * showed no sincerity in wanting peace.

Asked if he had not indicated that the terms were not concrete and that he thought it would be a mistake to make them that way, he replied that what he meant by making the terms general was to bring about a successful conclusion of negotiations. He meant that the negotiations be conducted by epitomizing the peace terms.

31461 * Asked if he did not say in his diary of 18 December 1937 that they decided they would leave it to the Foreign Minister and let the ambassador sound Chiang's views by showing comprehensive conditions of their intention, and refraining from showing details, he replied that this was true.

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- 31462 * Reference was made to the affidavit where it was stated that KONOYE was anxious to restore peace without a day's loss and agreed to the abstract epitomization of peace terms so as not to obstruct negotiations but make room for a future concession to insure success for the negotiations (T. 30,836).
- Asked if it would not be entirely in the line of reason for Chiang to ask for further details if those cabinet instructions were carried out by the Foreign Minister, the accused replied that since negotiations were left completely in the Foreign Minister's hands, including the Chinese replies, he knew nothing of what transpired later.
- 31463 * The same question was repeated to the accused and he replied that he supposed it was but natural that they should make further inquiries. It was intended by KONOYE that there would be room left in the terms for some concessions to China, and that was told KIDO by him. Asked if it was not true that as a result of the inquiry for further terms, Chiang was told there would be no further dealing with him, he replied that that was so and the Foreign Minister reported to the cabinet that Chiang's regime had shown no sincerity but was still vague, and there was no point in continuing negotiations. Following the Foreign Minister's report the cabinet arrived at its decision.
- 31464 * Asked if he inquired of the Foreign Minister on what grounds he based his conclusion that no bona fides were being shown by Chiang, he replied that he did not recall whether he questioned him.
- 31465 * Reference was made to the affidavit where a diary extract for 21 December 1937 (Exh. 2259) was quoted, this stated that at the cabinet meeting they deliberated on negotiations with China, the draft of the answer to the German Ambassador, and the counter measures for the China Affair, and that KIDO suggested the necessity for creating cultural measures in North China. The affidavit went on to say that, as Exhibit 2259 also showed, they discussed at the cabinet meeting principles for dealing with matters concerning the Affair, and KIDO maintained that policies for cultural movement towards China be established instead of carrying out military activities to no purpose (T. 30,837).

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31466 * The accused having been handed the original of his diary of that date was asked if the words, "instead of carrying out military activities to no purpose," were contained in any part of the diary for that date, he replied that the words were used in the affidavit to explain what he said and he did not believe they could be found in his diary.

He believed he did record something about the occurrence in January when Chiang Kai-shek was given notice there would be no further dealings with him. The accused stated he remained in the first KONOYE Cabinet until its resignation, and did receive some consultation from KONOYE on the matter of bringing ITAGAKI from China to Tokyo as War Minister, but that was the extent of his participation. He did not know ITAGAKI before he came there as War Minister, * but had met him only in 1932 when he heard him lecture. He did not talk to him on that occasion, and it could not really be said he knew him until he entered the cabinet.

31467 The accused was asked if he remembered saying about 23 May 1938 to HARADA that the Chief of the Personnel Bureau had gone to China to approach ITAGAKI, and thought there would be a reply from Tientsin the next day or day after, in which case everything would move smoothly. KIDO said that he did not recall that very well but did remember that KONOYE told him that FURUNO had been sent to persuade ITAGAKI. He did not recall that the Chief of the Personnel Bureau ever went, and believed that HARADA must be under misapprehension as to the source of this information, as he was sure he did not actually say that.

31468 Asked if he discussed the matter with KONOYE and if KONOYE said that if SUGIYAMA resigned as War Minister he would like to put up a combination of ITAGAKI and TOJO, the accused stated that he could not remember hearing anything to that effect, and thought it must be wrong. KONOYE expressed his dissatisfaction * that the army had appointed TOJO Vice-Minister before ITAGAKI had been appointed War Minister.

31469 * He had forgotten exactly how many days TOJO had been appointed Vice-Minister before ITAGAKI was appointed War Minister, but believed that it was less than a week.

31470 Asked if he said that if the statement was made that KONOYE said that if SUGIYAMA resigned he would like to put up a combination of ITAGAKI and TOJO that this was something KONOYE never said, the accused replied he didn't say that this statement was a mistake, * but what he did say was that what

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was alleged that KONOYE told HARADA and what KIDO said KONOYE told him did not agree, and he could not believe KONOYE expressed such opinions to HARADA. He did not know if KONOYE made such a statement.

The accused was asked if he recalled the cabinet meeting of 24 December 1937 in which outlines of measures for the China Incident were made and policy for management of North China, political supervision, economic development, national policy, and policy for establishing a national policy company in North China was decided on. He stated that on looking at his diary he found that such a meeting was held that day.

31471 * When shown exhibit 3263, he stated that he supposed such measures were studied at the meeting and, as the exhibit showed, the purport of the above policy should be declared to the world at a suitable time.

31472 * He agreed that the exhibit showed it provided for the creation of an inseparable relationship between Japan, Manchuria, and China economically, and they would realize these objects and expand and strengthen the regime, which should be supervised to become the leading power of reconstructed China, and areas to be included in the new North China regime should depend on the development of military operations.

31473 * Asked if he approved of that decision, he stated that he believed that as a cabinet member he agreed to it. This type of policy and measure was reported to the cabinet by the competent ministers and he, as Education Minister, had no such interest in these policies, and his connection was limited to approval after it had been submitted to the cabinet.

The accused was reminded that he had stated his very purpose in entering the KONOYE cabinet was to bring peace with China, and asked if that did not cause him to be exceedingly interested in matters concerning Japanese control over China, he replied, yes, if the measure had been adopted for aggressive purposes he should have been opposed to it, but the explanation at the time was that the occupied areas had expanded and it was not wise to permit an unrestricted influx of Japanese into * those areas, and that a certain amount of guidance was necessary and certain policies had to be laid down. In that sense he agreed with the measures.

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When the decision was reached that the extent of North China would depend on military movements, it referred to Japanese army movements. Asked if he would not consider the territory that was politically controlled as a result of successful military movements was controlled by aggression, he replied that he never considered the China Incident an aggressive war but did deplore the hostilities.

31475 * He did not think that troops in China were needed to defend Japan. He didn't recall the exact number of troops in China in 1938 but didn't believe the number reached one million, but were in the neighborhood of three-quarter million. He conceded that they were not over there for training purposes.

31476 Asked if he did not say in his interrogations that he thought the movements in Manchuria were initially defensive but could not be so called after that, he replied that he may have made such a remark, * and as far as the Manchurian Incident was concerned he did so think at the time. He recalled that he said that in the beginning the action of the troops in the Manchurian Incident was taken in exercise of the right of self defense, but thought that things were going too far when the establishment of a new state began to be advocated, and he didn't agree with the action of Japan in relation to Manchuria.

31477 * He recalled the advent of ITAGAKI and TOJO as Minister and Vice-Minister of War, respectively, in the first KONOYE cabinet. Asked if he did not consider the Kwantung Army a dangerous breeding ground for pacifist cabinet members, he replied that the composition of the Kwantung Army at the time of the Manchurian Incident and at the time of the China Incident and at the time of which was now spoken of, was quite different.

31478 * He did not know Major-General IMAMURA, Hitoshi, or Colonel TOMINAGA, Kyoji. When the first KONOYE cabinet formed, ITAGAKI remained as War Minister and KIDO became Home Minister in the succeeding cabinet. He did not favor the military alliance with Germany in 1938 and 1939.

31479 * he replied that KONOYE had been saying he wanted to resign because of his policies ending in deadlock. When he met KIDO on 17 December he told him there was a plan afoot to extend the Anti-Comintern Pact with Germany to include common defense against Britain and France. If this came about, KONOYE

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felt that nothing he could do would be of any use and therefore he wanted to resign. KIDO was in agreement with what KONOYE said and they started activities with a view to having the cabinet resign.

Asked if it was not true that KONOYE stayed out of the next cabinet but KIDO went on, he replied that KONOYE also entered the HIRANUMA cabinet as a minister without portfolio, but it was true that the accused did stay throughout the HIRANUMA cabinet.

31480 The military alliance between Germany and Italy continued to be discussed at that time. KIDO continued to oppose it, * but the matter was investigated in the Five Ministers conference. In March for the first time he heard from the Foreign Minister the progress of those investigations and KIDO felt that practically speaking it was difficult to oppose the measure, and therefore agreed that if the proposed agreement merely strengthened the Anti-Comintern Pact so as not to aggravate Britain and America, he would not oppose it.

31481 *Exhibit 2269 was read to the accused which stated that he conferred with Premier HIRANUMA on the military alliance and emphasized that if it ended in failure, it would have a dangerous effect upon the domestic situation and would be a decisive disadvantage to settling the China Incident, and he requested HIRANUMA to exert increased efforts.

31482 In explanation KIDO stated that he wrote this with a view, not to give a wrong impression, but the extract is too short. His real feelings were that the pact be concluded so as not to aggravate Britain and America, and he told HIRANUMA that further efforts would be made by him along that line. He would say, failure in getting a military alliance with Germany and Italy would have a dangerous effect on the domestic situation, * and would be a decisive disadvantage in the settlement of the China incident. However, he said that he wanted to explain what he had written, he felt he could explain it, but did feel that what he said was true.

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31484 * KIDO, as a cabinet officer attended the Diet sessions
31485 ordinarily, * and upon being shown a document, he did not re-
call being in the Diet when the statement recorded in the docu-
ment was made by HIROTA on 16 February 1938. He was asked if
he recognized the document as being a statement in English in
the Japanese Times and Mail, and he replied that according to
the newspaper article, it appeared that the interpretation re-
31486 corded there took place * at a Budget Committee meeting. He
thought he was present because there was a report in the art-
icle of a reply made by him. However, at Budget Committee ses-
sions, state ministers are sometimes in and sometimes out of
the meetings and are not always there.

During February, state ministers are extremely busy,
and that being the case, he was unable to say whether he at-
tended this particular meeting where a question was raised by
OKURA and replied to by HIROTA.

31487 * The attention of KIDO was called to the statement
in the document which said OKURA pointed out that in the for-
eign press were published articles calumniating the Japanese
military in the Shanghai-Nanking region, and observed that
the sense of superiority of the Japanese had not been impres-
sioning foreigners favorably. KIDO stated that in regard to
this, he did not recall it at all, but had learned of it for
the first time by reading the article.

31488 * He had no recollection of any comment in the Diet
or otherwise about the Japanese militarists being calumniated
in the Nanking area.

31489 * Even after seeing the article, he could not recall
HIROTA making the remarks set forth there, but presumed that
inasmuch as HIROTA asked himself a question and he replied,
it was probable that immediately after answering the inter-
pellation he left the session.

Attention was called to the remark of HIROTA in the
document that during the early stage of the incident, the
government followed the policy of trying to settle the affair
locally. As negotiations could not be carried on smoothly,
it was decided to dispatch a punitive expedition.

31490 * Asked if he did not hear HIROTA make that statement,
he replied that he believed he was not present at that session.

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Asked if he would not hear things of importance even though not present, he replied that the ministers of state are not familiar with questions and replies at Budget Sessions, and other committee meetings in the Diet, because they are very busy during the Diet session.

31491 * He did not recall at present whether he was in attendance at that particular session. The custom was for ministers to move from one committee meeting to another as soon as replies to interpellations were made. He believed he did not listen to this interpellation and reply and had no recollection of ever hearing the language expressed in the document. This was not a formal statement of the Foreign Minister but was a reply given during a Budget Committee session to a Diet interpellation.

31492 Asked by the President if that would be sufficient to render the statement of no importance, * he replied that it was not a question of the statement's importance, what he meant to say was that he had no opportunity to listen at that particular session.

31493 * Asked if he had never heard about the statement until now, he replied that he had no recollection whatsoever and was reading of it for the first time. Asked if the statement, "As negotiations could not be carried on smoothly, it was decided to dispatch a punitive expedition to China," was true, he replied he had no thought of a punitive force. The article was a summarized newspaper report and not the official transcript of the Diet proceedings. Therefore, he did not know whether HIROTA actually used such a word in the Diet, nor was he in a position to pass judgment on whether he did so.

31494 Asked if the words were not true regardless of whether the statement was made by HIROTA, he replied that he knew of no instance * of a punitive expedition being sent out.

He did not know to what extent the Japanese Time and Mail was reliable, and did not know whether its reputation was that it was reliable.

31495 * He knew of the existence of a newspaper called the Japan Times but did not know its character after it merged with the Mail.

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31496 The accused was asked if the statement would not have been properly challenged if it was not true, and he replied he did not see where the challenge would come from in such a case.

31507 * The accused stated that he did not read the statement made by HIROTA on 16 February 1938 before the Diet which was that the government never meant to effect the compromise with the Chiang Regime. He had no recollection of HIROTA's ever making the statement at a meeting to which he was present.

31508 * If that statement had been made, he could not believe that it would have been in accordance with the facts. The accused stated that he knew IDA, Bannon, a member of the House of Peers, and a well known rightist, and recalled on 14 January 1938 IDA severally attacked the Imperial University in the House of Peers. At that time KIDO replied to the interpellation but did not agree with him entirely.

31509 Asked if he recalled that on 15 January 1938 HARADA told him that his reply might create a difficult situation, and that he was worried about the way KIDO was acting, he replied that on that date he did not think he made a reply to HARADA. * But in any event had no recollection of HARADA ever telling him that. He had no recollection of telling HARADA that there were many behind-the-scenes reasons for his answer to HARADA and that the Education Minister must make some reform in the Imperial University.

31510 He did not recall that about 18 January 1938 HARADA warned him he was losing the confidence of the intellectuals if he didn't refrain from getting involved by doing everything according to the wishes of the rightists. Asked if a remark like that from HARADA would have made a deep impression upon him, he stated that he and HARADA conversed frequently on many subjects, but he had no recollection of HARADA's ever saying anything * serious which he should preserve in his recollection.

He did not examine HARADA's diary for 14 January 1938. His answer would not change regardless whether the date was in January or February. He did not recall that shortly after 26 February 1938 he told HARADA much difficulty was being encountered with the National Mobilization and Electric Power Bill.

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31511 He did recall there was such legislation on mobilization in late February 1938. He did not recall any attempt by himself to bring it into effect as he was not the competent minister, * and nothing arose in his mind as to his having anything to do with its outcome. He recalled the general nature of the act (Exh. 84) and, asked if it was a decided move in the direction of totalitarian government, he replied that nothing in the nature of totalitarianism was contemplated in connection with the law.

31512 He was not familiar with the terms of its provisions, but did know its outline. Its purpose was to mobilize the total powers of the nation and utilize them. For this purpose various subsidiary * laws were enacted but the National Mobilization Law the basic law. It was created in view of the Incidents in China, providing for production increases where necessary and other vital matters in connection with the Incidents.

31513 With regard to the bill, he gave his approval because it was decided by the cabinet. However, he did register his opposition on the point that there was too much reliance on Imperial Ordinances. This question became a very strong issue in the Diet. Ultimately it was approved on condition that a general mobilization deliberation council be created with members representing the Diet, * permitting them to participate in the deliberations in connection with the law.

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31514

* Asked if he recorded his opposition to the bill in any Diet session, he replied he spoke on his opposition at the time the bill was decided on at the Cabinet meeting, but did not in any Diet session or any other place where it was recorded, and did not think he had recorded it in his diary.

31515

* Exhibit 3342, an excerpt from the Japan Times & Mail, being admitted into evidence and shown to the witness, * he was asked if it refreshed his recollection concerning the remark made by Baron OKURA, pointing out that in the foreign press there had been articles calumniating Japanese military in the Shanghai-Nanking region. The accused stated, as he had stated before, he had no recollection and knowledge of it until he read the paper. It did appear in the article that it was in the form of a question addressed to himself, and it showed that he answered.

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He could not recall whether the expression used in the article was the one at the time the reply was made, * but in view of the fact that such a report appeared in the newspaper, he must have made such a reply and that he must have heard the question asked by OKURA.

Exhibit 3342-A, an excerpt from the Japan Times & Mail for 18 February, 1938, stated that at the House of Peers Budget Committee Meeting, Baron OKURA interpolated, urging that the Nippon spirit of protecting the weak from the strong be promoted, pointing out that in the foreign press of late were published articles calumniating the Japanese military in the Shanghai-Nanking region. He observed that the sense of superiority of the Japanese had been impressing foreigners none too favorably, and urged that the educational policy be reformed to enhance the Nippon spirit from elementary schools to higher institutions.

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* Education Minister KIDO replied that there might be some Japanese who showed a mistaken sense of superiority to the Chinese, and this must be corrected and a reform of the educational system was necessary. * Asked why he did not direct an inquiry to OKURA to ask him to what he referred instead of answering the question, he replied he had no recollection whether or not he asked such a question. When asked if there was anything in the record to bear out such a fact, the accused replied that the news report was not in question and answer form as would be found in a transcript of proceedings, but was a summary of the question and reply.

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Page That is why he said he would not know what kind of words were used. Asked if he would not have been interested in any remark slanderous on the conduct of troops at Shanghai and Nanking, he replied that he first became aware of the subject when he read the news report shortly before, and didn't recall the question or answer.

31521 * Asked again, if with his high interest in bringing about peace if he had heard a slanderous remark made, would that have been of such importance to make an inquiry as to what OKURA was talking about, he replied that since he had only read the article for the first time he had no clear recollection, and there might be a mistake on his part. In his recollection, the question raised by OKURA was not with reference to slanderous Japanese remarks against action of the troops, but with respect to the sense of superiority of Japanese in China.

31522 It was suggested to the accused that if he had not known very well what OKURA was talking about, he would have * made a pointed inquiry asking him. The accused replied that at the time he did not know what the army was doing. He only knew that the Japanese were apt to hold a sense of superiority vis-a-vis the Chinese people, regarding them with contempt, and it was to that question he replied.

He knew that Nanking had been taken within a few weeks and occupied. Asked if it were not true that the frightful conduct of the troops involving thousands of innocent Chinese was well known to him at the time and that he and others among the accused had engaged in a conspiracy of silence, refusing to admit their knowledge because of its frightful nature, he replied that was entirely not so, and they had not been at any time informed of such an incident.

31523 * The accused was asked if the language in his explanation where the word "calumniated" was used and his admission that there was a sense of superiority showed that this word had reference to no such thing as merely an exhibition of superiority, he replied he did not say

31524 anything of the kind. * The accused was asked if he would have considered in February, 1938, that a statement that the Japanese military had a superior attitude would have been a matter of calumny, or on the contrary had he not testified and admitted the statement was true that such a superiority feeling had been manifested, he replied that

31525 in the reply to OKURA's question * there were some among the Japanese in China showing a sense of superiority, creating a bad influence.

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This tendency should be rectified, but he was not pointing to the army especially, but to the Japanese in general. Asked if it was not clearly apparent that if the word "calumniated" referred to Japanese conduct it was not justifiable in his opinion and that would not be a reasonable interpretation of what the remark referred to, he replied he did not think so. What he said was that OKURA's question was addressed to him as Education Minister. If the question had concerned the army, it naturally would have been addressed to the War Minister.

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* He did not know if there was anything in the record that the question was presented to anyone in particular. The accused was asked if on 17 February, 1938, at a Diet session, he stated that at present military training was a regular subject for study at military schools. Instructors were sufficient, but efforts would be made to increase them. A study would be conducted regarding the suggested council of military arts, and endeavors made to realize it. He replied that he had no recollection as to what he said at that time.

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* He didn't recall Mr. OTSUKA stating then that by the expression "quantitative promotion" he meant the necessity of promoting the military art among the people. Asked if that was not a part of the remark of OTSUKA to which he replied in the Diet, he stated that he could not recall the questions and answers taking place between OTSUKA and himself.

He didn't recall if he stated to HARADA on 20 April, 1939, that the Emperor was a scientist and liberal as well as a pacifist. Asked if he added that if the Emperor's ideas were not changed there would exist quite a gap between him and the army and rightist groups, he replied that he didn't think he ever made such a statement and had no recollection of it. He respected the character and personality of the Emperor most highly.

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The accused was asked if he further stated on that occasion that in the later years of Emperor KOMEI's * reign the Shogunate changed the officials around the Emperor, and perhaps something along that line would occur. In order to lead the army but still make it appear as if they were being led by them, they must also make it appear as if they understood the army a little more. He replied that he had no recollection of this, and it was not consistent with his personal ideas.

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Page 31530 Asked if he denied flatly ever making such a statement, he replied that as he had no recollection he was in no position to affirm that. * He had no recollection of saying this to HARADA, but felt that HARADA might have been under a misapprehension when he penned the statement. The accused was told that HARADA also said in his diary that KIDO expressed the same opinion, and during the conversation said the remarks which had previously been quoted to the accused. He was asked if he said now that HARADA might have misunderstood him in recording his remarks, and he replied he had no recollection of the statement and did not know HARADA's intentions when he wrote this.

31531 Asked if it would not be difficult for him to be mistaken about it, the accused replied he did not recognize accuracy in HARADA's writings, and there were many passages in the diary where he penned his entries from memory after a considerable lapse of time. There were some people * who entertained the views expressed in the passages just quoted to him, and perhaps HARADA and he talked on some such subject. The accused was told that the next diary sentence was that when HARADA was told these things by KIDO, it was beyond HARADA's expectations and he was tempted to oppose him, but kept quiet for he thought it would not do any good to argue with him. KIDO was asked if he still said that HARADA had him confused with someone else, and he replied that he probably misunderstood him when he was speaking of someone else having such ideas.

31532 The accused was asked if he stated to HARADA on 22 September, 1939, that the present Emperor had too much of the scientist in him and no sympathy for the ideas of the right wing and it was troubling because he was too orthodox. He replied he had no recollection of this, and thought there was some mistake about it. * To the very last he was one who stood by the Emperor, holding the highest respect for him. Because this particular passage had been so boiled down, there might be some misunderstanding.

31535 * The accused stated that UGAKI was Foreign
31536 Minister in the KONOYE Cabinet up to September, 1938,
* resigning toward the end of that month. Asked if one of the chief reasons for his resignation was his objection to the formation of the China Affairs Board with the War Minister as Vice Chairman taking over from the Foreign Office the handling of China Affairs, he replied he did not know what kind of resignation UGAKI submitted. He had heard from KONOYE that the reason for UGAKI's resignation was not clear.

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With regard to the resignation, he was consulted by KONOYE. At that time the question of establishing the China Affairs Board was a controversial issue, and efforts were made by the War, Navy, and Foreign Ministers to put a plan together. UGAKI tendered his resignation at the very moment the plan was drawn up, and KONOYE told KIDO he could not understand why he had resigned. The plan had just been drawn up after consideration by the respective ministries. KONOYE, unable to understand the reason for UGAKI's action, consulted KIDO and asked whether he should not resign for his responsibility in recommending UGAKI as Foreign Minister.

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Asked if, after giving in on all other points, UGAKI did not finally resign because the Board was to take over affairs connected with unoccupied as well as occupied China, KIDO replied he had not heard of such * matters and had no recollection of discussing UGAKI's attitude with HARADA. Asked if he stated to HARADA about 22 September, 1938, that UGAKI had selfish motives and the matter was not progressing favorably and UGAKI was ambitious and difficult, he replied he had no recollection of this. At that time the UGAKI faction was active. In his diary entry for 7 September, he pointed out KONOYE's difficulties in this connection.

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He had no recollection of telling HARADA on 29 September, 1938, that UGAKI's action was inexcusable and he was very selfish. * From what he had heard quoted from HARADA's writings, it appeared he used extremely strong language, and the way he represented things concerning him were out of line with the things he actually said, for HARADA magnified many times his thoughts and ideas. Such an atmosphere did exist at the time, but KONOYE told KIDO that he could not understand why UGAKI resigned.

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* When asked if his friendship toward HARADA waned, he replied it never changed. Asked if HARADA was scholarly, he replied, no, he was very active and had very good political sense. His scholastic standing at school was not good, but his political activity was a very strong trait, and it was that capacity that SAIONJI utilized. The recording of such matters in his diary was done with an extremely poor hand.

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Asked if SAIONJI also had a disorganized mind and was a bit of a politician, he replied that SAIONJI was * entirely different and an eminent and erudite statesman. SAIONJI had HARADA as his secretary from about 1929 to his death.

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31542 HARADA broke down in health just about the time UGAKI failed to form his Cabinet. After that his political activity waned considerably, and during his convalescence KIDO took his place for about three or four months. Asked if in HARADA's talks to him he displayed the tendency for strong remarks or if it was just when he took pen in hand that those traits exhibited themselves, he replied that such proclivities were not noticeable in the first four or five years, but during the latter part of his life his * health was poor, and while conversing with him there were times when he was unable to know whether HARADA was actually listening to him or not or was dozing off, and on many occasions he had to wake him from his lethargy and ask him if he was listening.

Asked if he thought that this was because he was tired. or tired listening to the things KIDO was saying, he replied he did not think so because he never conducted any long conversations with HARADA.

31543 * When UGAKI resigned from KONOYE's Cabinet, he did not entertain specially unfriendly feelings toward him, but did feel displeased that the reasons for his resignation were unknown, as well as against the various movements conducted by the UGAKI faction. It was not a fact that there was bitter feeling between him and UGAKI then and thereafter.

31544 Asked if he shared the feelings expressed in the questions in which he had said he didn't repl. to HARADA, that UGAKI was selfish and difficult. he stated that the words in the diary were extremely strong, but he may have said that UGAKI was ambitious. That was the feeling he expressed at the moment, * and since then he had never entertained bitter feelings toward him.

31545 Asked if he knew that UGAKI had a favorite expression for one in his circle, "Ginza No Yotamono" (Ginza Gangster), he replied that he had not heard of it. When asked if, when he was in the HIRANUMA Cabinet as Home Minister there was a determined effort to bring about an alliance that ultimately became the Tripartite, he replied that the question was taken up and put under study by the Five Ministers' Conference. * In the early stages he received no information as to that, but toward the end of March the question of preserving law and order came up as the army became impatient. He heard of the situation from the Metropolitan Police Superintendent-General, and subsequently inquired on this of the Premier. Since that time he was consulted by the Premier with regard to preserving law and order.

- Page With respect to the matters discussed by the Five Ministers, he was not informed and was not a member of the Conference and did not attend. There was no special tendency to keep the studies of the Five Ministers and their efforts in the direction of the Tripartite Agreement secret and from other Cabinet members, but he heard nothing of the results of discussions, although he did know they were going on.
- 31546 * He was not curious as to the progress in the matter, because everything was left up to the Five Ministers' Conference, and he was occupied in matters under his charge.
- Asked if he had given up his keen interest to bring about an end to the China War, he replied he had not lost this at all and was just as much interested in the HIRANUMA Cabinet in seeing the invasion peacefully ended as he was before. Asked if he requested HIRANUMA to exert increased efforts toward maintaining the military alliance,
- 31547 * he replied that the matter had been simply noted in his diary and he did not approve of an alliance, but the issue loomed large three months after the Cabinet was formed. As an actual question, he was not in any position to oppose.
- 31548 * Asked if he did not request HIRANUMA to exert increased efforts to bring about the alliance, he replied he did, but was trying to explain this point. There was no choice but to conclude such a treaty, but he counselled HIRANUMA that the utmost care should be given in connection with the treaty so as not to cause unnecessary suspicion on the part of the U. S. and Britain, and requested him to make efforts along the lines suggested. KIDO felt it would be ill-advised if it went more than that, and he expressed his opposition in the diary entry of 2 May in which he recorded his interview with the Navy Minister, stating it was not necessary to exert themselves too much for the purpose of concluding such a treaty.
- 31549 * At first there was no relationship between the domestic situation and the military alliance, but later, as no decision was arrived at by the Five Ministers' Conference, voices became strong among the rightists and a section of the army that the treaty should be put through a mass popular movement. Threatening acts were manifested toward the higher statesmen, who opposed concluding the pact, and as his diary of 14 April pointed out, if there was mis-carriage in handling the question there was every possibility of an incident breaking out such as followed the conclusion of the London Naval Treaty, which resulted in the removal of the Senior Statesmen.

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By removal he meant assassination. * When asked if it occurred to him at that time that before straightening out affairs in China and establishing new orders it might be a good thing to get their own house in order so the government could carry out the desires of the people in a constitutional manner, he replied that this was a matter on which he gave constant thought.

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The reason for the fall of the HIRANUMA Cabinet was the sudden conclusion of a non-aggression pact between Germany and the USSR. He did not know the accused OSHIMA at that time. * He didn't recall if UGAKI was one of the Senior Statesmen in danger of attack, but that might have been included. The Senior Statesmen in danger of assassination were principally such men as Lord Keeper YUASA, Imperial Household Minister MATSUDAIRA, and former Premier OKADA. At that time YUASA was not about to die from natural causes, but was quite ill. KIDO served under him as Chief Secretary for about three months following his assumption of the office.

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* SAIONJI died late in November, and KIDO became Lord Keeper on 1 June, 1940, at which time KONOYE was Privy Council President. One of KONOYE's defects was his weakness of character. He was not sick or ailing, but was not especially robust. * He didn't constantly complain of illness. When any difficult question arose, KONOYE frequently said he wanted to quit, threatening to resign about four times during his first Premiership. KIDO discovered KONOYE's weak character from the time they were children.

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Asked if it was his misfortune to be associated with three prominent men, SAIONJI, Baron YUASA, and KONOYE, each of whom was either old and feeble or weak in character, he replied that he didn't think so. SAIONJI was old, but incomparable as a far sighted statesman.

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* When he became Chief Secretary in 1930, Count MAKINO was quite elderly. There was some lapse of time before an assassination attempt was made on him in 1936. Asked if he didn't look around to find men either advanced in years or weak characters so that he could exert political power through them, occupying an ostensibly inferior or subordinate position, he stated that such a thing never entered his mind and was completely without foundation.

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* At the fall of the YONAI Cabinet the China war was still going on, and he estimated somewhere between 500- to 600,000 troops were in China the middle of 1940. Hitler was apparently successful in the European war, and the army and rightists urged a military alliance with her.

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31556 * Asked if the fact that the military alliance had not been effected was the real cause of the YONAI Cabinet's fall, he replied that that question alone was not the reason. He had no recollection whether the question of a military alliance was up then, but had * heard that in concluding some such alliance, the entering of the YONAI Cabinet was not expedient. At that time he had not heard that the military alliance was one of the questions faced by the YONAI Cabinet, but YONAI was strongly opposed to the Alliance when in the HIRANUMA Cabinet and KIDO did not believe he approved of it, but he did not know whether the YONAI Cabinet actually handled the Alliance question as an actual Cabinet issue.

31557 He did not know whether the characterization of stubborn would apply to YONAI, but could say he was a man of strong character and was in no way vacillating. KIDO * had not heard that the army was making strong demands for a "military" alliance, but the army was impatient about bringing about a closer rapprochement with Germany.

31560 * Asked if the army, at the time of the YONAI Cabinet's fall or prior thereto, strongly advocated a military alliance with Germany and Italy; he replied that he did not think they strongly advocated it. These quarters desired closer relations with Germany so they

31561 * might talk over common matters more intimately, and in this case the YONAI Cabinet was insufficient and inconvenient.

It was true in some sections there were advocates of a military alliance. By the term "inconvenient" he meant that in handling questions of that nature the Cabinet was unsuitable by its nature and construction.

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* Reference was made to the affidavit where it discussed matters transpiring during the HIRANUMA Cabinet, referring to the military alliance, and where it was stated that if the Army and Navy came into a frontal clash, it was imagined they would stage a coup d'etat, assassinating Senior Statesmen close to the Throne and government leaders (T. 20872). The Accused was asked if he was suggesting that if there was a clash between the Army and Navy, regardless of the position the Senior Statesmen took, they would be assassinated. * He replied that the Navy was opposed to this

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plan but the Army was in haste to try to consummate it. In view of past incidents, it was foreseeable that attacks against Senior Statesmen in favor of the status quo should arise. His Diary entry of April 14 showed the Army felt the need of haste and that the Rightist elements joined with the Army. Asked if he intended to convey that the Navy was mixed up in the coup d'etat and the assassination business, he replied that some reports he received indicated there was a Navy element favoring violent action but the main element was the Army. * This Navy element worked with the Army instead of having as its sole purpose the breaking of the status quo or simply being in favor of the military alliance.

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In the February Incident, the Navy was dependable and in favor of law and order and took a strong attitude in subduing lawless elements and enforcement of law and order. On the whole, it could be said he meant that he realized the Army insisted upon a military alliance with Germany and Italy and that he felt if it did not get its way they might assassinate * someone in the High Court circles. Asked if that was why he advocated HIRANUMA to get on with the signing of the Tripartite Pact, he replied that as a practical measure, he was of the opinion that the problem ought to be settled so it would not cause Britain and America to feel uneasy. Otherwise, he felt it would be difficult to maintain law and order. When he used the term "Senior Statesmen" he did not mean to indicate a definite category but such people as Lord Keeper YUASA, Household Minister MATSUDAIRA and former Premier OKADA, and Count MIKANO, were those who would be the object of such an attack.

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* Asked why the attack would not be made upon the Cabinet members who he claimed were the ones who really governed, he replied that Cabinet members also were frequently the object of assassination attacks, especially the Premier, but the characteristic of assassination plots was to regard those close to the Throne with suspicion and try to gain these positions themselves.

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Page He did not recall a conversation with HARATA about 22 April 1939 to the effect that he intended to see that contact was made with Hitler through OSHIMA and not have the Premier do it directly.

31568 * He did not recall saying that if this method did not work the Cabinet would resign and therefore it was necessary to consider the aftermath of a Cabinet change. Ultimately they reached the point where Method B would be used if Method A did not succeed, and this would be done instead of trying to change the ideas of the Emperor or opinions of the Lord Keeper. The foregoing statement was not in his memory at all. His own recollection was that about this time there were indications that the Cabinet might collapse and he told YUASA this, saying that in that case he hoped YUASA would consider steps. Asked if he said that it should be explained to the Emperor that the Cabinet resignation might result if the Emperor did not give his sanction and matters advanced along the former lines * if the other party did not agree, he replied he did not recall any conversation with HARATA along those lines nor did he say to the Lord Keeper that such a threat-like statement to the Emperor was inexcusable. He did recall stating that ITAGAKI was popular with the Chinese people.

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31570 Asked if he was aware that about 31 August 1934, as shown by Exhibit 3177-A, * the Special Services Organ of the Kwantung Army reported that the very mention of the names DOIHARA and ITAGAKI was enough to make the people in South China turn pale, he replied he heard this for the first time when that Exhibit was presented to the Tribunal * and he did not know if it came from the official records of the government.

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31572 Asked if he recalled about 20 October 1940 that HARATA told him that SAIONJI was suspicious of how he and KONOYE explained the Tripartite Pact to the Emperor and secured his consent when the Emperor had explicitly stressed he would not permit the pact, he replied that he didn't remember this at all and it was contrary to the fact.

The Accused was asked if HARADA had told him on that day, "Why didn't you tell us about the pact?" that HARADA said he would not be saying this if SAIONJI were afflicted with defects. Under present circumstances there was no other issue as serious as this and it was negligible that not a word of the matter was reported to SAIONJI. The Accused replied that he never heard such a statement and did not recall replying to HARADA that he felt too sorry for SAIONJI to report the matter to him nor did he recall HARADA replying to him that this was not a matter in which consideration should be given to private * sentiments, that facts were facts

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Page regardless of how great the Prince's opposition might be and regardless of how sorry he might feel for what must be said must be said and that was KIDO's duty. Nor did he recall replying to HARADA that hereafter he would try to inform him about all relevant matters. Furthermore, he never recalled a conversation of such a violent nature with HARADA. At the time he believed the government had approached SAIONJI on the matter and since it was a big political question, did not feel it necessary for him to reply to it. Nor felt it necessary to tell SAIONJI of everything concerned in the question, feeling it more appropriate for the Premier to tell SAIONJI.

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Asked if he had not consistently discussed political matters with HARADA for the purpose of his reporting the same to SAIONJI, he replied that that was so every time he had the opportunity * but by that time HARADA was not in good health and the occasions on which he was able to talk with him had decreased greatly. Asked if this might have been one of the occasions when HARADA became sleepy while talking to him, he replied he had no recollection of this conversation but it was true that at that time HARADA's health was deteriorating. At that time HARADA lived at Oiso and didn't come to Tokyo often and there were not many opportunities to talk with him.

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Asked if the latter part of October 1940, he still had confidence in HARADA's integrity, he replied that HARADA had a very good sense for politics and in that connection he was always able to talk with him, but when the talk extended over a period of time he sometimes wondered whether HARADA was keeping up his interest in what he was saying. Of course he did trust HARADA's integrity in October 1940, and he showed no signs of going out of his mind. Asked if he contended that HARADA would write such a statement about a conversation with him maliciously, he replied he could scarcely feel that HARADA had malicious thoughts toward him, but neither could he believe HARADA wrote down everything just as he said it. That was why he was always opposed to the matter discussed and had told KONOE and MATSUOKA of this. The reasons he opposed the alliance were given in his affidavit, but the feeling of opposition he had * did not appear in the purported conversation and the fact that the conversation read as if he was completely in favor of the alliance made him feel that HARADA must have left out a great deal. He did discuss the matter of the Tripartite Pact with the Emperor before it was executed.

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* Asked if it was permissible for the Emperor to instruct the administration as to the outline of foreign policy, he replied that of course it was possible for the Emperor to give his opinions.

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Page The Accused was asked if he said to HARADA about 5 September 1940 that it was permissible for the Emperor to instruct the administration as to the outline of foreign policy, but it was not desirable that criticisms of personalities be made, he replied that that was not in his recollection. He did not recall ever advising the Emperor on the question of personnel. * It was permissible for the Emperor to instruct on the outline of foreign policy. Not Kido, but the government, informed the Emperor of the terms of the Tripartite Pact and reasons in favor of its adoption.

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About 12 September, KIDO heard of this for the first time and he believed that on that date KONOYE reported to the Emperor on the matter. Asked why his memory was so acute on such matters and why he was unable to remember other matters, such as the four points of the terms offered Chiang Kai-shek in December 1937, he replied that was because whatever was written in his diary he had kept the main points at hand * and in anticipation of being examined he had consulted these points, but the four points of the peace terms he did not keep at hand and he was sorry he was unable to recall them. Asked if it was true that he had great difficulty in recalling things that were unpleasant to bring to mind, he replied this was not so. He only wished to say that what he had written in his diary he had kept at hand and could remember very well.

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Asked if he recalled that the Pact containing the secret provision that the treaty would only apply to the Soviet alone was taken up with the Emperor, he replied he could not say because he did not know the provisions.

* To the Accused was quoted a purported conversation with HARADA about 20 April 1939, in which KIDO stated that although the main part of the Anti-Comintern Pact had already received Imperial sanction, the Army wanted to omit the part of the secret treaty which said the treaty was only applicable to the Comintern, i.e., Soviet Russia. However, the Emperor would not hear of it. Therefore, with the applicability of the treaty, the Army should arrange so they would not be involved in case Germany and Italy ever fought England or France or other nations. KIDO replied that was not in his recollection. At the time the Second KONOYE Cabinet was formed, he was Lord Keeper.

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* Asked if he learned as early as May that there probably would be a Cabinet change and a new Premier chosen, he replied that rumors of a change were very strong. Asked if he advised KONOYE as to whether he should resign as Privy Council

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Page President, he replied he had no recollection. His recollection
31581 was that he advised him not to resign * but in spite of his advice, KONOYE said that to establish a new political structure it was most inconvenient for him to continue as Privy Council President, and therefore he would resign.

This new political structure was the IRAA, but the ultimate organization was slightly different from KONOYE's original purpose. He urged the appointment of KONOYE as Premier for his Second Cabinet, but at the Council of Senior Statesmen all of them were equally strong to urge him. At that time many important and critical matters were arising. Asked if he did not consider it important to put a man of strong character in as Premier at that critical time, he replied that in view of the circumstances the most desirable choice would have been one with a strong character who was in such a position as KONOYE but such a man was difficult to find. Although he did say that KONOYE had a weak character, that was a matter of comparison. KONOYE did have keen political insight which no other possessed and was able to embrace a wide sphere of people. That was why KONOYE's appointment was widely urged and people felt that by his appointment a new world might be hoped for.

31583 * It was suggested to the Accused that the real reason it would be convenient for him behind the scenes to discuss government policies in the way he saw fit and he replied that was utterly fantastic. The Lord Keeper does not have power to conduct politics behind the scenes. Asked if the position of War Minister was of diminishing or increasing importance, he replied he did not notice any particular change. It was his understanding that the Army recommended TOJO as War Minister through the Three Big Chiefs.

31584 * In regard to the negotiations in 1941 with America on their broad outlines, he heard from the Premier but did not see specific details. About 15 October he was first apprised that an impasse had occurred requiring the resignation of the Third KONOYE Cabinet. When the Second KONOYE Cabinet changed to the Third, besides the change of Foreign Minister from MATSUOKA to TOYODA, he believed a few other Ministers were also changed.

31585 * Asked if the reason MATSUOKA left the Cabinet was that he advocated a very positive war policy toward the western powers, he replied he did not know MATSUOKA's thoughts toward that. The immediate cause of the Cabinet collapse was the difference of opinion between MATSUOKA and KONOYE over the handling of the American negotiations.

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* It was not true that this difference of opinion had to do with MATSUOKA favoring a sterner policy and KONOYE suggesting a compromise. The immediate cause was the Hull oral statement and a collision occurred in regard to the steps to be taken in replying to this statement. KONOYE wanted to get rid of MATSUOKA but he had quite a hard time doing so. Asked if KONOYE could have gotten rid of TOJO too at the time if he wanted to, KIDO replied that at that time no problem existed between KONOYE and TOJO. Asked if TOJO's views were not firm toward favoring war if Japan did not get its way, he replied that his understanding was that in July the negotiations had not progressed to such a stage. * At that time various drafts were being considered and notes exchanged. Since no conclusion had been reached the Army's attitude was not so positive as it became later. In August, KONOYE advanced a proposal to meet and talk with Roosevelt. Both the Army and Navy agreed and KIDO believed there was no problem involving the Army in July.

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Asked if it was not well known at the time that TOJO had very aggressive views, he replied that the circumstances were as he had just stated, and the Army also had no special opposition toward trying to solve the China Incident through American help. He did finally learn that TOJO possessed very positive views about the course to be taken in the U.S. negotiations.

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* Asked if TOJO's position was so strong and he differed so with KONOYE that he was not able to remain on speaking terms with KONOYE, KIDO replied that KONOYE did tell him something of that sort about the very day on which the Cabinet resigned.

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At that time the Navy attitude was rather vague but its leaders expressed the hope that war would be avoided as far as possible. Asked if it could not be said that the Army insisted on war and the Navy did not want it, he replied that the Navy attitude was rather vague, but on the whole this was true. Asked if the situation was not like the one on 9 August 1938, when the Army was strong in favor and the Navy equally opposed to the German alliance (T. 30855) he replied there were a few points * on which the situation differed. There was a segment of younger naval officers not opposed to war and the Naval General Staff also favored war in certain respects. * Because of that situation, the Navy attitude was not expressed clearly. Asked if he did not go to KONOYE and tell him that he should obtain the fullest cooperation and get the Navy to hold out against the military alliance, as he had testified in his affidavit, he replied he did so testify, but he just added that the actual situation in the latter case somewhat differed. Asked if there couldn't be war between Japan

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Page and the U.S. if the Navy Minister voted against it, he replied that if the Navy clearly indicated its opposition the Army itself would not have been able to start war. They might have assassinated a few, but could not have had the war without the Navy agreeing. * Asked if he might have been one of the intended victims, if he encouraged the Navy or Navy Minister to hold out for peace, he replied he couldn't say anything about that. Asked if that influenced his conduct in recommending the Premier to replace KONOYE to the Emperor, he replied he was not influenced by such consideration and whatever action he took he was not pleading duress.

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Asked if he knew on 15 October 1941 that TOJO had decided to employ all his power and influence to go to war with the U.S., Britain and Netherlands unless the terms he insisted on were included in an agreement to be reached with the western powers, he replied that at that time TOJO advocated the execution of the September 6 decision and the issue of war and peace was immediately at hand on that date.

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* Asked if the Emperor could have appointed Navy Minister OIKAWA as Premier, he replied maybe he could have but at the Senior Statesmen's meeting to recommend the succeeding Premier, OIKAWA encountered strong opposition by Senior Statesmen from the Navy, namely, YONAI and OKADA. He did not think there would have been a much better chance for preserving peace by choosing OIKAWA. Asked if he could not have found a more belligerent individual in the Japanese Empire than TOJO on 15 October 1941, he replied he did not think that criticism was just.

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* He hoped TOJO would change his views if the Emperor indicated he so desired. The real reason why TOJO was eager to go to war was to carry out the Imperial decision of 6 September as the date set in that decision in early October had already elapsed the Army was anxious to carry out the decision. Both TOJO and KIDO talked with KONOYE on the 16th and the impression he and KONOYE gained from the talk with TOJO was that the Army attitude was that if the Navy definitely opposed war, it could not be fought but the Army believed the Sept. 6 decision should be carried out. By the Army it could be said he meant TOJO.

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* Asked if he did not know at that time that the Conference of 6 Sept. was brought about mainly at TOJO's insistence, he replied he had heard nothing about that and did not know it even now. The Conference was decided on very suddenly and he reproached KONOYE about this. He knew of the three main points of the question being discussed on 15 October. * What was decided

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was that the negotiations should be vigorously continued but if

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Page by October 15 a successful conclusion was not reached, war would begin. Asked if the Emperor had anything to do with the decision, he replied the Emperor thought it a very bad thing when KONOYE told him of it. Asked if the decision was in reality the Emperor's decision, or merely a formal acquiescence to something decided by others, he replied that as he had said before, the Emperor was in no position to refuse any policy decided on by the Government and High Command and could do nothing but approve. It was a decision formally made in his name but actually made by others. *

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Asked if he was stating that he believed TOJO on Oct. 15th would change his mind because he was so intent upon carrying out the wishes of the Emperor, but if the Emperor came to another conclusion he would be equally amenable to instructions, he replied that what he felt in regard to TOJO was that if the Emperor told him to do something, he would faithfully obey. Once TOJO became Premier, when the Emperor stated his desires, these would be taken up by the Cabinet, studied there, and TOJO would report the results to the Throne, not on a * personal basis but speaking as a representative of the Government.

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It was not true that he realized when he helped TOJO reach the Premiership in mid-October 1941 he was placing in his hands the decision as to whether there would be war or peace. When asked if he meant when he said that the Emperor could instruct his Ministers on the outline of foreign policy, questions of peace and war, he replied that this was included. He meant to say that the Emperor would give his opinion to the Cabinet and the Cabinet on its own responsibility would undertake study and investigation.

* One reason why TOJO was selected as Premier was so that he could be sure to have the Army under firm control. Asked if TOJO could not control the Army as well as War Minister as he could as Premier, he replied that at that time the situation was that the Sept. 6th decision was a kind of cancer. It was not even reported to the world that the Conference was held. If someone were appointed Premier who knew nothing about that Conference and decision, it would be difficult for him to change that decision. Since the field grade and junior grade officers knew of it, if the decision were disregarded there would be a disturbance. * Thus it was impossible to choose the Premier from among a wide range of prospects.

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KIDO worried much over this problem, consulting KONOYE about it, and as a result they arrived at the conclusion that the Sept. 6th decision had to be set aside and that the succeeding Premier must be either OIKAWA or TOJO.

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31600 Asked again whether TOJO as War Minister could not have controlled the Army as well as he could as Premier, he replied that TOJO would control the Army as War Minister. At that time it was KIDO's belief that a war with the western powers would be catastrophic, which meant disaster and the end. Asked if he was maintaining that it was his firm belief that there was a better chance to keep Japan from entering into a war authorized by the Cabinet * by the selection of TOJO rather than OIKAWA as Premier, he replied that he had had a very difficult time deciding which of the two would be better but his greatest fear was that the most important question was control of the Army. If the Army got out of control, war would be bound to result, whatever other policies might be decided upon. That was because the focus of the problem lay upon the decision to rehash the Sept. 6th decision.

31601 When he attended the Senior Statesmen's Council he had not made up his mind and in that council opinions were voiced that TOJO had disagreed with the outgoing Premier, KONOYE, and therefore KIDO said that theoretically OIKAWA would be better fitted as the next Premier. To this opinion the two Navy Senior Statesmen voiced strong opposition and under these circumstances * they had no alternative but to choose TOJO as Premier. Asked if he believed that if the Emperor just before TOJO was named Premier had called in TOJO, SUGIYAMA, UMEZU, HATA and TERAUCHI, and told them he did not want war under any circumstances and wanted them to control the army to see there was no outbreak, if he believed these men would have been able to control all factions and prevent rebellion, he replied that the question was hypothetical and difficult to answer.

31604 * He had already stated there was no other course than the one he had taken.

Reference was made to the affidavit where it was stated that on 8 December 1941, KIDO received a call from Foreign Minister TOJO at 12:40 am, saying that Ambassador Grew had brought a personal telegram from Roosevelt to the Emperor and asked KIDO's advice about handling it, KIDO advised TOGO to discuss the matter with Premier TOJO and that an audience with the Emperor could be granted even at midnight. At 1:30 am, Imperial Household Minister, MATSUDAIRA, telephoned on the same matter. KIDO was then notified that TOGO had proceeded to the Palace and KIDO himself proceeded there at 2:40 a.m., talked with TOGO there, and returned home at 3:30 a.m.

Concerning these events the Accused was asked if he found out what was in the telegram and he replied that when he was talking with TOGO he was told that the Emperor had already come out; therefore,

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Page TOGO immediately left to be received in audience and KIDO had no further opportunity to talk to TOGO and was unable to learn anything from him. He did speak to him about what was in the telegram and was about to ask him, trying to get the details. TOGO was about to tell him when TOGO was called into audience.

31606 * Asked why he went to the Imperial Palace, he replied that since the problem was of a critical nature, he thought he should be there in the event there should be any inquiries from the Emperor. He believed that TOGO brought the telegram in to the Emperor but did not know whether he actually had the telegram in his possession or not.

Reference was made to Exhibit 1239, his diary entry for December 8, in which he stated that he proceeded to the Palace at 2:40 a.m. He believed that 2:40 a.m. was the time he arrived at the Palace and he went there by automobile, a drive of about ten minutes. Asked if TOGO was there when he arrived, he replied he did not remember clearly but believed TOGO came after he arrived.

31607 * He stayed at the Palace about ten or fifteen minutes. Asked if he would have been there almost 40 minutes, if he got there at 2:40 and arrived home at 3:30 and it took ten minutes to drive home, he replied he didn't know that he stayed that long but believed he wrote in his diary that he arrived home at 3:30 and he went directly home. He talked to TOGO only a minute or two as the Emperor was practically waiting for TOGO to arrive.

31608 * Asked if he did not want to be present at that very important moment, he replied he was not allowed to be present at such audiences. He supposed this would be called a very special occasion but he did not particularly request the Emperor's permission to attend. The matter was such that it should be handled by the Foreign Minister and therefore he did not especially request permission to attend.

The Accused was asked if he was sure the telegram was of a nature that it should be handled by the Foreign Minister, if he didn't know the contents. He stated that there had never been a time when he had been received in audience with any State Minister reporting to the Emperor on matters under their jurisdiction; therefore he did not do so at this particular time, although he agreed that there never was an instance like it before in modern Japanese history. * He knew the matter was very important and that was why he went to the Palace to await any inquiries from the Emperor. It was very unusual for an audience to be arranged at midnight. Asked if he did not at least strongly suspect that the message had to do with some strong or

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Page 31610 desperate measure to preserve peace, he replied of course he was much concerned in what it was all about and felt * it was very important. Asked if he did not suspect it was a desperate effort to prevent war and if he was not, as an active champion of peace, much interested in aiding such commendable effort, he replied yes, he was quite concerned about it. Asked why he did not wait until TOGO got through talking to the Emperor and talk it over with TOGO to see if he could help, he replied that since he was in his own room he was unaware that TOGO had retired from the Imperial presence and gone home. Therefore, KIDO waited a while, expecting instructions from the Emperor but learned that the Emperor had also retired and therefore he went home. Asked if he was not figuratively left out in the cold, he replied that it was just that he had failed to grasp the opportunity to do so.

31611 It was suggested to the Accused that he was certainly in bad luck that morning because he had just missed the few minutes necessary to be informed * by TOGO about the telegram's contents, just missing TOGO on his way up, and the Accused replied that he supposed that was so. Asked if it occurred to him to telephone TOGO after he got home to find out what the news was, he replied he did not do so.

Asked if his whole story was not absurd and a deliberate falsehood, and if he didn't know all about the contents of the telegram even before he got to the Palace, he replied he did not know of the contents. Asked if he wasn't curious enough to bother to telephone TOGO when he got home to find out what the score was, even though it concerned peace or war, he replied that it was a fact he did not telephone TOGO. Asked if it was a fact because he did not purposely telephone him or it didn't occur to him, he replied it did not occur to him to do so.

31612 The Accused was asked if he knew what was going on in the Hawaiian Area at the time he was in the Palace between 2:40 and 3:30 a.m. on 8 December, * and he replied he did not know. Asked if he knew now that the attack on Pearl Harbor took place at approximately 3:30 a.m. that morning, he replied he did know so at present. It was suggested to the Accused that there was a little gathering at the Palace to find out how the attack on Pearl Harbor was going, and he replied he knew nothing at all about that.

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31613 * REDIRECT EXAMINATION
BY MR. LAZARUS
COUNCIL FOR HATA

The Accused was asked to clarify his testimony where he had said that it appeared that the resignation of HATA broke up the YONAI Cabinet, and he stated that he meant to say that at that time, War Minister HATA did not resign of his own volition.

EXAMINATION BY THE TRIBUNAL

31614 Reference was made to the Affidavit where the Senior Statesmen's Conference of 17 Oct. was discussed in regard to the recommendation for a successor to the Third Konoye Cabinet, and KIDO stated that the attitude taken by War Minister TOJO in the present political change was different from that taken by HATA under the YONAI Cabinet. Asked to what difference he referred, the Accused replied that in the case of the YONAI Cabinet, HATA presented his resignation to the Cabinet and stated the Army could not offer a new man and there was no successor for the post, therefore the YONAI Cabinet fell. The case in the Third KONOYE Cabinet was that a difference of views * arose, centering around the Imperial Conference decision and TOJO had not yet tendered his resignation. This was the only difference he meant to mention.

31638 * Exhibit 3344, the Affidavit of KISHI, Michizo, stated that the affiant was secretary to KONOYE in KONOYE's First Cabinet from June 1937 to January 1939. At the request of KONOYE on the evening of 16 Dec. 1937, the affiant interviewed Education Minister KIDO. KONOYE had told the Affiant to convey a message to KIDO.

31639 * This message was that the peace terms with China, to be concluded through the intermediary of German Ambassador Trautman, had been decided by the Liaison Conference. KONOYE was anxious to make peace with China under those terms but the Army attitude was not definitely known.

When the peace terms were to be submitted at the Cabinet meeting the next day, KONOYE requested KIDO to ask War Minister SUGIYAMA about this point, and found out the Army's real intentions for KONOYE. The Affiant conveyed this message and recalled that KIDO said it was a very troublesome question but he would think it over as the China Affair must be settled at that juncture. The Affiant reported the interview to KONOYE and the Affiant remembered that KONOYE told him that KIDO at the Cabinet meeting of Dec. 17 spoke as requested by KONOYE.

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31640 * Exhibit 3345, the Affidavit of TAKAGI, Yasaka, stated that
31641 he had been a lecturer at Tokyo Imperial University * and had studied
in America, devoting himself to American History, politics, and insti-
tutions. In the Peers School in 1905, KIDO and his brother, Dr.
Wada, were among the Affiant's best friends and when KIDO became Edu-
cation Minister in 1937 the Affiant frequently discussed University
questions with him.

31642 The Affiant knew no acts of KIDO which had any totalitarian
or Fascist tendencies. * At that time Tokyo Imperial University was
confronted with difficult questions caused by a tense situation. KIDO
fully respected University autonomy, and closely cooperated with the
University President, Dr. NAGAYO. The Affiant found that KIDO had
common ideas with the University authorities about University autonomy,
and never tried to bring pressure to bear. In dealing with the ques-
tion of Professor YANAIBARA, KIDO stated he refused to interfere,
leaving the problem to University authorities. The Affiant was a Uni-
versity Councillor and knew KIDO did not interfere nor exert pressure
in connection with YANAIBARA's resignation.

31643 On 3 August 1945 the Affiant met KIDO and told him it would
be better to broach peace talks directly to the U.S. In reply, KIDO
explained that the reason Japan proposed peace through the Soviet was
due to her respect to the Soviet's neutral position. He expressed
himself in favor of keeping two routes open to peace talks * without
dropping negotiations with the Soviet. He said Japan must seize the
best opportunity to terminate the war and the opportunity was ripe,
and that he would place confidence in the determination of Premier
SUZUKI. On that occasion, the Affiant obtained an indelible im-
pression that he was determined to work for peace regardless of the
consequences to his own personal safety.

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31649 - * Opening Statement by Mr. Howard
31653

31654 * Exhibit 3346, the affidavit of Alfred F. Kretschmer stated that the affiant wished to explain exhibit 1272 in which Ambassador Ott stated that KIMURA, while Chief of the General Staff of the Kwantung Army, from October 1939 to October 1940, especially worked in behalf of Germany and was one of the principal advocates of German-Japanese military cooperation.

31655 * The affiant stated that he did not word this part of the telegram but Ott's word was based, without doubt, on the affiant's proposition and its dates, which he now saw were incorrect.

31656 * As to the wording KIMURA had especially worked in behalf of Germany, the affiant was sure it referred to the fact that before the German-Soviet Russian war, tungsten, rubber, etc. were sent to Germany via Manchuria and the U.S.S.R. The shipments were often delayed by Japanese railroad authorities in Manchuria, and in such cases the German Mission had to ask for the help of the Kwantung Army Headquarters in Hsingking. But the affiant was not sure whether such cases occurred while KIMURA was Chief of Staff.

While KIMURA was Vice War Minister, KIMURA neither asked the affiant to his office nor did he go to his office to talk on official business, for his official business reached no higher than the political department, and he even met Major General SATO seldom officially.

31657 In exhibit 1272, Ott had remarked that KIMURA closely cooperated with War Minister and Prime Minister TOJO, as well as * his primary preoccupation in his position as premier had enhanced his influence on the leadership of the War Ministry, as well as his position in regard to other vice ministers.

The affiant stated that he observed nothing that indicated this statement of Ott's was true.

31658 Exhibit 3347, the curriculum vitae of KIMURA was received into evidence and showed he was appointed Chief of Staff of the Kwantung Army on 22 October 1940. Attention was called to exhibit 3031 to show that the Vice War Minister was on an equal footing with the * Parliamentary Vice Minister and the Parliamentary Vice Councillor.

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Exhibit 3348, an excerpt from the General Regulations for the Service and Handling of Documents provided that they should provide for items concerning affairs under the War Minister, and affairs between the War Minister and Army Air Force Headquarters.

31659 The affairs of the ministry should be divided among the bureaus and the minister's secretariat, the latter having * charge of the management of affairs thereof, unless otherwise provided.

Documents issued within or without the army might be dispatched in the name either of the vice minister or senior adjutant. The vice minister shall assist the minister, manage ministerial affairs and supervise the minister's secretariat and the respective bureaus.

Bureau chiefs shall have charge of bureau affairs, supervising their subordinates, pursuant to the minister's orders, and should establish detailed regulations concerning the affairs of the bureaus, and the senior adjutant should do likewise in connection with the secretariat.

31660 Incoming documents shall be received by the communication * clerk of the secretariat, except those addressed to bureau of section chiefs. Telegrams, except those addressed to a bureau or section, shall be received by the communication clerks of the secretariat and be translated, except those relating to personnel affairs, or those of which translation is prohibited, and will be delivered to the competent adjutant, or according to the delivery book directly to the addressee, except those relating to personnel affairs. Translations shall be conducted by officers especially nominated.

The competent adjutant shall deliver the documents according to the above regulations, except those deemed important and deserving prompt inspection by the minister, the Parliamentary Vice Minister, the Vice-Minister or the Councillor, to the Senior Adjutant. Others will be handed to clerks for delivery to sections.

31661 * The transaction of affairs of the ministry shall be entrusted to the decisions of the vice minister, bureau chiefs, or the senior adjutant, but bureau chiefs may transfer minor matters to competent section chiefs.

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Matters deemed necessary will be reported to the superiors, as the occasion arises. As to the approval of a document under consideration, the section in charge shall, in accordance with regulations, and with the degree of its importance, indicate (Vice-Minister in charge) on a column specified for approval, in case approval of a vice minister should be required, and if approval of the director is required and the document is sent to a parliamentary vice minister or councillor, the same action shall indicate this on the same column.

- 31662 * Documents of each section whose consideration has been furnished must be handed over to the secretariat for review by the adjutant, and have it carried into effect after the approval of the minister or vice minister. Those bearing an indication of matters with which the senior adjutant is entrusted must be carried into effect by the adjutant, and among matters with which the bureau chief and senior adjutant are entrusted, which are considered simple, can be carried out by the principal adjutant in charge without review by the senior adjutant.
- 31665 * Exhibit 3349, the regulations concerning the treatment of business of the War Minister provided that matters entrusted to the vice minister were the enactment, alteration, and abolition of minor laws; official tours of army department officials below sonin rank; * authorization of incorporations, subscription, etc.; working budgets for the Yasukuni Shrine and military museum; the imperial prince's presence at commencement exercises of army schools; emperor's approval of war relief funds; visits made as the minister's representative, connected with personnel affairs, decisions as to how many should be chosen out of officer and second lieutenant candidates; number to be admitted into military schools; assignment of officer candidates to their units; recognition of conscription exemption schools; school applications for attachment of officers; *special rewards to officials below hannin rank;
- 31666
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University lecture-attending officers, courses of lectures, and schedules; selection of officer-students to be assigned to school of foreign languages and to be sent abroad for study; matters of minor importance re conference on maneuvers, and the choice of units participating; convocation of chiefs of staff's conference and its schedule; minor matters re organization affairs; minor matters re Manchuria and China; instructions to officials abroad and professors.

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- 31669 * Exhibit 3350, regulations of the Kempei dated 2) November 1898, provided that the Kempei should be under the war minister's jurisdiction and should control the military policies and the administrative and judicial policies. In the execution of his duties, the Kempei shall take orders from the war and navy ministers regarding military police matters, and from the justice minister regarding judicial police matters.
- 31671 * Exhibit 3351, affidavit of SAWAMOTO stated that the affiant was vice minister of the navy from April 1941 to July 1944. As KIMURA's vice war minister from April 1941 to March 1943, the affiant had official relations with him during that time, but other than that had no connection. During the time the affiant was vice minister, regulations concerning the duties and responsibilities of that office were construed and practiced, as follows: the vice minister was to assist the minister in the latter's capacity as chief administrative official, and there was no stipulation by which the vice minister was to help the minister in his character as minister of state.
- 31672 Before the vice minister could be proxy for the minister, the cabinet must grant such permission and the minister had no such authority. Only the minister * had a right of direction and command, authority over personnel matters, and power to punish. The vice minister could do no more than help by expressing his opinion to the minister, with the exception of persons who were in service by order of the vice minister.
- 31673 Bureau and division chiefs were directly responsible to the minister. According to regulations, the vice minister helped the minister adjust departmental affairs, and supervised the bureaus and divisions. Adjustment of departmental affairs had as its main object the coordination of the bureaus and divisions. The vice minister also attended to matters entrusted to him, and various functions not * belonging to any other bureau or division, and other miscellaneous matters.

Supervision of business meant that to be carried out by the vice minister in the sense of helping the minister. since bureau and division chiefs dealt with matters for which they were responsible. Accordingly, the vice minister had no authority to direct, command, or cancel business assigned to bureaus and divisions. In cases necessitating such action, he could only express his opinion to the minister and await his instructions. The vice minister had authority to decide matters

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only assigned to him and no right to command outside of his jurisdiction. As to matters other than those assigned him, even though the vice minister's approval was lacking, it was not unlawful so long as the minister approved. In the navy ministry, the vice minister did not take part in the nomination and appointment of personnel.

31674

* In establishing regulations or giving orders in general, they were issued in the minister's name, and there were cases, though it was actually the minister's orders, in which the minister's name was not used, but instead notifications by order in the name of the vice minister were usually issued.

The vice minister's notification by order was nothing more than a communication in writing made in the vice minister's name of what had been decided by the minister. The vice minister's notification, which was different from the vice minister's notification by order of the minister, was issued in connection with matters assigned to the vice minister. When there was a cabinet change, no member of the navy ministry was affected, except the navy minister, and there was no case in which the vice minister was changed.

31675

* The affiant, the same as other vice ministers, was requested to be a committee man or councillor of various committees, but it was only nominal and he did not attend those committee meetings. In the rare occasions in which he did attend, they were called nominally and proceedings had already been deliberated beforehand. He did no more than simply hear reports.

The affiant was also councillor of the Total War Research Institute, as were other vice ministers. The only part he took in the proceedings was to attend once a year, together with his colleagues from other ministries, to hear the report of the studies.

31676

* Exhibit 3352, excerpts from the military court-martial law dated 26 April 1921, and revised in 1941 and 1942, providing that the court martial had the right * to try the following for alleged crimes: Those mentioned in certain named parts in the criminal code; the crew of army transports, those belonging to and accompanying the army, other than those before mentioned; and POWs.

31677

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31678 The court martial also had the right to try those before mentioned for crimes committed prior to the time their status was acquired, and also had the right to try them, although they were no longer in one of the above categories, if arrested, imprisoned, detained, or reported for search, while still retaining their status. The court martial also had the right to try those mentioned and * which pass under article 8 of the Army Criminal Code.

Court martials to be established were the general army division, encircled locality, and temporary court martial. The general army and division court martial should be permanent, and the encircled locality court martial should also be established where a military administration was proclaimed. The temporary court martial should be especially established as needed. The war minister shall be the chief of the general court martial, and the army commander chief of the division court martial.

31679 * A unit or area commander should be chief of the especially established court martial. The temporary court martial had jurisdiction over cases against those under the command or control of the unit commander establishing this court martial, except when the court martial was established in units under his jurisdiction, and those under the command or control of these units should not be included.

Cases against those in areas of operations or defense in units in whose area the temporary court martial was established, or those committing crimes there, should be limited to cases where the units of the accused did not have a court martial in those areas.

Cases against those stationed in areas of operations, control or defense of the unit where temporary court martial was established, should be under its jurisdiction.

31680 Trials shall be carried out by a council of five judges, with a senior judge as president. In these especially established court martial cases, the judges would be reduced by two and the same will be true in the case of a permanent court martial, except higher ones, in case of emergency. With the exception of higher court's martial, the bench should consist of one field officer, and three company officers, or two

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- field and three company officers, where the accused is a private or noncommissioned officer, two field or two company officers, where the accused was a company or warrant officer.
- 31681 One general and three field officers, * or two generals and two field officers where the accused was a field officer, and 4 generals where the accused was a general. Where the court martial was located in an area cut off from communication, judges might be selected from judges higher or equal to the accused, but otherwise should not be lower in rank.
- 31682 * Decision to dismiss the accusation is cancelled when the accused is dead, or when the case shall not be tried under articles 24 or 25.
- 31683 When the decision is given to dismiss the accusation by reason of cancellation, no one shall institute an accusation nor demand a preliminary trial again. Where the accused is found not guilty, or there is no evidence, the verdict shall be not guilty, the decision to dismiss the case shall be given when final judgment has been rendered; when punishment is abolished in accordance with law enacted after the crime was committed; when he should be exempt from punishment; when an amnesty is proclaimed; or when the case is barred by limitation.
- When the accused is found not guilty, acquitted, placed on probation, or the prosecution is dismissed not within the jurisdiction, or the accused is fined, the accused shall be released.
- 31684 When the court martial declares dismissal or nonjurisdiction, * it may preserve the warrant of detention or issue a new one. * When the prosecutor fails within three days to institute an accusation on the case for which he preserves or issues a new warrant of detention, or send the case to the competent court martial, he shall at once release the accused, and this also holds good when the prosecution fails to institute an accusation within five days.
- This law has been in force since 1 April 1942.
- 31685 Exhibit 3353, excerpts from the military criminal code, of April 10, 1908, provided that army personnel included persons on the active list, except those who have not yet entered barracks or on leave; reservists under orders for calling out;

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reservists taking up duties in various units without being called out; reservists wearing army uniforms, or actually fulfilling service duties; and persons voluntarily enlisted and in service.

31686 * Army personnel shall also include army students; army civilian employees; naval personnel in army duties. Exception to the above shall be decided by order.

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31687 * DIRECT EXAMINATION OF OYAMA, Ayao
 By Mr. Howard

31693 The witness identified and verified exhibit 3354 as his affidavit. The affidavit stated that the law pertaining to the punishment of POWs on 9 March 1943 was revised because as to crimes committed by POWs in the past, laws of 25 October 1904 and 28 February 1905 existed at the time of the Russo-Japanese war. Later on, as the criminal code was revised and the penal system formed, it was necessary to revise the names of the punishments and the law pertaining to the punishment of POWs to conform to those in the criminal code.

31694 Also since the outbreak of the Pacific war, POWs increased and it became necessary to take steps to surpress possible * uprisings. In view of the upscaling of penalties for crimes committed against superiors and by military groups, it was necessary to raise the penalty.

In the winter of 1942 the bill for altering the POW law was taken up as one being under the jurisdiction of the War Minister to be presented at the next Diet session. After consultation within the war ministry and with the bureau of legal affairs, the final draft was drawn, approved by the minister, and the cabinet, and presented to the Diet.

31695 * After publication it became law and was promulgated as law No. 41 of 1943 (Exh. 1965A). When asked if the legal affairs bureau was consulted by the war ministry concerning the legality of the revision, the witness replied that they were consulted concerning this point, and further consultation was made with the legislative bureau and with other concerned authorities. They were informed that the revision was legal.

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CROSS-EXAMINATION OF OYAMA, Ayao
By Colonel Mornane

31696

Asked if he gave them that information himself, the witness replied that persons in charge of the offices gave the information. The witness was in charge of the bureau of legal affairs himself, * but was not consulted directly. He had been a legal officer for many years. He did not give his subordinates any indication that the bill was legal as it was a part of their duty to study its legality and he himself did not consider it.

He was directed to consider it himself directly by the War Minister. Concerning points of this sort, the bureaus and divisions studied the question in concert with the offices in charge of the matter, which sent representatives to the legislative bureau where it was studied and the draft decided upon. After approval of the draft by the War Minister, it was presented to the Diet.

31697

* Asked if Vice Minister of War, KIMURA, had anything to do with the preparation of this matter, he replied that the Vice Minister had no connection in facilitating the matter.

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31699

* DIRECT EXAMINATION OF SEMBA, Tsutomu
 By Mr. Howard

The witness identified and verified exhibit No. 3355 as his affidavit.

31700

* The affidavit stated that the witness was in the engineering administration section of the maintenance bureau of the war ministry from March 1939 to October 1942, and in the service of the general bureau of aerial ordinance of the munitions ministry from March 1944 to the end of the war.

The case of the employment of POWs, relating to exhibit 1970-A, "Inquiry about the utilization of the Manchurian Machine Tool Company for the purpose of urgent aerial maintenance," occurred when the witness was in the maintenance bureau and was directly in his charge.

The note concerning the employment of POWs in the Manchurian Machine Tool Company was issued in the Vice Minister's name as entrusted according to the "Note Concerning the Disposal of POW's at the Present," (Exh. 1965-A) decided by the War Minister on 2 May 1942.

31701

* Owing to the extreme manpower shortage, all were obliged to work according to their talent and specialty, without distinction of age and sex, and the minister's policy was to engage POWs to the extent of labor permissible by international law.

Productivity of machine tools at that time was about 40,000 pieces per year, while the amount paid was 250,000 pieces. Owing to the scarcity of building materials, it was so difficult to build a new factory, there was no alternative but to use existing facilities, and they learned to use the tools from the Manchurian Machine Tool Company, which had many idle facilities.

While manpower was more scarce in Manchuria than in Japan, Japan could not accept so many of the Manchurians who were not skilled and were irregular in attendance, and it was difficult for Japanese workers to move to Manchuria.

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31702 * Eventually they planned to employ POWs with mechanical skill and experience. The army had no intention of engaging the company in the production of arms and it remained in the position of assisting the company as a requisitioner of machine tools. The company was kept distinct from the munitions industry and was under the jurisdiction of the engineering agency of the Manchurian Economic Department. The POWs participated in the production of lathes.

The wording of "urgent serial maintenance" in the "Note of Utilizing the Manchurian Machine Tool Company for the Purpose of Urgent Aerial Maintenance," (Exh. 1970), drafted by the witness, was used with the intention of engaging the company in production of machine tools to contribute to aircraft production. They did not carry out direct production of arms and ammunition.

31703 * CROSS-EXAMINATION BY COLONEL MORNANE

The witness stated that he drafted exhibit 1970-A himself and it was subsequently submitted to the Vice Minister. Reference was made to the affidavit where he said the note was issued under the Vice Minister's name, as entrusted according to the "Note Concerning the Disposal of Prisoners of War at the Present," (Exh. 1965-A).

Asked what he meant, "as entrusted," etc., he replied that in so far as it was not in violation of international law, it was the policy to use POWs in important industries.

31704 Asked what he knew about international law, * the witness replied that the use of POWs in the direct manufacture of munitions and ammunition or at the front is prohibited by international law.

31707 * Reference was made to the affidavit where it was stated that the minister's policy was to engage POWs to the extent permissible by international law and where reference was made to exhibit 1965-A. To the witness was quoted a paragraph from exhibit 1965-A which stated that white POWs should be imprisoned in Chosen, Taiwan, Manchuria, and China to be employed in the expansion of production and on work connected with military affairs.

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31708 Asked if he regarded that statement as what was permissible under international law, he replied that in his understanding he did not think it violated international law, and that was the basis for his statement in the affidavit.

Asked if exhibit 1970-A, which he drafted, was subsequently approved by KIMURA, he replied that the drafting took place following the issuance of a notification by the Vice Minister of war reporting the minister's approval. Those engaged in such activities applied the principles of the notification sent by the minister as it related to the work with which they were charged, and their duty was to materialize the notification sent.

The policy was approved by the war minister and its function was the concrete materialization of the matters therein contained. Since these matters were entrusted to the Vice Minister, the results of the work were reported by the Vice Minister to the War Minister.

31709 * Since the work was carried out in accordance with the War Minister's policy and intention, and since the matter was entrusted to the Vice Minister, the responsibility for the work rested with the War Minister and not the Vice Minister. It was true the Vice Minister approved the document.

31710 * REDIRECT EXAMINATION BY MR. HOWARD

The witness stated that he believed the work was in conformity with international law because belligerent states had the right to engage POWs in labor, with the exception of officers, and those qualified to receive officer treatment.

In response to a question by the president, the witness stated that KIMURA approved both the form and substance of the rule on the basis of his belief that it was not in violation of international law.

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31712 * DIRECT EXAMINATION OF HIGASA, Ryohei
By Mr. Howard

31713 The witness identified and verified exhibit 3356 as his affidavit. * The witness stated that from March 1942 to March 1944 he had charge of administration matters concerning POWs as staff officer in the Tobu Army.

The Tobu Army document dated 2 October 1942 entitled "Matters Concerning the Employment of POW" (Exh. 1967) was issued when the witness was a staff officer in the Tobu Army, and was made on the basis of two documents, one being "Matters Concerning the Treatment of POW" (Exh. 1965-A), decided by the War Minister, and the other being "POW Employment Regulations" (Exh. 3050), which had already been enforced.

31714 Exhibit 1967 had no plan of employing POWs in labor directly connected with military operations. * At no time were POWs employed in such labor.

CROSS-EXAMINATION BY COLONEL MORNANE

31715 The witness stated that the Tobu army referred to one of the four districts in which Japan was divided and was the Eastern army district.

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31715 * DIRECT EXAMINATION OF MIKI, Yoshihide
By Mr. Howard

31716 The witness identified and verified exhibit 3357 as his affidavit. The affidavit stated that the witness was * chief of medical affairs bureau of the war ministry during KIMURA's tenure as Vice-Minister. Bureau chiefs were not directly under the Vice Minister, who, however, did supervise their business. Bureau chiefs were directly under the War Minister and conducted their business by his orders.

In so far as the medical affairs bureau was concerned, business delegated to the vice minister was of minor importance, such as examination of medical supplies. The witness observed that the vice minister's primary duties were to strive for harmony and smooth operation within the ministry, and assist the minister.

31717 TOJO, while premier and war minister, carried out his duties with accuracy and decision and was an example of effective leadership. Bureau chief conferences were presided over by TOJO and * at them each chief reported and the minister gave his views and directions. Vice Minister KIMURA spoke very rarely and confined his statements mostly to ministry business.

At the bureau chiefs' conferences, the witness heard no report on protests against maltreatment of POWs during vice minister KIMURA's tenure. The war minister's orders were usually stipulated as departmental orders, modifications, etc., and the only time the minister's name was used was when orders were issued. On other occasions, the vice minister's notification by order was issued and the minister's name not used.

31718 This latter method was employed when orders approved by the minister were indicated in writing. Power to command, appoint, dismiss, and punish bureau chiefs was held by the minister and not the vice minister; except on less important matters the chief minister had no power of decision * and no power of command outside of the ministry, although it was his responsibility to assist the minister, he was not in a position to assist the minister in external matters.

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CROSS EXAMINATION BY COLONEL MORNANE

31719 When asked if the vice minister was actually, after the war minister, the senior ranking minister in the war ministry, he replied, "yes". When asked if before important matters could be formulated, bureau chiefs had to get authority or consent of either the minister or vice minister, he replied that the war minister's approval was always necessary, * but that of the vice minister was not. It was suggested to the witness that in important matters, they had to get the approval either of the minister, or if they didn't get his approval, the vice minister's approval was sufficient, and he replied that it was possible to carry out any important matter without the approval of the war minister.

The affairs of the war minister were conducted in accordance with general affairs regulations.

31720 * The witness was shown article 30 of exhibit 3348 which was read to him. This stated that among matters formulated by each section as to those important, the bureau chief concerned at the beginning of the formulation, or at any other appropriate time, should express his view directly to the minister or vice minister to get his private consent.

The witness was asked that if under that article if under that article it was not true that the consent of either the minister or vice minister was required for certain matters, he replied that of course it was desirable to obtain the approval of both, but it was not a violation of regulation to carry out any matters without direct approval of the war minister without the approval of the vice minister.

It was the witness's belief that when the war minister decided a policy, the policy need not be approved by the vice minister.

7 152 0003 9063

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Defense - KIMURA
TANAKA - Direct

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Page * DIRECT EXAMINATION OF TANAKA, Nobuo
By Mr. Howard

31722 The witness identified and verified exhibit 3358 as his affidavit. The affidavit stated that the witness became commander of the 33rd division in May 1944 and the following September, when he was retreating with his troops after a battle at Imparle, KIMURA arrived in Burma as commander of the Burma Area Army.

On May 28, 1945, the witness met KIMURA at Moulmein. Then he urged the necessity of enforcing strict discipline and being good to the inhabitants, telling the witness to treat them with warmth because the Burmese would help the Japanese Army out of difficulties and military operations could not be carried out without their cooperation.

31724 * Later the witness was in charge of the defense of the district south of the Salween River. Guerrilla unit leaders, backed by British-Indian parachute units, frequently landed threatening the rear.

Near Kalagon Village, a parachute corps was based, and in concert with the insurgent Burmese Army disturbed the district. The British-Indian Army held over the natives by dropping arms and provisions for the guerrilla corps and also necessities for the people so that the power of the guerrilla corps increased. In mid June 1945 the witness ordered the 215th Infantry Regimental Commander TSUKADA to suppress the guerrillas

31725 He had TSUKADA take clothes and provisions to the people for their pacification. But the Kalagon Incident broke out because of the abnormal action of the Battalion Commander, which attacked the village. The witness had always been careful about his subordinates' treatment of the natives, but never knew about the Kalagon Incident until his * battalion commander, company commander, and others were summoned by the British Army after the end of the war.

Even when he met his Regimental Commander after the war he did not give any report about the event and consequently the witness did not report to KIMURA concerning the event either when he went to Moulmein on August 15, or when he met KIMURA in Bangkok after the end of the war. This was because

7 152 0003 5064

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the witness himself was ignorant of the Kalagon Incident. As the commanding officer concerned, he was put in prison as a war suspect on January 22, 1946. He had neither given any order for such act of atrocity nor had received any report on it.

Since the Regiment Commander stated at the War Tribunal at Rangoon that he did not report this case to the witness, it was made clear that he had no connection and was released. 31726*The case was dropped not only for the witness but also for the Regiment Commander and only the battalion commander and personnel ranking below him were punished.

On 6 February 1946 the witness reported the Kalagon case to the Area Army Commander. When the witness was temporarily released on bail from the Moulmein Prison and went to Camp Insen to attend the meeting of the Anglo-Japanese War Research Society, he met KIMURA and reported the matter to him.

KIMURA was very surprised and repeatedly said he felt exceedingly sorry. According to information picked up while the witness was in prison, it seemed there were one or two more illegal acts besides the Kalagon case, and two officers who were under the witness's command were arrested and brought to Burma after the demobilization.

During the war he had never known of such a case, or given any order in connection therewith, nor did he undergo any investigation, since he was not involved. Therefore he did not report such cases to Headquarters of Area Army, nor did he receive any order about such matters from army headquarters.

7 152 0003 5066

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HONDA - Direct

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DIRECT EXAMINATION OF HONDA, Masaki,
by Mr. Howard.

31728
31729

* The witness identified and verified exhibit 3359 as his affidavit. * The affidavit stated that the witness was a former lieutenant-general, and after various posts was appointed commander of the 33rd Unit under the Burma Area Army in April, 1944, holding the post until the surrender.

When KIMURA arrived at his post in mid-September 1944, the 33rd Unit was engaged in operations near Tung-Ting parallel with an advance on the Unnan Expeditionary Army. Owing to the unfavorable progress, they retreated and took part in combat at the battle of the Irrawaddy River near Meiklila, and afterwards marched south along the eastern side of the Sittang River.

31730

* From mid-May, 1945, having assembled in the vicinity of Sittang, the unit defended the Tenasserim Region, to check the advance of the Anglo-Indian Army.

He had read exhibits 1537-A and 1549 to 1553-A concerning alleged atrocities in Burma. No orders were ever given by the witness concerning these matters, and he knew nothing of them, notwithstanding they appeared to have happened in the operational zone under his charge. He learned for the first time some of the facts in the exhibits when war criminal suspects were on trial in Burma after the war. No reports were made by the unit to Area Army Headquarters, and no orders were received by the unit concerning these matters.

31731

* The witness was confident that they maintained discipline and could render services in the cause of good understanding between the Japanese and Burmese by efforts in compliance with the spirit and intentions of Area Commander KIMURA, though they were in miserable conditions and hard pressed and continually retreating after September 1944. The witness was rather surprised to hear of the atrocities.

KIMURA showed his manner of command through his address after arriving as Area Army Commander and in several meetings and through private correspondence and personal meetings, he understood KIMURA's manner of command. At all times he emphasized strict discipline, maintenance of morale, and proper reward and punishment. He told them to treat the Burmese with precaution and sympathy, win their hearts and enhance the support of the army.

7 162 0003 5066

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HONDA - Direct

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31732

* They were told to put "Battlefield Instructions" in practice, and if they might later be forced to abandon Burma they should leave an impression on the Burmese that the morality and good will of the Japanese Army were high, so that sacrifices should not have been in vain. As KIMURA always repeated and emphasized this, they strove to realize his spirit and intentions.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

152 0003 5067

NARRATIVE SUMMARY OF THE RECORD
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DEFENSE - KIMURA
ICHIDA - Direct

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Page DIRECT EXAMINATION OF ICHIDA, Jiro,
by Mr. Howard.

31733 * The witness identified and verified exhibit
3360 as his affidavit. The affidavit stated that his
31734 * former affidavit was 3089, and he was a former Major-
General in Burma under KIMURA, and had been Chief of Staff
and Acting Chief of Staff. Concerning exhibit 1539, which
mentioned 27 Burmese as missing in July 1945, after the
surrender he talked to Gendarmerie Commander KUME southeast
of Moulmein. Burma Army Headquarters was then at this
place, and KUME told the witness about the so-called
Moulmein Incident for the first time.

31735 * KUME said that Burmese in custody at Moulmein
had been handled by the chief of the detachment of the
Moulmein M.P., at the chief's own discretion. Later, after
ranking officers of the Burma Army had been moved to the
Rangoon POW camp at the end of October, 1945, the witness
informed KIMURA of the Moulmein case, and KIMURA told him
that this was the first time he had heard of it. Army
Headquarters had not issued orders nor received information
regarding the matter before the end of the war.

He had read the exhibits concerning Burma
atrocities. Reports on these matters would come to him,
and he in turn would have transmitted them to KIMURA. No
such reports were received, and consequently none went to
KIMURA.

31736 * The witness identified exhibit 3361 as his
affidavit and verified it. The affidavit stated that
Army Commander KIMURA regarded discipline as one of the
most important items for command, and took every opportunity
for its materialization. As an example, immediately after
he was appointed he advanced the command post to Maymyo,
conducting operations himself, and invited the Commander
31737 and Chief of Staff * of the 15th and 33rd Army, to give
them strict direction concerning military discipline. At
that time he also inspected discipline of units at Maymyo.

In early February, 1945, he inspected 28th Army
Headquarters at Taigii, encouraging discipline, and reviewed
discipline there. Thereafter, he instructed the 33rd Army
Commander and inspected his division, enhancing morale and
discipline.

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31738 Even after Headquarters withdrew to Moulmein at the end of April, 1945, KIMURA went to the front, visiting headquarters of the 31st, 33rd, 49th, and 18th divisions and 33rd Army to maintain discipline, and also summoned the commanders of the 15th Army, 31st, 33rd and 49th Divisions, 101st and 24th Mixed Brigades, and instructed that they should put top priority on the maintenance of discipline and winning the popularity of the natives. He * repeated these instructions again and again to make them permeate the whole army, and sent personnel of headquarters to the front to inspect on discipline.

This inspection showed that all bad conditions, such as disorder after defeat and interruption of transportation and communication facilities accumulated to make some of each corps slip from the commanders' hands, and they made every effort to pick them up. Also, they inspected battlefield discipline, and found it was maintained strictly.

31739 KIMURA severely punished those breaking discipline, and punished several officers for careless treatment of secret army documents, for lack of control of subordinates, * and he punished the head of a prison where Japanese soldiers were interned for his bad management.

CROSS-EXAMINATION BY COL. MORNANE.

31740 * The witness stated that in his affidavit, where he had said that KIMURA punished the chief of guards of the Area Army for lack of control of subordinates, he meant the chief of guards of the Area Army. These guards had no connection with prison camps, but their duty was to guard army headquarters. The prison where Japanese soldiers were interned was at Insein, and the place where Allied POWs were held was six or seven miles apart.

31741 * The head of the prison where the Japanese soldiers were interned was punished for poor control of the affairs of the prison following desertions which took place after KIMURA arrived. When asked if he caused any investigation to be made as to the condition of POWs at Rangoon as a result, of finding of bad conditions at the Japanese prison, he replied that the Japanese soldiers did not desert because of bad management.

1 162 0003 5064

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ICHIDA - Cross

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* It was suggested to the witness that KIMURA found bad management in the Japanese prison, as a result of which prisoners were allowed to escape, and finding that it would be logical for him to insure that there was no danger of escape at Rangoon POW Camp, and the witness was asked if KIMURA caused any investigation to be made there. He replied that because the POW Camp in Rangoon was outside his duties he did not know whether KIMURA directed his staff officer to look after that.

31743

* Exhibit 3362, the affidavit of TAKAGI, Hidezo, stated that he was appointed a staff officer to the Burma Area Army in January, 1945, remaining so until the surrender.

31744

* He had read the exhibits concerning illegal acts in Burma. During his tenure in the Burma Army, Headquarters had no knowledge of them, and KIMURA did not order them. KIMURA stuck to the maintenance of discipline and the holding of popularity as a fundamental principle, and endeavoured to the last to have this principle realized.

NARRATIVE SUMMARY OF THE RECORD
October 24, 1947
DEFENSE - KIMURA
YAMAGUCHI - Direct

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Page DIRECT EXAMINATION OF YAMAGUCHI, Eiji (Eiji).
by Mr. Howard.

31745 * The witness identified and verified exhibit
31747 3363 as his affidavit. * The affidavit stated that he
was appointed a staff officer of the Burma Area Army on 8
July, 1944, and was a staff officer for operations until
July 20. The Aviation Division in Burma, the Hikari Organ
in charge of liaison with the India National Army, the
South Field Railway Corps, the Marine Transport Corps and
the Naval Base Forces, all of which were in Burma, were not
under KIMURA's command.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

1 152 0003 5071

NARRATIVE SUMMARY OF THE RECORD
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DEFENSE - KIMURA
YAWAHARA - Direct

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Page DIRECT EXAMINATION OF KAWAHARA, Naoichi,
by Mr. Howard

31749 * The witness identified and verified exhibit
31752 3364 as his affidavit. * The affidavit stated that the
witness was Adjutant-General of the War Ministry from
August 1939 to February 1943. Vice War Minister KIMURA
worked with the witness under TOJO, during the greater
part of his tenure.

The witness managed the Minister's Secretariat
and his principal business was to take charge of the
official seals of the Minister and Ministry, inspect,
receive, and send correspondence, including telegrams.
and inspect finished documents, receive foreign officers
and conduct general affairs.

31753 KIMURA was a typical soldier, and concentrated
his energy chiefly on administration regarding ordinance,
and also established harmony in the Ministry. He helped
the Minister passively compared with the acute and
positive man, TOJO. * Even after TOJO became Premier and
War Minister concurrently, TOJO managed all affairs of the
War Ministry for himself, so that the powers of the Vice
Minister and the matters under his charge were the same
and not extended; nor was he ordered to act for the
Minister, TOJO.

KIMURA never attended the Liaison Conference or
Imperial Conferences, nor was he present at the Information
Conferences of Imperial Headquarters, nor the Information
Conferences of Department Chiefs, nor the Commissary
Information Conferences. The Bureau Chief Information
Conferences were to establish close contact between
Minister, Vice-Minister, and Department and Bureau Chiefs,
and was not a means by which to decide matters. The War
Minister presided over both, in name and reality.

31754 The contents of the Vice Minister's Note by order
regarding "Disposal of POWs at Present" (Ex. 1965-A), was
reported directly to the Minister by Chief of the POW
Control Bureau, UEMURA, at the Bureau Chief's Information
Conference, * at which time he obtained his approval.
The witness did not recall any protest concerning the
maltreatment of POWs discussed at the Information Conference
during his tenure.

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NARRATIVE SUMMARY OF THE RECORD
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KAWAHARA - Direct

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War Ministry affairs were managed in accordance with regulations of the government and special regulations of the War Ministry. All other important matters needed the War Minister's decision, either by his direct order or in accordance with his intention. A policy or plan important to the Army was formed by the competent Bureau and Department, deliberated by the ones concerned, and became a definite plan through the Minister's final decision. It was a most important principle of obedience, that even if soldiers were divided in opinion, they should efface themselves once the Minister gave his decision and should make efforts to fulfill their superior's intention. No liberty was given of resigning because of different opinions.

31755

* Matters determined through this process were announced by public documents, including telegrams. There were three forms of notification, which changed with the form of the contents, but substantially public documents of the Ministry were sent on the War Minister's responsibility. General matters, such as Ministry orders, instructions, public notes, orders, and directions, were issued in the name of the Minister. Individual matters, or those of secondary importance, in the name of the Vice Minister; less important matters in the name of the Adjutant-General. All were notified on the War Minister's responsibility, and the senders were not responsible for their contents, and there was no exception. Among them were the public documents, such as Vice-Minister's note by order, Vice-Minister's note, Vice-Minister's inquiry and answer issued in the Vice-Minister's name, and Adjutant-General's note issued in the Adjutant-General's name. These were classified

31756

* by their relative importance.

Classification determined the names of senders, and were classified by the competent Bureau and inspected by the Secretariat. Documents issued in the name of the Bureau or Department Chief were not recognized as official documents of the War Ministry, and were not allowed to go beyond the purview of preliminary and liaison negotiations with offices other than the Ministries.

The fact that a man's name was placed on official correspondence or order did not necessarily mean he was responsible for the subject matter. The "note sent by order" was preceded by an introductory remark, "as the Minister has decided so I sent this note by order".

7 162 0003 5073

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All Vice-Minister's notes that were not by order, such as answers to inquiries, not only included matters under his charge, but often matters decided by the War Minister or under the charge of Bureau Chiefs. The War Ministry usually sent 4,000 official documents a day, and although most dealt with matters under the charge of Bureau Chiefs, they were sometimes * sent in the name of the Senior Adjutant.

As to communications between the War Ministry and Area Armies and Divisions, it was customary to use as sender or addressee either the Chief of Staff or Vice-Minister, and the name of the Minister and Divisional Commander was not mentioned in most cases. As examples, of "Notification of Vice-Minister by Order" were "Disposal of POWs" (Ex. 1965-a), and "Matters concerning the treatment of crews of enemy aircraft captured in air raiding the Imperial territory, Manchukuo, or operational areas" (Ex. 1992).

An example of an answer of a Vice Minister is "Reply from Vice-Minister of War to Vice Minister of Foreign Affairs" (Ex. 1958), and as examples of documents issued or received in the name of the Vice Minister and Chief of Staff were "Inquiry Concerning the Question of Making Available the Manchurian Machine Tool Co. for a Rapid Increase in Aircraft Production" (Ex. 1970-A), "Matters concerning Internment of POWs in Korea" (Ex. 1973), and "Matters of the Presenting of Report Concerning the Reaction Among the General Public following internment of British POWs (Ex. 1975-A).

Official correspondence to be sent by the War Ministry, as well as that addressed to the Ministry, were first brought to the Adjutant Department, which forwarded the outgoing correspondence, after inspection, and delivered the incoming. Upon receiving important matters requiring directions from the War Ministry, the competent section drafted instructions or orders in conformity with the Minister's idea. Regarding the disposal of unimportant ones, they were offered for the superior's inspection after preparation, and some less important matters entrusted to the section were not inspected by superiors. All those documents were sent in the names of Vice-Ministers, Ministers, or Adjutant-General.

7 162 0003 5074

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KAWAHARA - Direct

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Page Matters concerning POW treatment chiefly lay in the hands of the POW Control Bureau, but other Bureau Chiefs disposed of POW matters under their jurisdiction, being directly responsible to the Minister. * The Chief of the Control Department was entrusted with a considerable amount of matters concerning unimportant business, but the Vice-Minister was not entrusted with any matters regarding the business under the Chief of the Control Department.

31759

Matters about the investigation of prisoner's conditions and correspondence on them were in charge of the POW Information Bureau, directly under the control of the War Minister and outside the War Ministry. Documents exchanged between this Bureau and the outside directly were not through the Adjutant Department. The Vice-Minister was not entrusted with any matters regarding the business under this Bureau.

Foreign officers visited the Minister to pay formal courtesies, but never came on political and practical business.

31760 * The witness was asked who was considered responsible for decisions expressed in documents drafted by other ministries or the General Staff, and these documents were made rental by the War Ministry. * He replied that in the event decisions were made on the basis of rental only the War Minister carried the responsibility.

31761

CROSS-EXAMINATION BY COL. MORNAME.

The witness had no recollection of anyone by the name of KITA being in the War Ministry in his time, but there was a HAMADA, who was in the Inspectorate * General of Military Education for a short while, whose first name was Suyeo. He didn't recall who was the Diet Vice Minister while KIMURA was Vice Minister of War, and he didn't think there was a Parliamentary Vice Minister at the time, but had no definite recollection. His recollection was the same with respect to whether there was a Parliamentary Counsellor.

31762

Asked if the duties normally performed by the Parliamentary Minister and Counsellor were performed by KIMURA, he replied that based on his recollection of the work of the Parliamentary Minister and Counsellor during the tenure of Vice Minister ANAMI, who preceded KIMURA, * he should state that the Parliamentary Vice Minister and

31763

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DEFENSE - KIMURA

KAWAHARA - Cross

Page Counsellor had hardly anything to do, and their work was conducted only when the Diet was in session. It was their duty to take part in matters concerning negotiations with the Diet, and the Vice Minister had authority to coordinate the work of Bureaus and Divisions, but not authority to supervise their work. Regulations gave him no authority to take part in political affairs, or enter into negotiations with the Diet.

31764 Asked if he knew that KIMURA actually took part in such negotiations on several occasions, the witness replied that only when he was appointed a member of the Government Committee in the Diet, on appointment by the * government. Asked if the War Ministry representative on the Government Committee would usually be the Parliamentary Minister or Counsellor from the War Ministry, he replied no, that members of the Government Committee were not limited to them alone.

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31766 * Reference was made to the affidavit where he said that he managed the affairs of the Secretariat by order of the Minister as a senior of the Adjutant Department, * and he agreed that Article 2 of War Ministry Regulations provided that ministry affairs should be divided among the bureaus and the Secretariat, and that unless otherwise provided the Secretariat should take charge of the management of the Ministries. Asked if, in effect, unless specific provision was made, the Secretariat had charge of all affairs of the Ministry, he replied that the actual handling of the business was done by the various bureaus, and afterward final coordination was done by the Secretariat.

31768 * Asked if, in addition, the bureaus only handled matters specifically allotted them, he replied each Bureau carried out its duties as defined in regulations. When shown exhibit 3348, the witness agreed that it was excerpts of regulations to which he referred.

31769 When handed a document, he acknowledged that it consisted of Tables 1 to 10 referred to in Article 27 of the Regulations. * Exhibit 3365, the document identified by the witness, was received into evidence. Asked if, under these tables certain matters were given specifically to various bureaus, he replied that that was true, the various duties given to the Bureaus under organizational regulations were set out.

1 162 0003 5076

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31770

* Asked if under Article 2 of exhibit 3348, those matters not provided there fell under his management as Senior Adjutant in charge of the Secretariat, he replied that was not so. When asked to read Article 2 of that exhibit, he read that the ministry's affairs shall be divided among the bureaus and the Secretariat should take charge of the management of affairs thereof, unless otherwise provided.

31771

* Asked where else any provision was made except in those regulations, he replied that at the end of Article 2 were the words "unless it is otherwise provided". Actually, there was no other provision. Also, Article 2 provided that the affairs of the Ministry shall be divided among the bureaus and Secretariat. All outgoing matters were handled by the Secretariat, but within the Ministry affairs were divided among the bureaus and Secretariat, but not in accordance with Tables 1 to 10. Those tables, other than organizational regulations, provided only for matters to be handled by the Minister as delegated to bureaus, and only a portion of the Ministry's business was set forth in the tables.

31772

When asked if the affairs set forth in tables 1 to 10 included also a portion of the Vice-Minister's duties, he replied yes. * Under article 11 of the exhibit the witness was required to take charge of the affairs of the Secretariat in compliance with the orders of the Minister and Vice-Minister. It also provides that the Senior Adjutant should have charge of the Ministry's general management, pursuant to the orders of the Minister and Vice-Minister, and also provides that the competent Adjutant shall deliver documents to the Senior Adjutant if regarded sufficiently important to require prompt inspection by the Minister, Parliamentary Vice-Minister or Counsellor.

31773

Asked if under Article 25 there was no doubt as to which sections matters should be referred to, he was required to nominate the section after receiving the Vice-Minister's instructions, he replied yes, but as a matter of fact such things did not exist. * He knew where to send them without further advice. When asked if under Article 30 important matters cannot be started by bureau chiefs without the consent of the Minister or Vice-Minister, he replied this did not mean that matters could not be executed without their private consent.

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YAWAHARA - Cross

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Asked if it meant that important matters could not be executed without their consent, he replied that the part should not really read "to the Minister or to the Vice-Minister", but should be "to the Minister and Vice-Minister", and in some cases they might get consent only of the Minister and it was not necessary to get the consent of the Vice-Minister.

31774

Asked if he suggested a mistranslation, he replied there was nothing wrong in the regulations themselves, and was correctly stated in the Japanese copy. * (The translation was referred to the Language Arbitrator.)

Under Article 40, when consideration of documents had been completed by the section, they must be handed to the Secretariat for review, and he then can carry the matters into effect, after getting the approval of the Minister or Vice-Minister to whom they were submitted. Article 41 provided that in an emergency the Senior Adjutant might act on his own, making an immediate report to the Minister or Vice-Minister, after the matter's execution.

31776

* Article 46 provided that the Director of the Bureau of Personnel Affairs must get the Minister's or Vice-Minister's approval with regard to important secret matters. Reference was made to Article 46 referring to matters concerning personnel affairs, and the following paragraph regarding matters of movement, appointment, and dismissal, and the witness was asked if these matters included the appointment and dismissal of personnel. He replied that the Secretariat had nothing to do with personnel affairs, which were under the Personnel Bureau.

31777

Asked if in accordance with this article he must get, in some cases, approval of the Minister or Vice-Minister, he replied that in the article would be found the words "can be dealt with by the Director of the Bureau of Personnel Affairs". * Reference was made to the first part of the article, which stated that among matters concerning personnel affairs, for those considered secret the Director of the Personnel Affairs Bureau must get approval from the Minister or Vice Minister according to the degree of importance, or the Director can deal with them himself. Asked if that did not suggest that in very important matters the Director must get either the approval of the Minister or Vice-Minister, the witness replied that he did state that important matters concerning personnel must be referred to them.

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Page Article 47 provided that with regard to publication
31778 of important matters, the approval of the Minister, Vice-
Minister, or Bureau Director must be obtained. * Asked if
any document could go out from the Ministry without the
approval of the Minister or Vice-Minister or himself, he
replied all official outgoing documents must be so handled,
and the power to stop any documents was in the hands of the
Minister or Vice-Minister.

31779 When shown exhibit 1973, * the witness stated
that its subject was "The Internment of POWs in Korea",
and the War Minister was shown as approving it and that
the witness' seal appeared on it. Asked if that meant
that it was approved by the War Minister and approved by
himself, the witness replied that the fact that the document
had been approved by the War Minister and then executed and
was established as an official document, the witness'
responsibility was for certifying that the document was
prepared and was ready to go out.

31780 When shown exhibit 1967, the witness agreed that
it showed a message from the Chief of Staff of the Eastern
District Army to the War Minister relating to the employment
of POWs. Under the head of "8th working place", munitions
factories for expanding production are set out as places of
labor. It was a reply to that request dated 2 October,
1942, stating that the application was approved as requested.

31781 Asked if he noticed that the approving authority
was the Vice War Minister, and if that meant he approved
the document being dispatched, he replied that he did not
* say that the Vice Minister sent out the document. The
order came from the War Minister. Asked who gave the
authority to send it out, he replied it was a matter which
the Vice Minister sent out as a matter delegated to him by
the Minister. It would not follow that the Vice-Minister
approved of it being sent out. Even if he did approve of
its going out, if the document fell under the category of
a matter to be approved by the Vice-Minister, as delegated
31782 * to him by the War Minister, it would mean that the Vice-
Minister's approval had the same effect as the War
Minister's. Matters delegated by the Minister meant
matters in which he delegated part of his authority to
subordinates. Since his powers were extensive and
detailed, it was physically impossible for him to execute
all of them by himself, and therefore he delegated a portion
of his authority to subordinates. It was tantamount to the
War Minister saying he would take responsibility for the
act, but they must do the actual execution.

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Page Therefore, execution of delegated matters were carried out on the War Minister's responsibility. Asked if the nature of the action depended on the Vice-Minister's decision, he replied the Vice-Minister's approval in such * cases was approval based on the War Minister's intentions as understood by the the Vice Minister and did not represent the Vice-Minister's intentions.

31783

When shown a document, the witness agreed it purported to be addressed by the Chief of Staff of the Ha-shu Corps to Vice-Minister KIMURA, and was dated 14 October, 1941. From various seals * on it, it could be identified as a document received by the War Ministry. The witness had no independent recollection of the document.

31784

* Exhibit 3366, the document thus identified by the witness, concerned the murder of a French missionary by the Japanese Navy in Powen, and stated that upon investigation of the case based upon the words of the Catholic Bishop in Haikow, who stated that a French missionary had been killed by the Navy in Powen, then under the punitive operation of the Navy, circumstances showed that when two Catholic missionaries arrived in Powen in early September, they found a brother missionary named Molban had been killed, and reported the matter to their Bishop.

31785

On the 25th and 26th of August, the Navy arrived in the city of Powen, only passing through on the 25th, but on the 26th a detachment arrived with several lorries and * found a dead body of a sailor. Under the assumption that the work had been done by the residents of Powen, the unit burned houses and the church, killing the missionary and 24 of the natives. The murder of the missionary was executed in a native's house; and furthermore, they burned about 5 to 6,000 dollars worth of property, and the same day the unit withdrew to Nan-Meng-Po, and later moved away.

31786

The Catholic Bishop, upon receiving the information, merely telegraphed on the branches of the Church in Peking and Lisbon, that the missionary Molban had succumbed, without giving any further details.

31787

* The witness stated this was the first time he had ever seen the above exhibit.

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 KAWAHARA - Cross

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 31788

* The Vice-Minister had nothing to do with matters relating to POWs. A document was handed the witness, and he acknowledged it as a War Ministry document, and referred to a policy not to permit visits by agents of protecting powers, and showed that the Vice-Minister delegated the matter to Bureau Chief UEMURA.

31791

* Exhibit 3367-A, an excerpt from a file of correspondence from the POW Information Bureau re POW Inspection Visits in 1942 and 1943, was received in evidence. Asked if the exhibit showed that the Vice-Minister delegated the matter to Bureau Chief UEMURA, he replied that was not so. It was delegated by the War Minister. The witness agreed that on top of the document was a printed form on which appeared the word "minister" and after that the word "delegated", not part of the printed form. * This meant that the Minister had delegated the matter to the Bureau Chief.

31792

31793

* The word "Vice Minister" was printed on the form and followed by the word "delegated". Asked what was the necessity for putting "delegated" after "Vice-Minister" if the Minister had already delegated the matter to the Chief of the POW Control Bureau, * the witness replied that was a matter of form, and in cases where authority was delegated to the Bureau Chief it was customary to put the word "I", meaning delegated, both after the seal of the Minister and that of the Vice-Minister. Because the word "delegated" was found after the Minister's seal did not mean he delegated authority to the Vice-Minister, who in turn delegated it to the Bureau Chief. If "delegated" was found after the Minister's seal and also after the Vice-Minister's, it meant the matter had been delegated to the bureau chief.

31794

31795

It was a mistake to suggest that what happened was that the Minister delegated it to the Vice-Minister, who in turn delegated it to the bureau chief. The communication originating the file came from the Vice-Foreign Minister to the Vice-War Minister, and the final communication was a draft of the Vice-War Minister's reply to the Vice-Foreign Affairs Minister. * The terms were used as a matter of form, and it was customary that documents sent from one ministry to another were in the name of the Vice-Minister, even though the document was addressed from a Vice-Minister to a Vice-Minister it is erroneous to assume it was addressed only to the Vice-Minister; rather, it should be interpreted as a document sent from one ministry to another.

1 152 0003 5041

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Page When shown a document, the witness agreed that
the document bore the stamp of the War Department. Asked
if he noted that it related to inspection of POW camps,
31796 he replied that it was a document of the POW Administration
* Bureau relating to such visits. On the document appeared
the words "Designation of Decision" followed by the word
"Vice Minister".

Exhibit 3367-B, the document identified by the
witness, being an excerpt from the POW Administration
file, re inspection of POW Camps on 1 December, 1942, was
received in evidence. The witness noticed in the document
that there were 69 specified powers entrusted to the Vice-
Minister. In addition, there was a provision that among
matters not mentioned, those having precedence would be
dealt with in accordance with convenience. It could be
assumed therefore, that the Vice-Minister had other powers
in addition to those 69.

REDIRECT EXAMINATION BY MR. HOWARD.

31799 When shown * exhibit 3367-A again, the witness
stated that the Vice-Minister's seal did not appear. While
KIMURA was Vice-Minister, important personnel matters were
handled by the War Minister.

31800 Regarding exhibit 3367-A, the witness did not
show the paper to KIMURA. * The document came to the
Ministry as a reference, and it was sufficient to refer
it to the Military Affairs Bureau, the competent section.
At the time the War Ministry was receiving great numbers
of this type of document, and it was impossible for the
Vice-Minister to peruse all of them, and it followed that
the member of the section in charge would look at them.

Since KIMURA's seal did not appear on it, he
did not see it. KIMURA also did not see exhibit 3366.

7 152 0003 5082

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SHIBAYAMA - Direct

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31801

* DIRECT EXAMINATION OF SHIBAYAMA, Kaneshiro
By Mr. Howard

The witness identified and verified Exhibit 3368 as his affidavit.

31802

* The affidavit stated that the witness had no direct connection, official or otherwise, with KIMURA. He was Vice War Minister from Aug. 1944 to July 1945, and during this time and during the time KIMURA was Vice Minister, regulations were construed and practiced to the effect that the Vice Minister acted as an Assistant to the Minister toward other departments and authorities. He had no authority to represent the Ministry, no right of command, and was in no position to take responsibility for matters outside the Ministry.

31803

* The Vice Minister was an Assistant to the Minister in administrative affairs but not in state affairs. When the Minister wished to order the Vice Minister to act in his place, he first formally appointed the Vice Minister as a Minister of State, otherwise the Minister had no authority to have the Vice Minister act in his place.

The right of command to appoint or dismiss and to punish Bureau and Department Chiefs belonged only to the Minister and the Vice Minister had only the right to supervise business management. This, however, did not imply strong authority as the right to direct and command such management, but merely implied the right to offer guidance and instruct.

31804

* Bureau and Department Chiefs had the right to command, control and punish and keep examination records concerning their staffs. Bureau and Department Chiefs were directly under the Minister, administering their duties by his order and directly responsible to him. Disposition of departmental business, the duty of the Vice Minister, meant that he was to coordinate business between bureaus and departments, decide delegated matters, and transact miscellaneous and routine affairs not belonging to any bureau or department.

Supervision of business meant that the Vice Minister, as the Minister's assistant in regard to affairs for which the Minister was responsible, was to direct the business of bureaus and departments because the Chiefs direct and supervise the Department and Section affairs under their jurisdiction.

31805

The Chief of the POW Control Bureau * superintended affairs concerning the treatment of POWs and other Bureau Chiefs also supervised affairs relating to POWs according to their

7 162 0003 5083

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Page jurisdiction by order of the Minister. While the Chief of the Control Bureau was entrusted with matters which were not very important, the Vice Minister had nothing entrusted to him relating to affairs within the jurisdiction of the Control Bureau.

The Vice Minister was entrusted with unimportant affairs which were under the jurisdiction of the bureaus and had no right to decide other matters nor give orders to those outside the Ministry. The Vice Minister's notifications by order are those issued in the Vice Minister's name according to the routine practiced where the Minister's orders are to be transmitted in writing. Telegrams, references, etc. were issued or received in the Vice Minister's name, according to procedure, but this did not necessarily mean that the Vice Minister was responsible for such statements. Within the War Ministry it was the rule that the Vice Minister had nothing to do with personnel appointments *
31806 contrary to the practice in other Ministries. Cabinet changes had no connection with the appointment of Vice Ministers which was in the jurisdiction of the War Minister. Vice Ministers were appointed members or counsellors of various committees, but many actually played no important part as such.

KIMURA was never appointed Minister of State and War Ministry officers did not plan or execute military operations. When asked what were the duties and responsibilities of the Vice Minister and Bureau Chiefs in the Military Section of Imperial Headquarters, the witness replied he had no duties different from his ordinary peace-time duties as Vice Minister, even in the Military Section * and no special duties as attending members.
31807

CROSS-EXAMINATION BY COL. MORNANE

The witness stated that immediately prior to becoming Vice Minister, he was Supreme Military Advisor to the Chinese Government in Nanking, appointed in April 1943, and immediately prior to that was Commander of the 26th Division from April 1942. Prior to this latter position he was Inspector General of Supply.

31808 * Asked if he could say of his personal knowledge anything of the way KIMURA conducted himself at the War Ministry, as he was in there while KIMURA was in office, the witness replied that since he had been a Vice Minister, on the whole he knew what his predecessors had done.

0 162 0003 5084

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TANAKA - Direct

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31809

* DIRECT EXAMINATION OF TANAKA, Tadakatsu
By Mr. Howard

The witness identified and verified Exhibit No. 3369 as his affidavit.

31810

The affidavit stated that the witness had been appointed Adjutant of the War Ministry and concurrently Secretary to the War Minister in Feb. 1941, remaining in those offices until April 1943. During KIMURA's tenure as Vice Minister, the witness assisted him as Secretary. Documents to be read or reviewed by the Vice Minister were handled by the witness except those directly handed KIMURA as KIMURA used to tell the witness a greater part of what he participated in, and since the witness attended KIMURA in almost all dealings, he was familiar with a greater part of KIMURA's activities during his tenure.

31811

Before assuming office as Vice Minister, KIMURA was in the same office with TOJO for about six months as Director of the Ordnance Bureau while TOJO was Vice Minister. * Except for this, KIMURA never served in the same office, school, or army with TOJO and had no political, ideological or individual connection with TOJO. The witness had heard that the reason KIMURA was appointed Vice Minister was to have him help the Minister in regard to the special and technical administration of arms which was his forte and to promote intra-ministry harmony.

KIMURA was from Saitama Prefecture which had not many career soldiers. The witness was not sure whether there was any clique or sectionalism within the Army but if any KIMURA had no connection with it. Until becoming Vice Minister, he was exclusively a genuine soldier chiefly engaged in artillery education, technical administration of arms and army commander, and did his best in the field of ordnance administration. During his tenure, KIMURA could not play his role positively on account of the circumstances. TOJO was well versed in military administration and a man of special industry. TOJO's mottos were "Command at the head of the column" and "Simplification and dispatch of business" and he held power over principal bureau and department chiefs, ordering them to conduct business positively and decisively and they did so faithfully. Under such circumstances, KIMURA naturally used his ability principally in the sphere of ordnance administration and endeavored to facilitate the skilled War Minister TOJO and the bureau and department chiefs to display their abilities.

The witness recalled a part of KIMURA's farewell address in March 1943 when he was transferred from Vice Minister to the

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Page 31813 Head of the Ordnance Administration Headquarters. In it, KIMURA said * that while he was Vice Minister he thought it proper for him as Minister TOJO's assistant to make every effort for business simplification and dispatch, as well as the unity of the whole ministry to contribute to the realization of TOJO's motto, and also facilitate the chiefs in giving full scope to their abilities. Now that he had been appointed head of the Ordnance Administration Headquarters, he would display his ambition positively.

These words of KIMURA's revealed his frame of mind while he was Vice Minister, and the witness heard KIMURA reveal similar expressions.

As TOJO was extremely pressed with national business, in addition to important state affairs, ceremonial matters and other miscellaneous business were almost exclusively transacted by the Vice Minister and so the Vice Minister was always very busy too.

31814 * TOJO, even after becoming Premier and concurrent War Minister, abided by his principle of "Command at the head of the column", conducting the Ministry business with extraordinary effort without entrusting important matters to others. Therefore, the functions and competence of KIMURA were not subjected to any change, nor was he ordered to act as proxy. It was rather rare that TOJO was absent from Tokyo and if at all, the duration was short. There was no instance of KIMURA's conducting the Minister's functions in his place.

31815 The bureau chiefs' conference was held twice weekly as a rule, but was not a true conference, but merely a business liaison to make necessary reports to the Minister and Vice Minister * and also exchange information.

The bureau directors' conference was presided over by the War Minister in name and reality, and he was careful in guiding it even in minor matters, although there were cases where the Minister could not attend and the Vice Minister presided but these were few. The conference was often given up because of the Minister's absence. When TOJO was absent, his secretary would record the main points and report to him afterward. The witness never remembered having heard, at bureau directors' conferences or other occasions during his term in the War Ministry, any protest or information regarding ill treatment of POWs. The contents of the communication issued in the name of the Vice Minister by order of the Minister, concerning disposal of POWs (Exhibit 1965-A) were reported by the Chief of the POW Administration Division UEMURA at

7 152 0003 5086

NAIATIVE SUMMARY OF THE RECORD

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TANAKA - Direct

Page a bureau directors' conference * and decision and approval were
31816 obtained direct from the Minister.

The Kempei was a special army directly under the War Ministry, but ordnance and the Vice Minister had no right to control it.

The decision on the purport of "The Vice Minister's communication by order of the War Minister concerning the treatment of the enemy air crew members who entered Japan with the object of raiding its territory" of July 28, 1942 (Exhibit 1992) was made by War Minister TOJO and with his consent was given to the direct command of the Chief of Staff.

The employment of POWs in the construction of the Burma-Siam Railway was decided on through negotiations between the Chief of Staff and War Minister, and the relative construction order was drafted and issued by the General Staff Office.

31817 The Vice Minister had no material connection with the drafting of the bill for revision of the Disciplinary Law for POWs (Exhibit 1965-A) * and it was drafted by the bureaus and sections concerned to meet the requirement, and after consultation with the Legislative Bureau, it was decided at a Cabinet Council and approved by the Diet. KIMURA knew the bill and the reason thereof only a few days before its introduction into the Diet, and he explained the reason before the Diet.

Like Vice Ministers of other Ministries, KIMURA was a member or councillor of various committees, but many were established customarily and most were only nominal. He did not attend most of these meetings, and even if he did, his attendance was only formal or conventional.

31818 KIMURA never attended meetings of the POW Camp Commanders in the Ministry. When the War Minister delivered instructions to the Commander of the Zentsuji Division on 30 May 1942 (Exhibit 1960), KIMURA did not attend this tour of inspection * nor participate in drafting the manuscript of instructions.

The witness had never seen nor read "The Report on the Violent Conducts in Malaya Peninsula", Exhibit 476, nor heard of it from KIMURA and had never heard that KIMURA supported the Military Alliance with Germany. The contact of KIMURA with German military officers was limited to ceremonial occasions, and he never met them on other business.

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TANAKA - Cross

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31819

* CROSS-EXAMINATION
By Col. Mornane

31820 When asked if he remembered being seen on 25 Sept. by Mr. Monaghan of IPS, the witness said he did, and that he told him something about a document he produced to the witness. Asked if he told Monaghan that the document was a copy of a telegram delivered to the Military Affairs Bureau about 25 April 1942 and brought to KIMURA's attention, the witness said that was a little different from what he actually said. He said it was a document which after passing through the Military Affairs Bureau, was seen by the Vice Minister. When shown the document * the witness stated that it was a copy of the document which had been shown to him previously.

31821 * Exhibit 3370, the document identified by the witness, being a telegram addressed to the Vice War Minister from the Chief of Staff of the China Expeditionary Forces, dated 25 April 1942, of Secret Classification, stated that as they could not allow the American Air Force after inhumanly blind-bombing at the time of the air raids on Japan, to escape to China or hope for safety

31822 * by becoming POWs, they wanted positively to destroy such enemies as such actions contained espionage elements. Also, they wished to state that they intended to punish such actions severely as grave offenses, but since it might have relation to international law, they wished to have prompt opinion from the Center as regards the matter.

7 162 0003 5089

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31825

* DIRECT EXAMINATION OF TAKEBE, Rokuzo
By Colonel Ivanov

The witness stated that from July 1940 to Aug. 1945, he was Chief of the General Affairs Department of Manchukuo and was presently interned in the Soviet. When handed Exhibit 670, the witness stated it was his affidavit, written in his own handwriting, signed by him, that he gave the evidence truthfully and without duress, and the contents were true.

On Oct. 20 *he had made two corrections and prepared an additional affidavit but with those exceptions there were no more corrections.

31827

* In his original affidavit of 26 March 1946, he had stated that the subsidy given to the Manchurian Heavy Industry Development Company between 1937 and 1945 was 500,000,000 yen but the more accurate amount was about 300,000,000. Furthermore, in connection with the addresses he heard by the accused ARAKI, and the accused SUZUKI, * the expression of his thoughts was not necessarily accurate and he had made further additions by way of supplement to make the points clear.

31828

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31834

* When shown a document, * the witness stated that it bore his signature and the contents were true and correct.

31835

* Exhibit 3371, the document identified as being the additional affidavit of the witness, stated that in addition to the testimony he had given on the interrogation of 26 March 1946, he would make the supplementary statement that on one page of it there was inaccuracy due to error in memory. Where he had spoken of the amount of subsidies to the Manchurian Development Company, he had written the total as about 500,000,000 yen but now recollected it was about 300,000,000. Where he had spoken of the addresses of ARAKI and SUZUKI which he had heard, he wished to make an additional statement concerning them. While he was Governor of Akita Prefecture from 1932 to 1935, he attended the Governors' Conferences. At one, which he remembered taking place in 1933, he heard an address by War Minister ARAKI, the gist of which was that Japan had brought about the Manchurian Incident, established Manchukuo, and her interests clashed with members of the League. In that critical period, ARAKI said it was necessary to strengthen defense, internal conditions and secure continental military bases.

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Page Japan was inevitably to clash with the Soviet in effectuating her policies and it was necessary to secure through military methods the territories of the Maritime Province, Zabaikalye and Siberia.

31837 After ARAKI finished, SUZUKI, Teichi of the War Affairs Section of the Military Affairs Bureau, stated orally * in ARAKI's presence, using maps, and described various problems concerning the international situation. The gist of his remarks consisted in laying the ground for the necessity of Japan's war against the Soviet and for capturing the above-mentioned territories. Naturally, the witness did not remember the exact wording of ARAKI's and SUZUKI's statements.

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31837

Regarding his activities as chief of the general affairs department of Manchukuo, from 1940 to 1945, the department was directly under the Manchukuo premier and all government ministers were under the control of the department, the ministers with the department forming the government.

31838

Responsibility for administration throughout the whole country shifted to the witness and the department vice chief and all vice ministers in Manchuria were all Japanese and under the witness, and met for conferences once a week.

* Drafts of decisions made at the conferences were submitted to the cabinet meetings. As chief of the general affairs department, the witness was directly under the control of UMEZU, C&C Kwantung Army, and after July 24 under General YAMADA.

The C&C Kwantung Army carried out actual guidance of the Manchukuo government. According to rule, the chief of the department met the C&C each Saturday when the department chief reported to the C&C and received instructions. All basic and important matters and measures undertaken by Manchukuo had to be sanctioned by the Kwantung Army C&C.

31839

Besides the C&C there were usually present at the conferences the chief of staff and his deputy, the fourth section chief, and Lt. General MIYAKE, chief of the central headquarters of the Kuo-Wa-Kai Society. MIYAKE also reported to the C&C on important matters pertaining to the society and received instructions from him. Thus the Kwantung Army C&C directed not only the activities of the Manchukuo government, but also those of the society.

In his previous testimony he had enumerated measures carried out by Manchukuo to create a military base for war against the Soviet. To this he added that detailed instructions concerning the measures enumerated were given by UMEZU.

Concerning the Kan-Toku-En plan, in the summer of 1941 the witness visited TOJO in Tokyo and TOJO told him that in connection with the Kan-Toku-En plan it was necessary for Manchukuo to supply the Kwantung Army with necessities.

0 162 0003 9071

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31840 * The witness received all instructions concerning the realization of these measures from UMEZU and his chief of staff. The 5th section under Colonel IYEDA was organized in Kwantung Army headquarters in 1941, and was engaged in studying an occupational system for Soviet territories it was planning to occupy, and leading Japanese officials of Manchukuo participated in the study.

Concerning the construction of military objects in Manchuria, it was necessary to point out that this had been carried out even prior to the witness's appointment as chief of the department. His predecessor, as general affairs department chief, was HOSHINO, Naoki, who, as to activities pertaining to the construction of military objects in Manchuria as a base against the USSR, acted according to instructions of the Kwantung Army commander and the chief of staff.

31841 Chiefs of Staff TOJO and ITAGAKI tried to carry out measures against the Soviet * and used Manchukuo resources for that purpose. From 1935 to 1938 the witness stayed in Manchuria as chief of the administrative section and then chief of the Kwantung bureau.

CROSS-EXAMINATION BY MR. BLAKENEY

31844 * When the previous affidavit of the witness was showed to him (Exh. 670) the witness was asked if he stated in that exhibit that the purpose of the Kwantung Army in Manchuria was for defense and the witness agreed that that was what he said. Asked if that was true, he replied that troops were in Manchuria for defense, but to assume a position of an attack to carry out this purpose. Generally after 1944 the Japanese position in Manchuria became purely defensive.

31845 * The witness repeated that the purpose of the Kwantung Army being stationed in Manchuria was for defense. Not only the Kwantung Army but all military installations constructed in Manchuria served that purpose in some way. This is the understanding of the witness during his tenure as chief of the general affairs board.

1 152 0003 5092

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31847

* The witness stated that the affidavit was in his own handwriting and the wording was all his own and in his own language. Asked if where he stated that the aim of Japan's development of Manchuria was to prepare for attack against USSR, if it could be assumed that he misunderstood the question, he replied he didn't think he misunderstood, he had said the purpose for stationing troops in Manchuria was to carry out defense and in doing this to assure a position necessary for offensive action.

31848

The question put to him was whether Japan's ultimate aim was to prepare a base against the USSR and his answer was that inasmuch as Manchukuo resources were to be used for the defensive purposes of the Kwantung Army, he had replied, "Yes." His reason for so replying * was that the army's defensive strategy laid in defensive action against the USSR and he thought it only natural that for defensive purposes the army should assume a position necessary for objective action.

Asked if in the affidavit when he said it was for attack, if he didn't mean that it was not for aggression but for an attack for whenever or whatever it might become necessary, he replied that was his meaning. He became chief of general affairs in July 1940, selected by UMEZU, with him he had not been closely acquainted but he thought UMEZU did know him.

31849

* Asked how he knew who selected him for the post, he replied at the time he assumed the post, the talk with regard to his assuming that office was brought to him by a representative of UMEZU named YUZAWA, Michio, an official of the home ministry. It was an oral request asking the witness to take over the post and he accepted.

YUZAWA did not tell the witness how UMEZU came to select him. The witness had never worked for UMEZU before that time.

31851

From January 1935 to April 1948 he was in the service of the Kwantung government in Hsinking. The last time he was in Manchuria was in 1938, and from date until July 1940 * he was not in Manchukuo but in Japan as vice president of the cabinet planning board. He held that office between January 1939 to January 1940 and during that time had no personal knowledge of what was taking place in Manchuria.

152 0003 5093

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- Page The witness was not a military man nor pertended to be an expert on military questions. Asked if while he was chief of general affairs in Manchukuo he was not taken into consultation by the commander-in-chief or staff officers
- 31852 * officers of the Kwantung Army on operational matters, he replied that the army kept operational plans and anything pertaining to them strictly secret, but they consulted with him with respect to political and economic measures. Operational plans were matters of highest secrecy.
- 31854 * The witness stated that he had often heard discussions of the possibility of a Soviet-Japanese war from commanders-in-chief of the Kwantung Army, or their chiefs
- 31855 or vice chiefs of staff. *What General UMEZU frequently told him in connection with the possibility of a Russo-Japanese war related mainly to what the government should do in connection therewith. That is, principles for economic development, distribution of food supplies, effective labor mobilization, and adequate maintenance of law and order, matters relating to operational plans of the Kwantung Army in connection with the USSR. These
- 31856 items were related to the army's operational plans so far as they related to USSR, * and all demands made by the army to the government related to their operational plans against vis-a-vis Soviet Russia.
- 31857 Asked if UMEZU ever said to him that any attack on the USSR was planned, the witness replied that was a difficult question and he did not know whether such language was used. *Asked if he collected that UMEZU in any conversation made it perfectly clear that war with the USSR was to be in the event of attack on Japan by the Soviet, he replied that UMEZU did not actually use such words.
- 31860 * UMEZU made it his duty to maintain defense.
- 31861 * The witness thought that the Kantokuen was the
- 31862 official plan of the Kwantung Army, * and its contents were not disclosed to members of the government. All he knew of the plan was what he was told. Asked if this was because he never saw the plan, he replied that in connection with the plan, the army made demands on the government with regard to labor, funds, and other economic questions, and the government was placed in a position where it must materialize those demands. In connection with such items
- 31863 it became known to the witness * that the Kwantung Army

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troop strength had increased considerably. Asked if the people who told him about the plan told him that it was a plan for reinforcing the Kwantung Army, he replied that the war between Germany and the USSR broke out 22 June 1941, and immediately after that the plan began. According to this plan the strength of the Kwantung Army was to be increased, although he did not know to what extent.

31864 When he learned of the principle he was very astonished and had entertained * misgivings that an attack on the USSR was imminent, or that an outbreak of war was close at hand. Even among Kwantung Army officials there was a feeling that war with the USSR was close. However, the plan was directed from Tokyo and even if inquiry was made of the Kwantung Army they did not know wherein its purpose lay.

With UMEZU's permission, the witness flew to Tokyo in August 1941, meeting with members of the war ministry, and also War Minister TOJO. He learned from TOJO and other minister members that no war was near at hand, but he was unable to obtain any explanation as to why the plan was being carried out. With regard to the plan, TOJO requested that every effort be made by the Manchukuo government to assist the Kwantung Army in the plan.

31865 * The witness returned and assembling his subordinates told them there was no fear of war in the near future and work in connection with such possibility was abandoned. Inasmuch as he was unable to obtain any explanation as to the purpose of the plan, he made judgments on his own part in carrying out his work, but there must have been significance in the fact that the Kwantung Army was increasing its forces in the vicinity of the Soviet border.

31866 He meant to say that the Kwantung Army had for its purpose the preparation of operations against the Soviet. * It was his belief that the plan must be something calculated to increase the power of attack vis-a-vis the Soviet.

In view of the world situation, he judged that some attack against the Soviet was coming at an appropriate moment, and that the plan was to prepare for such an attack. This was based on his own estimate and judgment. He said that

7 152 0003 5095

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31867 he understood from the Kwantung Army C&C staff officers that the plan was nothing more than one of reinforcement. Asked if TOJO told him the same thing, he replied that TOJO * did not add any special explanation.

Asked if TOJO did say that reinforcement had been decided to be necessary and was being carried out under the plan, he replied that the army was going to be reinforced and asked that the Manchukuo government give its assistance.

31868 * All requested of the witness by the Kwantung Army after the establishment of the Kantokuen were such that would indicate reinforcement. Asked if he hadn't previously stated that there were Soviet troops on the other side of the border from Manchuria, he replied that he didn't think he said that. He did speak to the effect that he had formed certain conclusions because the Kwantung Army was being reinforced in Manchuria, which had on the other side of its border the troops of the USSR.

31869 * Outside the border of the area on which the Kwantung Army was stationed, it was his personal estimate that there was a pretty large army of the USSR, but he did not know if it was smaller than the Kwantung Army.

31870 * Asked if the Soviet forces on the other side of the border reinforced the summer of 1941 and after, he replied he thought he heard from someone in the Kwantung Army that the strength of the Soviet forces decreased after the summer of 1941, but he was not certain. This information was given by some staff officer. The witness was not given access to the intelligence files of the Kwantung Army and had no information about what intelligence the Kwantung Army had of the Soviet forces facing the Manchurian border.

31871 * He had no knowledge concerning estimates of the power and intentions of those Soviet forces.

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31875 * Asked if the purpose of the National Service Law of 1939 was to raise and train a national Manchukuoan army, he replied that at the time the law was enacted he had not assumed his post and did not become director until * 1940, and so was unfamiliar with the circumstances. The Manchurian Army was under the Kwantung Army Commander. The law was enacted for the conscription of Manchukuoans to increase the strength of the national army. He believed the strength required every year was about 25,000, and the full number in the army around 70- to 80,000. The period of service for conscripts was recalled to be three years, * and in that time the entire army personnel was changed.

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The witness did not know if the period of actual service was somewhat shorter than three years. Asked if the law provided for reserve service by conscripts after expiration of the three year term, he replied at the time there was none. Asked if under the law, the supreme command in peace time of the Manchukuoan Army was in the Manchukuoan Emperor, he replied that from what he had heard the Emperor did not have the power of supreme command, but that prerogative belonged to the Kwantung Army Commander. Asked where he heard that, he stated that there was a secret treaty between Manchukuo and Japan, whereby the Manchukuoan Emperor delegated the power of supreme command to the Kwantung Army Commander. * He didn't know the date of the treaty, but believed it was in the early days of the founding of Manchukuo.

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31878 He had never seen the original or a copy of the treaty, but had heard about it for the first time just after his appointment as Chief of the General Affairs Board, when he called on YANAI of the Foreign Office. YANAI told him there were a number of secret treaties, and among them was the one mentioned. * The witness gained the impression that it was a separate agreement concluded between Pu-Yi and Kwantung Army Commander HONJO.

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* He did not hear anything about whether the treaty provided that the Supreme Command of the Manchukuoan Army was the Emperor in peace time. Asked if after the passage of the law in 1939 numerical strength of the army increased, he replied he was not aware of the circumstances just before and after the passage of the law. Asked if it was not his duty as Chief of General Affairs to enforce the law, he replied that the Manchukuo Government did cooperate in the conscription of recruits.

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Page Asked if the Manchukuo Government kept a record of the strength of the army both before and after the law, he replied that he believed the army strength was known from year to year. * The military budget showed some increase from year to year, but he could not remember the extent. He knew there was an increase in 1939 and subsequent years, and prices and other things rose in those years too.

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Asked if he didn't know that the passage of the law did not contemplate increase in the size of the Manchukuo force, but represented only an effort to consolidate and rationalize pre-existing forces in the country, * he replied that before the law's passage he believed the Manchukuo Army was recruited by voluntary enlistment, but by the passage of the law young men of a certain age were compulsorily conscripted. The law therefore had the purpose of strengthening the army, but he did not know whether or how much the army actually increased since 1940. * The greatest increase was in 1943 or 1944, and around those years a plan for increasing annual strength to 40- or 50,000 was begun. The plan was to conscript that number each year, and in three years the army would be well over 100,000. He believed the actual strength was between 80- and 90,000 by the beginning of 1945.

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He did not know how much the Kwantung Army strength had been decreased by that time, nor did he know the strength of forces in Siberia then. Asked if the * purpose of the law was to improve the quality of personnel of the army, he replied he supposed one purpose was to improve the caliber, but this was because a future increase in total strength was envisaged. He was not in Manchukuo in 1939 when the law was passed, so what he said was not the result of his personal knowledge, but from his own observation.

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* Asked how he knew what his predecessor and the Kwantung Army Chiefs of Staff were doing during the years he was not in Manchuria, he replied that there were many orders addressed to his predecessors from the Kwantung Army in document form and he was able to learn what he was doing from those. Everything of that nature, he knew, was something learned from documents or hearsay.

31884

* Asked what was the difference between an offensive stand and an attitude of aggressive defense in connection with what he had said in his affidavit regarding the Kwantung Army's opposition toward the USSR, he replied that he was not a military expert and not fully conversant with military terms, but it was his understanding that

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Page until the Nomonhan Incident the Kwantung Army was ready, should positive opportunity present itself, to take the offensive against the Soviet. The witness became Chief of the General Affairs Board the year after the Nomonhan Incident, and thought he could say that Japan went through a bitter experience there. The year after the Incident he went to Manchukuo to serve under UMEZU, and from UMEZU's attitude and from various talks he made, the witness gathered that while he was prepared to take the offensive, his main position was of defense.

31886 * In 1941, when the Kantokuen, the Kwantung Army special maneuver, was taken, he was afraid war with the Soviet was imminent, and in August that year he met TOJO in Tokyo and was assured war would not break out immediately. He learned of the Kantokuen in July 1941, and went to Tokyo in August. TOJO told him that Manchukuo should cooperate with the Kwantung Army in carrying out the Kantokuen, but did not tell him the Kantokuen's real purpose. Even after his return to Manchukuo, UMEZU did not give any special explanation, and he was forced to arrive at his own conclusions.

31887 Since he was not a military man, he did not know about the operational plans of the Kantokuen, and all he was able to learn was by the demands the Kwantung Army made to Manchukuo in connection with the plan. Since Kwantung Army * strength was increased, new barracks were required, more food must be provided, as well as railways and airfields.

31888 * The activities of the 5th Section of the Kwantung Army were very secret, and he never heard about what was done in the section, but there were younger officials in the Manchukuo Government who were helping in the 5th Section's investigations, and thus he was able to get a general picture of what it was doing. He heard from FURUJI, Vice-Director of the General Affairs Board, that the section was concerned with the administration of occupied areas, problems of banking, etc., in the occupied areas. This was all he knew about the 5th Section. He did not know * whether the section also studied questions of military government for territories other than those of the Soviet. He recalled that the 5th section was organized in 1941, and believed it had been dissolved by 1943, but had not been told why it was dissolved.

31889

- Page Asked if these young officials of the Manchukuo Government were leading officials, he replied that by "leading Japanese officials" he meant outstanding officials who were a little more than young.
- 31890 * General MIYAKE was Chief of the Central Headquarters of the Kyowakai from about the end of 1940. He thought he was selected by the Kwantung Army because that army had previously controlled Japanese officials in the Kyowakai. Asked if he didn't know that MIYAKE was selected by the Manchukuo Premier, who was also President of the Kyowakai, he replied that the Kyowakai President was the Manchukuo Premier, and so far as form went the Chief of Central Headquarters was appointed by the society president, but in actuality Premier Chang had no voice in the selection of officers, and it was natural that the Kwantung Army Commander had the final say in selection.
- 31891 Asked if he did not know as a fact that Premier Chang Ching-hui selected MIYAKE for the position in 1940, he replied that it was Chang who actually appointed headquarters' chief, but in reality it was closer to the truth to say that he was appointed by the Kwantung Army Commander.
- 31892 * Since he was not in Manchukuo at the founding of the Kyowakai, the witness could not tell the society's purpose, but its real, final objective was to implant the so-called Japanese spirit in the hearts of the Manchukuo people.
- 31893 During the entire period of his service, the witness was a member of the Central Headquarters Committee of the Kyowakai. It was stated that there were over four million members of the society, but as a matter of fact he thought its actual membership difficult to ascertain. He believed from reading a Russian newspaper some time before that MIYAKE was in the Soviet, but he had not seen him
- 31894 during the time he was interned in the USSR. * He got this information from an internee, who read Russian to him from the newspaper.
- 31896 * About the time of the Manchurian Incident, the witness thought MIYAKE was Chief of Staff of the Kwantung Army and that he retired from active service and returned to Japan a good many years ago. He didn't think that MIYAKE ever subsequently became a Kwantung Army officer. During the time MIYAKE was Chief of Central Headquarters of the Kyowakai, he was not attached to the Kwantung Army.
- 1897 * The witness did not know whether MIYAKE was dead at present.

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Page It was not the purpose of the witness to go to Manchuria to prepare for war against the USSR. He had been to Manchukuo in 1935 and 1940, the first time was as Chief of the Policy Section of the Kwantung Bureau, of which he subsequently became chief, and at that time he was a government official of Japan. The second time he became Director of the General Affairs Board as a Manchukuoan official.

31898 * When he went to Manchukuo the second time, Manchukuo had been established to cooperate with Japan for a new order, and he felt the big purpose was to help Manchukuo become a truly independent nation. Since the Manchurian Incident, Manchukuo was considered Japan's lifeline, and he felt it an important task to defend Manchuria and develop Manchukuo as a sound state, and with that thought he accepted the post.

31899 * Manchukuo was where the Kwantung Army was, which was preparing for operations against the Soviet. Since he felt there was great significance in aiding this task as Chief of the Board, when he was approached by UMEZU to assume the post he accepted. The building up of a sound country in Manchuria required that conditions of the people there be improved, and the witness was of the opinion that conditions improved from year to year.

31900 * The number of those receiving secondary education increased considerably, as well as universities and other institutes of higher learning.

31901 Sanitary conditions improved, the quantity of agricultural products increased, conditions of farmers improved, and social services for improvement of conditions for the poor, etc., were expanded, and medical facilities were greatly improved and expanded. These were one of the witness' objectives. * The witness did admit that during his tenure conditions improved, but had no intention of boasting about his own achievements.

Asked if those purposes were to him more or less important than the purpose of preparing for aggression against the USSR, he replied that preparations for operations vis-a-vis the Soviet and improvement of Manchukuo conditions were both sides of the same medal and could not be separated. Asked if in carrying out these objects he was encouraged by the Kwantung Army C-in-Cs, he replied that he was encouraged and exhorted by the Kwantung Army Commander.

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31903 The witness stated he was first captured by Soviet forces in Hsinking, was sent to Khabarovsk, and recently had been living on the outskirts of Moscow as a civilian internee, equivalent to POW officers except he received no salary. He had never been tried nor charged with any war crime or offense against the USSR, and did not know of having been under investigation. He had been imprisoned while in Soviet custody from 25 January 1946 to 30 May, 1946. * and during that time his affidavit was taken for use in the trial. The affidavit was dated 26 March, 1946. He became a Soviet prisoner on 27 September 1945, and did not know why he had not been repatriated.

CROSS-EXAMINATION BY MR. BLEWETT,
Counsel for TOJO.

31904 Reference was made to the amended affidavit where it referred to a visit to TOJO in the summer of 1941. Asked if he wrote the statement in his own hand, he replied * that he remembered having written the affidavit in his own hand. The conversation took place at the War Ministry, but he forgot the date. He believed that no one else was present in the room at the time of the conversation. The
31905 visit was official and not personal. TOJO was not Premier at the time, as the visit took place before October 1941.

31906 Asked if he had opportunity to correct the affidavit after it was prepared, he replied he did not feel any necessity for making corrections. * The witness, after seeing the amended affidavit, agreed that where he used the words "Prime Minister TOJO" in connection with the visit of August, 1941, was a mistake and should be corrected to "War Minister TOJO". The witness had not noticed this when he re-read his affidavit. Asked if he wrote the
31907 affidavit or if it was written for him, * he replied that in drawing it up he conferred with Col. Ivanov. The first and second points were written on the witness' desire, and the points subsequent to 3 were his replies to Ivanov's questions. A Russian stenographer took down his replies in Russian and they were translated into Japanese, and that was the final form of the affidavit. Other than the phrase corrected, he believed there were no more inaccuracies. The Japanese affidavit he saw was not in his own handwriting, but the typed copy.

31909 * Asked if TOJO spoke to him regarding administrative matters concerning his specific position as State Minister, he replied that TOJO told him, as Chief of the General Affairs Board representing Manchukuo, that Manchukuo should give all possible aid to furthering Kantokuen plans to reinforce the Kwantung Army.

Page The witness had testified that his main purpose
in going to Tokyo was to inquire of TOJO whether there was
to be war with the USSR, and TOJO said not so. The witness
was asked the basis of his statement in the amended affidavit
where he referred to TOJO as Chief of Staff of the Kwantung
Army and that he endeavoured to carry out military measures
31910 against the Soviet. * He replied that when he was in
Manchukuo he was General Director of the Kwantung Bureau
and that was why he knew about it. It was natural that
the Kwantung Army Chief of Staff should exert efforts in
connection with operations against the Soviet, and he
thought there was no doubt that the Chief of Staff did so.

 Asked if, as he had explained before, these
operations were purely defensive, the witness replied that
he believed the term "purely defensive" was somewhat
insufficient, because the terms always implied that the
Kwantung Army was always ready to take the offensive.

CROSS-EXAMINATION BY DR. TAKAYANAGI,
Counsel for SUZUKI.

31911 * Reference was made to the amended affidavit
where he had stated that at the present time he didn't
remember the exact wording of ARAKI's and SUZUKI's state-
ments, as many years had elapsed; and where he stated
31912 the main purport of * ARAKI'S and SUZUKI's statements;
also, where it was stated that the gist of ARAKI's address
was that Japan had brought about the Manchurian Incident
31913 and established the state of Manchukuo, etc. * Asked if
this was not entirely different from the final interpre-
tation of the Japanese Government at the time, he replied
that it had been said that Manchukuo's establishment was
based on the unanimous will of the thirty million people
there; but since it had become clear it was Japan that
established Manchukuo the witness adopted this expression,
because that was actually what Japan did.

 Asked if therefore what he had written was not
the purport of what ARAKI said but his own observation, he
replied that he wrote the purport of what ARAKI said
without bothering to give specific details, but what he
meant when he said he wrote the gist of ARAKI's address
31914 was just that. * He did express ARAKI's thoughts.

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- 31915 * Asked if it was not unusual for the Conference of the Prefectural Governors to be held at the auditorium of the Toyoma Military School in Tokyo, he replied he
- 31916 * thought there were other instances of this, and he had attended other conferences held there.

It was a custom that on the day the conference was opened for the Premier to make a speech opening it at the Cabinet, but on the following day sessions were held at the various ministries.

The witness did not know an organization called the Servicemen's Assistance Association. Asked to state the names of a few governors attending the conference who heard ARAKI's and SUZUKI's addresses, he replied there were almost fifty governors, and among them those near him were ISHIGURO, AKAGI, and ISHIWARA.

- 31917 * He didn't recall whether KOSAKA attended. Asked if the statement he alleged to have been made by ARAKI and SUZUKI at the meeting was actually their address at the meeting of the Servicemen's Assistance meeting, he replied that was not so. This was at a session of the Governor's Conference held in the auditorium, half as a secret meeting. There were maps of Manchuria and the Soviet in the auditorium.
- 31918 * The witness stated he did not know why he was imprisoned by the Russians. On 24 January, 1946, the Chief of the Internal Affairs Bureau of Khabarovsk State told him he was to be imprisoned, and the following day he was taken to prison.

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Page * REDIRECT EXAMINATION BY COLONEL IVANOV

31919 The witness agreed that he had previously testified that Japanese troops in Manchuria, to realize defensive aims had to take an offensive position, but after 1944 theirs was merely a purely defensive stand.

31920 Asked if he thus drew a distinction in his first affidavit and in the cross-examination between defense and pure defense, he replied by "defense" he meant that * included offense to a certain extent. The word had a broad meaning and the occupation by Japan of Manchuria was also called defense.

Asked if the term included the occupation of territories of other countries by Japan, he replied that when he said "defense with an offensive attitude" that is what he meant. Asked if the working out of conditions of an occupation regime in Soviet territories was also included in the "defensive stand" of the Kwantung Army of 1941 and 1942, he replied that it was. UMEZU was Kwantung Army Commanding General at the time. He had previously testified that when war broke out between the USSR and Germany, Soviet strength in the far East somewhat decreased, and Kwantung Army strength increased.

31921 * Asked if the situation at the Soviet-German front then had any significance with regard to changes in the strength of Soviet and Kwantung Army troops, and what was the
31922 situation for the Soviet, he replied that * he thought the war situation was very unfavorable for the Soviet in their war with Germany. He did not have sufficient knowledge. He did not have sufficient knowledge of how that affected the relative strengths of the Soviet and Kwantung armies.

31924 * The numerous military objectives constructed were on the Soviet-Manchurian border.

31927 * During the period he was imprisoned he was inter-
31928 rogated by the head of the Khabarovsk branch of the Ministry of Internal Affairs of the Soviet Union, and * was not told he was charged with anything nor the reason he was put into prison. He supposed suspicion had been cast upon his activities in Manchuria and he was imprisoned for investigation, which was carried on for quite a long time, but at the end of four months he was released and told all suspicion had been cleared.

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- 31929 He was interrogated on 26 March 1946 by Colonel Baginyan at the IMTFE who told him he was being interrogated as a witness in this case. This interrogation was held outside the prison in a building of the ministry of internal affairs.
- 31930 * The testimony at that time was not influenced by the fact that he was being kept in prison. (The attention of the tribunal was called to pages 7330, 7581-86, 7598-7600, 8078-8080, 23,278, and 23,183 where excerpts of the witness' original affidavit, exhibit 670, were read.)
- 31931 * Examination by the tribunal, the witness stated that in interrogation by the Russian colonel he was not told he was to be one of the accused, but after his arrival in Tokyo he was told he might be a witness.

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Page * DIRECT EXAMINATION OF MATSUURA, Kusuo
By Colonel Ivanov

31932 After giving his name and age, the witness stated that he was presently a POW of the Soviet army. When shown exhibit 833 he identified it as his signed affidavit, that he made the testimony without duress, and that statements therein were true and correct, except that where * he stated that Major AOSHIMA, Ryoichiro, was senior army staff officer, it should be corrected to Major NAKANISHI, Masujiro.

31933 Asked if the Kwantung army staff engaged in working out an occupation administration's system for Soviet territories, he replied that when he assumed his post in Kwantung army headquarters as chief of the code section in August 1943, Major KOBAYASHI explained that under the Kantokuen plan, the fifth section attached to headquarter's staff, was occupied with investigation of the administration of occupied areas. When the witness assumed his post, the fifth section no longer existed, but there was an officer and a few others

31934 * engaged in disposing of the section's remaining business.

The Kwantung army commander at the time was the accused, UMEZU. (The attention of the tribunal was called to pages 8087-9, 8173-4, 23,276-7 where excerpts from the witness' exhibit 833 were read by the prosecution and defense.)

CROSS-EXAMINATION BY MR. BLAKENFV

31935 * The witness stated that he had no clear recollection of the date of the Anti-Comintern Pact and the Triple Alliance.

31937 * Asked how he knew that certain Japanese propoganda toward the USRR took place at that time, he replied that he did not think his affidavit referred to specific propoganda. He knew what was in his affidavit and he wrote it himself and signed it on 18 May 1946. He saw a copy immediately after his arrival on 16 October this year. He was not a graduate of the army staff college and not eligible to occupy staff positions.

31939 * He knew of the Kwantung Army planning aggression against the Soviet from 1941 to 1945, because he had been told of it from specific persons.

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In this war the Kantokuen plan was an important factor and Kantokuen meant Kwantung army special maneuvers. Asked if he hadn't testified that the Kantokuen also applied to the Manchuria and Korean armies, he replied he didn't believe it applied.

31942 * (A discrepancy on this point between his present testimony and the affidavit was referred to the language section.)

The witness was with the Kwantung army from August 1943 to August 1945, and before that was with the Mongolia Expeditionary army force about two and one-half years, which army
31943 * was under the command of the China expeditionary army. There was no connection in the chain of command with the Kwantung army, and the Korea army was independent and not under the Kwantung army command.

During this period from 1940 to 1945, he was a cipher clerk, first in the Mongolia and then in the Kwantung army, and his duties were only that. The Kantokuen plan did not pass through his hands to be deciphered and he had never seen
31944 it as such things were rather secret * and not confided to every officer by only to those whose duties had some connection.

31945 * All he knew about the Kantokuen is that he had been told by some captains and majors long after it went into effect, but those who told him of it knew of it in their line of duty. These informants said that under the jurisdiction of the Kwantung army two new area armies had been organized under the Kantokuen. Asked if the organization of the two new area armies meant that additional divisions, corps, armies were brought into the Kwantung army, or it meant only a reorganization of existing forces in the Kwantung army, he did not know which it meant.

31946 In detail he did not know whether Kwantung army strength was increased as a result of the plan. The Mongolia stationary army had nothing to do directly with the plan, but, as an army direct connection with the Kwantung army, it increased its strength from 40,000 in 1941 to about 70,000 in 1943.

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As to preparations by the Mongolia stationary army in accordance with the plan to open hostilities against the Soviet, first there was a conference of corps commanders, second the suspension of release of soldiers who had completed their term of duty, third, the conversion of cavalry into mechanized units, and fourth, the investigation of the Feisuantaiku desert.

31947 * The army commander was AMAKASU; 26th division commander, SHIBAYAMA; cavalry commander, BABA, and second independent mixed brigade commander, MANO. The meeting was at 5 July 1941, and there were conferences held later about once a year, but he didn't remember exactly the dates.

Asked why he remembered the date of the earlier one and not the later one, he replied it was held immediately after the outbreak of the German-Soviet war and it left quite an impression on him. He believed there was a meeting held the year before this one and it did not follow that they were planning aggression against the Soviet union every year.

31948 * Asked if he had testified to all the things he spoke of in his affidavits as being preparations by the Mongolia occupation army according to the Kantokuen plan for an attack against the USSR, he replied that * he knew the strength of the Mongolia stationary forces had been increased from July 1941 to December 1941 by the addition of 5,000 new troops, and also knew that staff officer NOTANI of the Kwantung army came to their army in September 1941 as liaison officer, which fact he had failed to testify to before.

31950 He didn't believe that the Kantokuen provided the time for attack on the USSR and had heard nothing concerning this. When he said the Kantokuen was effective during 1942 and 1943, he meant the plan had been carried over to 1942 and 1943 and meant the same plan for aggression contained in the Kantokuen of 1941 continued to be the plan for aggression for 1942 and 1943.

31951 * Asked to tell more about the maneuvers held in accordance with the Kantokuen in Manchuria and Korea in 1941, he replied that he assumed his post in August 1943. From the affidavit was quoted to the witness a part which stated that according to the Kantokuen, large scale maneuvers were practiced in Manchuria by the Kwantung army since August 1941,

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31952 and it was so also with the Korean army in Korea. Again asked to tell about the maneuvers he replied that he did not know in detail about maneuvers up to July 1943. He did know that in August 1943 * maneuvers in crossing rivers were conducted near Chamussu. Asked if these were not just routine maneuvers, he replied that they were annual maneuvers to train troops for operations under the Kantokuen after army units had been reorganized under the plan.

Asked if he knew what he meant when he wrote in his affidavit that large scale maneuvers were practiced in Manchuria by the Kwantung army since August 1941, he replied that he did know about it, but this was the explanation given by the chief of the code section KOBAYASHI, and he had written it down just as he had explained it.

31953 * The witness had seen maneuvers in Manchuria in August 1943 which was the river crossing operation mentioned. The whole number of troops was approximately three divisions, but he did not know the number maneuvering in the preceding year.

Asked whether there was anything unusual in the scale of the August 1943 maneuvers, he replied it was so. He never saw maneuvers in Korea and what he knew about them was what he was told to him by a major who would explain the details of maneuvers in Manchuria and Korea as the result of the Kantokuen plan from August 1941. He heard from Captain HATTORI that the plan provided for the Mongolia occupation army advance into Zabaikal or Transbaikal as part of the war plan, but he did not know if that was provided in the Kantokuen plan of 1941. He heard this in a conversation with Captain HATTORI who was in the cipher section of the Kwantung army in Tokyo in early December 1943.

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31955 * HATTORI did not say that the plan for the advance into Transbaikal was part of the Kantokuen plan. HATTORI said that simultaneously with the commencement of the relations under the Kantokuen plan, the Mongolian army would advance to the Baikal through the Republic of Outer Mongolia. The plan was never known to the witness in 1941 when he was with the Mongolian army.

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He knew lieutenant colonel SEJIMA who testified for the prosecution that he participated in drawing up army plan for the Japanese general staff.

31957 * In June 1941 he saw orders relating to the principles for preparations of orders but never saw the plans themselves or knew of their contents. * Some of his officer friends told him of them and Major MANAI, an intelligence officer, told him the objective of the Mongolian army in case of attack would be Ulanbator and Zabaikal, and the same army would assume an offensive position. Its mission was to cut the Trans-Siberia Railway. That was all this officer told him, and the officer was in the intelligence section of the Mongolian occupation army.

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31959 * Asked if it was necessary for such intelligence officers to know about operations plans, he replied that it could be called unusual. He had never been an intelligence or operations officer and there was some distinction between the two. He thought the principles of preparation for operations had something to do with preparation for war against the USSR.

31960 Regarding this, he was visited by KOTANI, the Kwantung army staff officer, in September 1941, * who came to the Mongolian occupation army for liaison purposes. The witness knew this because he deciphered the message announcing his impending arrival. So he did come and meet with the Mongolian army commander but the witness was not present and did not know what was talked about, and was not even told what they discussed.

Asked if he assumed it had to do with plans for aggression against the USSR, he replied that he gathered that impression from the war situation between Germany and Russia and from the general atmosphere.

31961 * Asked if this was one of the facts from which he concluded that the plans for preparation of operations had to do with commencement for war against the Soviet, he replied it was one of the facts, not the actual commencement of war, but preparation for war.

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31962 * That sort of liason mission from the Kwantung army was unusual in the Mongolia occupation army, and he recalled it happened only on that one occasion. The next significant fact upon which he based his conclusion was that he was ordered to have his code books ready and this was evidence to him that aggression was planned.

31965 * Captain TSUBOI who told him about the exploration of the Feisuintaiku Desert was commander of the research party which was under the command of of an intelligence officer. Asked how he determined that an expedition for gathering information was either for aggression or for defense, he replied,
 31966 * he gained that impression on the situation of the army.

Asked if an intelligence officer commanded the party, if it suggested to him that the party had any connection with operations plans then in existence, he replied that since the commander was a staff officer in charge of intelligence, he believed he must have had some connection with operations.

Reminded that he had stated shortly before that there was a distinction between intelligence and operations, he replied that as far as actual duties of the respective sections went he supposed there was a difference. He was not suggesting that this exploration party committed any attack on the Soviet.

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31969

31970 * The witness stated he had never seen the operations plans for the years 1943, 1944, or 1945, but * had heard explanations regarding the outlines of the latter. According to what he had heard from the Code Section Chief, Major KOBAYASHI, the aggression to be carried out in the Kwantung Army in 1943 was connected with the Kantokuen plan.

31971

* The Kantokuen not only provided for large-scale maneuvers, but also constituted an operational plan against the USSR. * His superior officer, Lt. Col. ONO, who was in charge of the signal service section as a staff officer, explained the contents of the 1945 operations plan. He was not an operations officer, but the

31973

* witness thought he was given access to operations plans, although he did not say that he saw it nor explained how he obtained the information. He told the witness that the operations plans for 1945 were for the defense of internal Manchuria, and the duty of the Kwantung Army was the defense of Korea.

31974

* it provided that Japanese units along the Soviet-Manchukuo border, especially those facing the eastern and northern fronts, were gradually to withdraw while resisting. At first, border units, especially those on the eastern and northern fronts, were to conduct holding out operations, and a large-scale repulsive operation west of the railway between Changchun and Dairen believed to be the object of the USSR attack. ONO told the witness this at the end of June, 1945, in an anteroom of the staff department of the Kwantung Army.

31975

* He didn't tell where and how he obtained the information, but the witness believed it only natural he would be able to obtain it as he was a first section staff officer in charge of communications. Asked if the communications staff officer would naturally have communicated to him the part of the plans that concerned him, the witness replied that he could not make any statement as to this. These operational plans were of the highest secrecy classification.

31976

* Asked if it was customary for staff officers to gossip to inferiors about matters that were military secret, he replied they were not permitted to gossip, but although it could not be known in all details, still it was possible to learn of the operations plan so far as it related to a certain officer's duty.

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31979

* ONO told him the outlines of the plans for 1945 in his capacity as communications section chief to the witness as code section chief in connection with the handling of code plans. * Asked what there was in his duty in connection with ciphers which required ONO to disclose details of the 1945 plans, the witness replied that in connection with codes, its purpose was carried out only in the way it was handled. To connect codes with operations, it was important to establish the time that they are prepared, when they are handed over to units, and how they are used. The handling of codes cannot be done effectively unless the outlines of the operations plans were known. If not done properly, difficulties would occur. Unless a unit has reserve codes in use when surrounded by the enemy, the repetition of codes would defeat their purpose, and this would affect the entire * operational plan. Thus it was necessary for the code officer to be acquainted with at least the outline of the plan.

31980

He was not told the contents of the 1943 operations plan, because then he was not in charge of the code section, but was a subordinate officer. Asked why he was not told the contents of the 1944 plans, he replied that in August 1944 he became code section chief, and he asked the staff officer in charge as to what the situation was, * but the staff officer told him nothing had been decided yet as to the operations plan. This was in August 1944.

31981

31982

asked if in 1945 it was already decided in June, he replied that the Kwantung Army was in difficult circumstances, because from February, 1944, many army units were transferred to the southern areas. He had absolutely no knowledge as to whether there was an operations plan for 1944.

* ONO regularly attended staff conferences relating to operations plans, but the cipher section chief * never attended and was never in the operations room where the plan was kept. All the witness knew about these plans was what he was told by various people. He was never told anything about the contents of the plans by the Kwantung Army Commander, Chief of Staff, or Vice-Chief. Asked if his predecessor, KOBAYASHI, who told him about the Kantokuen plan, knew any more than he did, he replied he did not know the extent of KOBAYASHI's knowledge.

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31983

- * KOBAYASHI's position, rank, and background were the same as the witness' when he was section chief.
- 31984 * When the witness was in the Kwantung Army, he thought there was a plan for commencing aggression against the Soviet about the beginning of the winter of 1943, and he
- 31985 * got this information from Lt. Col. TOMURA, who told him all about Imperial Headquarters directives on that matter, but even he did not undertake to tell him when the operations would start, nor did he explain why a lieutenant-colonel who was a liaison officer with the Kwantung Army knew the directives of Imperial Headquarters.

- The strength of the Kwantung Army at the beginning of the winter of 1943 was on the whole about the same as that of the year before, and no divisions had been
- 31986 * withdrawn at the end of 1943, nor tanks. As to aircraft the witness had little knowledge. At the beginning of the winter the Kwantung Army had approximately twenty divisions, two tank divisions, one tank brigade, and an air force, but he didn't recall total manpower. He got these figures officially in line of duty.

- 31988 * The witness had no knowledge as to the strength of Soviet Far East Forces in the beginning of the winter in 1943.

- 31991 * The witness stated that he was an ordinary POW, had never been tried for any war crimes against the USSR, nor charged with any. He was taken prisoner on 5 September 1945, remaining a prisoner ever since, and did not know why he had not been repatriated. He had been told he would be returned to Siberia after testifying.

- 31992 * He had been interrogated about ten times since he had been a prisoner, but had never been imprisoned during his captivity.

- 31993 (The attention of the Tribunal was called to testimony beginning at pages 8093, 8138, 23282, 23189, and 23302.)

REDIRECT EXAMINATION BY COL. IVANOV.

- 31994 * The witness stated that he was code officer with Mongolian Stationary Army Headquarters from March 1941 to July 1943, and with Kwantung Army Headquarters from August 1943 to August 1945.

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Deciphered communications dealt with operations matters pertaining to intelligence. He was charged with the handling of codes, compilation of code books, direction and carrying out of coding and decoding. Decoding of messages pertaining to ordinary matters was done by non-coms and lower, but important ones were handled by officers, including the witness.

31995

* Asked from whom he heard the secret information about which he spoke in his affidavit and what were the positions of these persons, he replied that he heard from ISSHIKI, Chief Signal Officer of the Mongolian Army in 1941; TOMURA, Chief Signal Officer of the Kwantung Army, and KOBAYASHI, Chief of the Kwantung Army Code Section. With regard to the Kantokuen in 1941, he heard from HATTORI, a Code Section officer of the Kwantung Army.

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Page DIRECT EXAMINATION OF MURAKAMI, Keisaku,
By Col. Ivanov.

31996 * The witness gave his name and age, and stated
that he was a lieutenant-general of the 3rd Army prior to
31997 the surrender, and was presently a POW. * When shown
exhibit 722, he identified it as his signed affidavit,
and acknowledged that its contents were true and correct,
and he wrote it voluntarily from his own conscience.

31998 From exhibit 722 was read a question and answer
not previously read into the transcript. In the exhibit,
the witness was asked the tasks of the Research Institute
of Total Mobilization in 1943, and he replied that they
were interested in maximum increase of aircraft production
and factories, * and set themselves to produce 40,000
aircraft a year. They were also occupied with the problem
of increasing vessels, and their goal was a total tonnage
of 1,500,000 tons a year.

They were also interested in exports of products
from Manchuria, Korea, and from the southern regions of
Japan, as there was a shortage of 1,500,000 tons of rice
yearly. The question of dispersion of the population and
industry in case of air raids was studied, and in the
sphere of foreign policy they had the task of studying
the problems of consolidation of East Asia countries
under Japanese hegemony.

31999 After this question and answer from the affidavit
was read the witness was asked if he was Director of the
Research Institute of Total War in 1943, and he replied
in the affirmative. * When shown a document, he identified
it as his signed affidavit written in his own handwriting,
and acknowledged that the contents were true and correct.

32008 * Exhibit 3372, the affidavit of the witness,
stated that from 8 March 1943 to 20 December, 1943, he was
Director of the Research Institute of Total War in Tokyo,
which was established by ordinance in the autumn of 1940,
and was a government organ for research into the basic
problems of total warfare and for training necessary
personnel in the ministries for conducting it. The
Institute director was under the direct control of the
Premier.

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Page On the day of his appointment he was received by Premier TOJO, who gave him his written appointment and told him that at present the Institute should make efforts in the study of the national ideology of the Japanese Empire, and to secure ultimate victory it was necessary for Institute students to be imbued with that ideology. In connection with this, YAMADA, Director of Jingu Kogakukan, HIRAIZUMI, * a Tokyo Imperial University professor, and TERAMOTO, a professor of the Naval College, were invited to the Institute.

32009

The Institute received secret materials to carry on research in the problems of total war from all ministries, and students constantly received secret data from their ministries for their researches. The Institute sometimes got definite problems on total warfare from TOJO, but usually itself selected problems. The witness' predecessor as director, Vice-Admiral ENDO, told him in March 1943 that the research in administration of occupied areas of Greater East Asia was personally entrusted by TOJO. This secret research had been completed before the witness assumed the post, and he read it through. Besides this, he read the draft for the establishment of the Greater East Asia Co-Prosperity Sphere, * drawn up by the Institute. This provided for the establishment of a central area, including Manchuria, Soviet Maritime Province, and North China, which would be united by Japan, and a Smaller Co-Prosperity Sphere, including in addition to the above Eastern Siberia, China and Indo-China; and a Greater Co-Prosperity Sphere, which would include besides the Smaller Sphere Australia, India, and Pacific Islands.

32010

Problems of the conduct of the war in the period from 1943 to 1944 were investigated by the Institute under the witness' direction. In his interrogation on 28 March 1946, he had stated the Institute's plans with regard to the increase in aircraft output to 40,000 planes a year, increase in vessels to 1,500,000 tons a year, and other matters.

Draft plans were sent to the Premier and ministries concerned to have them carried into practice. The * War and Navy Ministries were most closely connected with the Institute, and that was why it was headed alternately by a general or an admiral.

32011

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When the witness was a director there were about forty students consisting of responsible officials of the ministries of a rank usually equal to major or lieutenant-colonel, and some representatives of banks and companies. At the opening ceremony in April 1943, there were present the accused SUZUKI, Minister of State without portfolio and Planning Board President; Education Minister HASHIDA; and Chief Cabinet Secretary HOSHINO, who participated in the establishment of the Institute in 1940. Department and section chiefs gave lectures.

32012

When the witness was director, theoretical researches and maneuvers were conducted to render practical assistance and data to the Cabinet and ministries. When carrying out these researches and maneuvers, the actual * international and internal situation was strictly considered, and they were based on the real strength and resources of the state.

In the summer of 1943, at a conference of Institute advisors, matters concerning students to be accepted from the ministries in 1944 were discussed and decided on. The accused HOSHINO, as Chief Cabinet Secretary, and vice ministers were present. At the graduation ceremony in December, 1943, TOJO, HOSHINO, and SUZUKI were present, and in his speech TOJO stated that the Pacific War had entered into a decisive phase, and personnel of all ministries must make intense efforts. As regards research this term, it was only a short term and they should not be satisfied with what they had achieved. Although the students were given a firm foundation in national ideology, it should be thoroughly grasped by them. TOJO further stressed that they should endeavour to accomplish the war, firmly believing that Japan would win.

32013

* Due to the personnel shortage, the number was cut by half in 1944, and in that year the Institute was ordered to conduct only researches considered most important by the Cabinet. The Institute closed after TOJO resigned as Premier in 1944.

When shown exhibit 690 and exhibit 638, the witness stated that he had seen them when he was director of the Institute.

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Page * CROSS EXAMINATION BY MR. BLAKENEY

32017 The witness stated that during spring, summer, and autumn of 1941 he was on the front lines west of Hankow, Central China, but in September he returned to Japan. The remainder of that year he was at first attached to the army school of military science and technique as its principal from 26 September 1941.

32018 During 1941 he did not attend cabinet meetings nor was he attached to the war ministry or the foreign ministry. * He did not attend the liaison conferences the summer and autumn of 1941. Asked how he knew so much then about Japanese-American diplomatic questions, he replied he was informed by NISHIMURA of the total war research institute in the spring of 1943 when the witness was institute director. NISHIMURA came from the foreign office and told the witness on 17 April 1941 that a reply had come from the United States that if Japan would

32019 * withdraw her troops from China, the United States would recognize Manchukuo's independence, approve of its economic development, and use its good offices in prevailing upon Chiang Kai-shek to bring about a settlement with China.

This information was imparted at a meeting of research students, which was a sort of lecture. His informant, before coming to the institute, was with the treaty bureau of the foreign office, and he thought he was officially connected with the Japanese-American negotiations.

32020 Asked what the provisions of Article 95 of the criminal code of the R.S.F.S.R. were * he replied he thought they corresponded with what was known in Japan as perjury. Asked what he was told by the Russian interrogator about penalties for making a false statement, he replied there was nothing said in particular, * but he believed it was common among all nations that there was no penalty and he was testifying what he believed to be the truth without any concern with penalties whatsoever.

32022 * Nothing in particular had occurred since he became a POW to affect his mind or memory and his health had been good. He heard that in 1942 there was a plan of attack on the Soviet Union from Manchuria when he took over his post as commander

32023 of the third army * but he did not hear it previously.

His predecessor was General NEMOTO. From the fall of 1944 the duty of the third army was purely defensive, but previously it was to take the offensive in the direction of

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Page Voroshilov, and that was all he learned. The plan up to 1944, including that for 1943, was offensive.

- 32024 * He did not know what the 1943 plan provided. Asked if he meant that his predecessor told him of the 1942 plan and not the 1943 plan, he replied no. What he meant to say was the plan changed from the offensive to the defensive in 1944, and up to that year the offensive plan continued throughout several years. He knew that operations plans were drawn annually so far as demands were concerned, but he was trying to say that the general offensive policy continued through those years. Reference was made to his affidavit where it was stated that he knew in 1942 there was a plan for an attack on the Soviet from Manchuria. Asked if that was not a plan rather than a policy, he
- 32025 replied it was an offensive plan, but the year 1942 * merely cited the general standard when the plan was in effect, but didn't mean that an offensive plan was confined only to 1942.
- 32027 * He thought the 1942 plan for an attack was a routine operations plan and the routine plan for 1943 similarly contemplated a plan for attack, which the third army planning an attack in the direction of Voroshilov, in accordance with the 1943 plan.
- 32028 * Aside from the third army, he heard nothing about what other armies were to do under the plan. He did not think there was any time set for the attack and had never heard under any plan of a time being set, for the plan was that if hostilities broke out within the year, the plan was to go into operation and there could not possibly be a plan as to attack or not to in a certain year. The understanding and instructions were that these plans were the annual plan to go into effect in the event of hostilities for whatever cause.
- 32029 * The increase in the strength of the Kwantung army took place from summer to fall of 1941. Asked how he knew of it, he replied that he did not directly participate in this plan. But while commander of the third army he inspected his area and heard explanations to that effect. He thought the Kwantung army
- 32030 was reinforced in 1941 to 700,000, * but did not know how many more were added at the time of reinforcement to bring it up to that total. Asked if this increase in strength gave the numerical superiority to the far east Soviet force, he replied he thought the Kwantung army's forces were inferior but did not know how much so.

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32031 According to rumours at least, the strength of the Soviet forces in the far east was at least 800,000. * After the reinforcement there were around 13 or 15 divisions in the Kwantung army. After he took command of the third army in 1944, Kwantung army strength steadily decreased in quality and quantity, and consequently there was no chance to take the defensive and they were compelled to assume the defensive. This decrease commenced from around February 1944.

32032 * This 1941 reinforcement was the so-called Kantokuen, but he did not know if the Kantokuen resembled a war plan. The witness stated that he was a military general but had never participated in an operational plan. He was not a rather well-known author on military subjects, having only written a book on the principles of warfare entitled "Senso Yoron," quite a long time before. Asked if he wrote a book known as "Tosui Sankosho," he replied this was work * undertaken at the war college while he was there. It was not written by him but compiled on the basis of studies made by instructors under his supervision, and was not published under his name as author.

32034 Asked if he had been a specialist on Russian matters throughout his army service, he replied that he had not once gone to the second division of the general staff headquarters in connection with a study of Russian problems, and was not a specialist but could read and speak Russian. * When he was an instructor in military schools, he did not teach subjects connected with Russia, but only taught the history of war and tactics.

32035 * He had not taught Russian military tactics as such, but when he taught Japanese tactics he used Russian tactics as illustration in the military staff college for example. Asked if he meant to suggest that in the staff college instruction was not given in military history and tactics of other nations, as well as Russia's, he replied that he taught principally Russian tactics vis-a-vis the Russian army, especially in connection with the history of the Russo-Japanese war as well as the military history of Germany and Austria.

Asked if it was not a fact that instruction was given in military history and tactics of other nations, as well as

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32036 Russia, he replied, yes * that German, Austrian, and French military history, among others, was taught. He had never given lectures on the subject of Russian questions. Asked if it was to be understood from his affidavit that his teachings were that Japan must engage in an aggression to conquer territories in future wars, he replied that that was not his meaning, what he meant to say was that fundamentally the Japanese are a peaceful people, but they could not long exist in the narrow confines of these small islands, and it was necessary that they expand overseas, particularly on the Asia continent.

32037 When influences obstructed this expansion, war broke out because of these reasons. * Furthermore, to carry on warfare, natural resources are essential and must be utilized, as shown by the late war. It was necessary to bring from the continent large quantities of iron, coal and cereals, and as far as Japan was concerned, it was necessary that she have a strong foothold on the continent politically, economically, and militarily. Therefore Japan strategically must always point to the offensive and that was what the cold facts testified that it was on this basis he taught the history of the war.

32038 Asked if it was to be understood from his answer that his teaching was not that Japan must engage in aggression to conquer territories, he replied that as he said before, overseas expansion was necessary and, while undertaking it, war might possibly occur, if it did Japan must take the offensive and gain control of said strategical and vital areas. * This is what he taught his classes.

32039 The Japanese army regarded the Red army as a future enemy. There were no other land powers with modern and efficient armies so placed that they might offer the prospect of land warfare with Japan. The "Red Book" testified to was an infantry manual for combat against the Soviet. He did not have an exact recollection as to its title, but thought it was, "Method of Combat vis-a-vis the Soviet Army." * He had forgotten the details of the contents of the book, * but the instructions on tactics in it were applicable both to the offense and defense. He thought it was published in 1933.

32040

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Asked if he hadn't had in his affidavit that it was founded on Soviet battle service regulations of 1936, he replied that that meant that Soviet publications were used as reference when the book was revised in 1937 or 1938.

32041 MUTO was inspector general up to September 1932. Asked if he hadn't said in his affidavit that the book was issued when he was inspector general, he replied that he did not say it was published, but that during MUTO's time the book had been prepared, publication was some time after. *The book was published during the tenure of MUTO's successor as inspector general of military training. He had stated in his affidavit, in regard to the total war research institute, that he received instructions by TOJO, when he was appointed director he carried out these instructions.

32042 * The witness' chief interest was in spiritual training and education, and among the lecturers, was the director of the Shinto institute and a well-known Shinto scholar. He did not mean that the institute dealt with Shintoism and Buddhism, but to understand the fundamental character of the Japanese state, it was necessary that the subject be studied from a broad angle and therefore authorities on Shintoism and Buddhism were * invited to contribute their knowledge. All the lecturers named in the affidavit came to him and lectured by request of the institute, * and the various state ministers mentioned came at the express request of the institute, or himself as director, and only attended on ceremonial occasions on invitation by the institute.

There were several students from various civilian organizations among the student body, commencing in April 1943. Generally they pursued the same course as the others, but they handled different subjects in accordance with their respective specialties, and this was true of all students.

32045 * Materials were accessible to them in accordance with their personal desires. Among the students from civilian organizations were at least two from newspapers, and they also had access to the materials, secret or otherwise, of the institute. There were three students in that class from the army. One, a medical officer, and one an intendance officer.

32046 *It could not be said they had no connection with operations.

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Asked if these officers had some special function bringing them in contact with operational matters, he replied that as a question of principle, the institute did not study operational matters, but a study of various problems in connection with operations was made, and medical and in'dendance officers were necessary in these studies.

32047 ARISUE, who came as a lecturer at the request of the institute, was chief of the intelligence section of the general staff, * and his lectures were on general information on the current war situation. Colonel NISHIURA, chief of the military affairs bureau, did not speak about this military situation but the war as viewed from the standpoint of military administration.

32048 The witness stated that he was captured by the Soviet forces in August 1945, and asked he had been a POW since, he replied that the Japanese government says he is not a POW but he was receiving treatment as one. He had not been tried for any crime or offense against the USSR or charged with the commission of such. * He had not been informed he was under investigation on suspicion or committing war crimes against the USSR, and he knew of no reason why he had not been repatriated.

CROSS-EXAMINATION BY MR. BLEWETT
Counsel for TOJO

32049 Wren shown exhibit 688-A, * he stated he noticed the
32050 word "draft" added to the title of the document, and that it stated, "only to be used inside the institute" and that, "outside of the institute to be returned as soon as possible". Asked whether this document was ever presented to the government, he replied it was dated prior to his tenure as director and he could not say, but customarily such drafts would be presented to the cabinet and government departments concerned.

He could not say whether the government took action on this document inasmuch as he was not there at the time. Asked whether from his experience he could state whether the document was prepared for the use of the students, he replied, "No, this was a result of the study made by the

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32051 * students and later on were used as reference for future studies and as reference for organs which would carry out the matters contained in the study. The institute had no responsibility in formulating national policies but its purpose was only study and education. Whether any studies were adopted by the government depended on the government's discretion.

32052 Asked how this study came to reach the cabinet as the certificate of source and authenticity showed, he replied that such documents were not only kept in institute files, but also circulated to cabinet and government departments concerned. In the last of such documents, he believed this document too was sent to the cabinet * and other government agencies. The witness stated he was appointed to the institute of total mobilization and warfare by the emperor.

This institute and the research institute of total war were identical. Asked if there was a different organization formed after December 1941, he replied that as far as war guidance was concerned, the total war research institute was established to make studies relating to this subject, but as to other aspects of war, he believed other organizations studied these special subjects.

32053 * Asked if the institute practically ceased its functions before December 1941, he replied the institute was
32054 reorganized in 1943 and abolished in 1944. * Asked if he noticed that there were three periods of study through 1940-41 when he took over his duties in 1943, he replied yes that the first period ended in 1941, the second 1942, and the third 1943, which was the last class.

32055 Asked if a practically new organization was set up after the war to aid with that war, he replied that that probably was the supreme council for the direction of war that was referred to. Asked if the institute in 1943 and 1944 was primarily interested in studies * pertaining to the Pacific war, he replied it dealt primarily with the fundamental character of the state and the resolute prosecution of the war.

He never heard that after the abolition of the institution, its documents were sent to the Cabinet archives, but he imagined that would be the case.

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After 1 November 1943 there were no additions so far as students were concerned, but there were some staff members. When he assumed control in March 1943 he thought there were about 15 staff members and after that the number fell to about 8. * After 1944 no student was admitted and the institutions' activities ceased.

32056

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REDIRECT EXAMINATION BY COLONEL IVANOV.

32056 * When shown exhibits 690-A and 688-A, the witness was asked to state whether those studies were made under TOJO's direction. He replied that what TOJO requested was this document, and his request was that a general study be made as to the administration of occupied areas.

32057 * He thought defense counsel had not questioned him regarding the document worked out in accordance with instructions by TOJO. Asked what part was played by lectures on spiritual education and what part was played by the research work carried out under his guidance, he replied that there was the question of proportion between spirit and matter, and the question of the national concept of the state was taken as a spiritual study, but from the point of view of quantity, more work was done.

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32060 * During his tenure, research on a northern problem was not conducted, but he knew that researches regarding the administration of areas to be occupied in Siberia were carried out before he assumed his post.

32061 * Main subjects of research were sent to the Cabinet and principal government offices, and their main results were also sent there, numbering about fifteen. He believed copies were sent to the Cabinet and the offices, and not returned.

Asked if the government had any measures in connection with drafts and plans drawn up under his supervision by the Institute in 1943, he replied he had heard that plans to increase aircraft production were taken up by the government, and that in the spring of 1944 the government realized their policies to adapt national livelihood to stringent conditions.

32062 * Among the banks which sent representatives was the Bank of Japan, and among the companies were coal companies and chemical industries in Korea. The purpose was to utilize the experience gained in the course of their operations and to enable them to cooperate with the government after they left the Institute. He had mentioned two officers previously as being among the students, and the third was NAKAMURA, of the Military Affairs Section. There were two naval lieutenant commanders among the students in 1943.

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32063 Asked if the students had access to secret files of any ministry inside the ministry building, he replied * all material necessary to conduct researches obtained by the Institute from the secret files of various offices was available to the students.

32064 When he had testified previously that the Kwantung Army consisted of 700,000 men at the end of 1941, that number did not include the Manchurian National Army nor the Army in Korea. * The Korean Army numbered over 50,000, and the Manchurian National Army something under 100,000. There were Japanese ex-servicemen in these areas, and if they were mobilized total strength would be increased. He believed there must have been over 150,000 reservists. If these various forces were added to the strength of the Kwantung Army, it would come to about one million.

32065 * Asked if there were any changes in Soviet strength in the Far East in 1941, he replied that after the outbreak of the Soviet-German war, crack Soviet units were sent to the Western front, and they heard that to replace these some new soldiers were mobilized but that their quality was quite below par. Asked if the reserve corps was prepared to reinforce Kwantung Army strength with an additional number of men in the shortest possible time, he stated he had never heard of that officially, but as a matter of common knowledge he thought they were so prepared.

32066 Asked if the proportion of armed forces in 1941 changed in favor of Japan, he replied he could not say * whether Japanese numerical strength was absolutely superior, but knew it was far more favorable to Japan than before the outbreak of the Soviet-German war.

 Asked if he was the author of "Senso Yoron" (The Theory of War), published in 1925, he replied that it was published by the Military Staff College, and pertained to research he made by order of the school director.

RECROSS-EXAMINATION BY MR. BLAKENEY.

32067 * Asked if the estimates he had given before on the strength of Soviet forces in the Far East included reserves, he replied he did not know whether reservists were included. He learned this figure from research materials assembled by the General Staff Department. He had heard that Soviet forces were still superior in aircraft and mechanized units, but did not remember the extent of superiority.

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DIRECT EXAMINATION OF BATARSHIN, Gilfan A.
by Colonel Smirnov.

32070 The witness stated his name, and that he was a major, and Hero of the Soviet Union, and was an officer of the Border Guard Corps. He had served in the 59th Border Guard Unit, guarding a sector in the border of the Lake Khasan area. * He received his decoration of Hero of the Soviet Union for participation in military operations in the Lake Khasan area.

32071 When shown exhibit 756, the witness identified it as his signed affidavit and stated that its contents were true and correct. A part of the exhibit not previously read into the transcript stated that from 1936 to 1938, the * witness was Section Commander of the 59th Frontier Detachment, guarding the Manchurian frontier, including the Lake Khasan area.

On July 15, 1938, while on patrol on Zaozernaya Hill, he observed Japanese troops concentrating in the vicinity of the hill. Within ten or twelve days, troops and guns were brought up by truck from the frontier in front of the hill. He estimated about 6- 700 Japanese soldiers were concentrated there, and that two batteries were mounted on two hills. To the hills shells were carried daily, being passed hand to hand. At that time there were only thirty frontier guards on Zaozernaya Hill, and no other Soviet troops in the vicinity.

32072 The Japanese forces had the object of attacking Soviet territory. Not only was the concentration of * troops and artillery a proof of this, but also direct declarations of the Japanese command made through their emissaries. Twice during this period local Manchurians were sent to the Russian frontier guard detachment with letters from the Japanese commander, in which immediate withdrawal of Soviet guards from the hill was demanded. In the letters it was pointed out that the hill was to be occupied by the Japanese, and had a threat of military operations in case Soviet troops did not withdraw. No reply was given by the guards.

32073 * On 29 July, 1938, at 16 hours, Japanese troops suddenly attacked a neighboring guard of eleven men. About 100 Japanese with rifles, medium and light machine guns, opened fire after the attack, at about 700 meters from the witness' detachment.

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The commander of the witness' outpost sent the witness with four guards to help. The witness approached the scene of battle and saw all Soviet guards lying wounded, unable to resist, whereas the Japanese slashed the wounded and tried to drag some away to their territory. With a light machine gun, the witness opened fire and the Japanese ran toward their territory, leaving the dead and wounded. The witness found five corpses slashed from head to foot, and six badly wounded with slashed wounds.

32074

* On the night of 31 July, 1938, about midnight, a large Japanese force attacked Zaozernaya Hill. The Soviet guards had given no reasons for an armed conflict in either of these attacks. The witness, in general, did not know of a single case of trespassing the border by Soviet guards during his service with the frontier guard.

32075

According to his observations, the hill was attacked by about one infantry regiment with a simultaneous use of artillery and mortar fire. At the moment of the attack there were about 30 frontier guards and a platoon of field forces of 30 men. Until dawn they held the hill, suffering 15 to 20 killed and the rest wounded, and the witness himself was slightly wounded. They left the hill at six the next morning when the witness saw Japanese * soldiers come to the crest of the hill and wave blades. The following days they built fortifications on Soviet territory.

From 6 August, 1938, Soviet units launched an offensive, and by August 12 had driven Japanese off Soviet territory and stopped on the former state frontier. Of the frontier guards who defended the hill with the witness, he remembered Major Chernopjatko and Chief of the Guard Outpost Tereshkin.

In the period when the Japanese concentrated their forces toward the hill, he observed that they turned the inhabitants out of the village of Hamoka at the foot of the hill, stationing their troops there. This was approximately between July 20-25, 1938.

CROSS-EXAMINATION BY MR. FURNESS.

32077

* From 1 to 31 July, he was in command of a section of the Soviet frontier, and the section had seven men. His rank at the time was section commander. He was not under Chernopyatko, but was under platoon commander Dubovoi. He was under the general command of Tereshkin.

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 32078 * This border guard outpost was a part of the Posiet Border Guard Detachment. The frontier outpost was located near Podgornaya, and headquarters of the detachment was at Posiet, about 20 or 25 kilometers from Zaozernaya Hill. Tereshkin had no headquarters. The
 32079 * outpost near Podgornaya was about one kilometer from the town.
- The Border Guard Corps was not a part of the police organization, but an independent corps under the Ministry of Home Affairs. It was not a civil organization, but military, and a part of the N.K.V.D., formerly the
 32080 G.P.U. * The Border Guard Outpost usually had rifles and light machine guns, but the Outpost Podgornaya under Tereshkin also had heavy machine guns, and there was no larger armament.
- 32081 * He saw the forces on the other side of the border and knew they were Japanese regulars. Prior to
 32082 * July, 1938, he did not see the Japanese border guards there. Prior to the fighting in and around Lake Khasan, he was in this sector approximately 17 or 18 days and had
 32083 served there as a frontier guard prior to this at Posiet in the reserve groups. * From 1936 through 1938 he repeatedly was in the vicinity of Zaozernaya Hill, carrying out duties there, and as a border guard he was familiar with that sector. There were hills between the first border mark on the Tumen River and south of Lake Khasan.
- 32084 * When shown exhibit 2175, a map of the vicinity, the witness was asked if it was an accurate representation of the border country around Lake Khasan and Lake Zaozernaya,
 32085 * and he replied that approximately, it was the same. The witness marked the border between the Soviet and Manchuria on the map.
- Exhibit 3375, a photostatic copy of an original tracing of the map, exhibit 2175, was received into evidence.
- 32088 * Exhibit 3373-A, an original tracing of a map, (Exhibit 2175), was received in evidence. The witness
 32089 * marked on the map Zaozernaya Hill and Bezjinjannaya Hill, and the village of Podgornaya.
- 32092 * The witness stated he noticed where he had marked the border, and when asked if the border marks were quite far apart, he replied he remembered that the border mark was not far from the border guard outpost on the bank of the Tumen River.

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- Page The next border mark was further to the north, about 7 or 8 kilometers. There were a few border marks in rough hilly country, but they showed clearly enough to state border line.
- 32093 * Asked if there were flat places between the hills, he replied that the border line passed along the crest of Zaozernaya Hill, then west of Benzimjannaya Hill, and then to the flat country, and then to the big hills to the north. There was a whole range of unnamed hills along the crest of the border line. Between the two named hills and south or southeast to the border mark there were rivers, but no flat places. The flat places were only
- 32094 near Lake Khasan, northeast of Zaozernaya Hill. * There was no flat top on Zaozernaya Hill. The crest was approximately 200 meters, and there were no peaks. The state border line passed along the crest of the hill.
- 32095 * For a border guard there was no difficulty at all on which side of the border he was, for studying the country after they arrived at the outpost they could tell on that basis, and he could tell without difficulty where the border line passed.
- 32096 * During July and August in the vicinity of the hill there were no dense fogs. Prior to July 31 there were no Red Army field troops in the area of the hill, and from mid-July there were only 30 border guards armed with rifles, three light machine guns and one heavy machine gun.
- 32097 He did not know if the inhabitants of the region west of Lake Khasan and the Hill were chiefly Korean. He did not speak Korean, nor read nor write it. * He did not know whether Lake Khasan meant "border lake" in Manchurian.
- There was a railway in Korean or Manchurian territory over the Tumen-Tula River. He could not say exactly, but he thought it passed from Manchuria into Korean territory. He did not know whether the territory across the Tumen-Tula River from Zaozernaya Hill was Korean or Manchurian.
- 32098 * "Bezjimjannaya" Hill means "no name" in Russian. Asked if there were many hills in the region with no name called Bezjimjannaya Hill, he replied the hill which had more sharp contour than the others was called that name, and it was not a general term.

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- Page Reference was made to his affidavit where he testified that from July 15 on he observed Japanese concentrations in the vicinity of the hill and he estimated there were 600 or 700 there, with Japanese batteries on some of the hills. Asked if he reported this to his superior officers, he replied * that his superior officer saw what was going on, and he supposed this officer had to report that, but he did not know what he reported. The witness saw this concentration with his own eyes.
- 32099
- Asked if there were Soviet spies in Manchurian territory, he replied as a soldier he did not know about such things. He supposed the caliber of the Japanese batteries was 75 or 100 millimeters. * Their caliber was not 37.5 mm. Asked who told him that, he replied he felt it on his own skin on the night of July 31.
- 32100
- Asked what he observed in the ten or twelve days after July 15, 1938, he replied that at that time he saw from the hill, Japanese forces crossing the River Tumen-Tuly, and these were not short-range guns. He saw this on the eastern slopes of the hill. * The crest had western and eastern sides. He was on the eastern side, and saw it from the observation post with a periscope. At different times the distance from the crest varied, but sometimes was two meters away.
- 32101
- Reference was made to the affidavit where it was stated that during this period he observed the Japanese turn the inhabitants of Hamoka village out. He observed this not far from the summit of Zaozernaya Hill. The village was at the foot of the hill, about 300 meters * from the summit. He saw what was going on in the field, and at night heard very clearly what was going on. The next morning he found that the inhabitants had been moved out and Japanese troops moved in.
- 32102
- Reference was made to the affidavit where it appeared that the Soviet Detachment reported that the inhabitants staged a demonstration. The witness stated he had not observed that. * He reported the evacuation of the village to his immediate superior.
- 32103
- When asked if the building of these entrenchments and evacuation of civilians was all within the borders of Manchuria, he replied that they were concentrating in Hamoka village, and to the northwest of the village there was a hill on Manchurian territory where the Japanese mounted guns and artillery batteries, from which they later fired upon them.

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32105 * This long range artillery was west of the Tumen River. From the western bank of the River during the fighting of July 31, long range batteries of heavy caliber were fired and one battery on an armored train opened fire several times. This was on the night from
32106 July 30 to the morning of the 31st. * Asked if the building of trenches and barbed wire and evacuation of civilians between the river and hill was done because fighting was expected, he replied that the Japanese apparently constructed these fortifications and mounted guns on the hill for the purpose of starting the offensive. His conclusion was that the Japanese would open an offensive and later experience showed he was right for they did start one on the night of July 31.

32107 Asked if there was any Soviet firing on Japanese before 29 July, * he replied that there were no Soviet forces in the area of Zaozernaya Hill, only border guard units.

32108 About July 15 or 16 there was a case when border guards killed or shot one of the local population who violated the border south of the hill. He penetrated 30 meters into the Soviet territory, began to take pictures and make notes. After this took place, Commander Teroshkin sent two border guards to detain him. The witness heard them cry "halt" but he started running toward Manchurian territory. * Because he did not stop, they shot and killed him on Soviet territory. His body was taken to the foot of the hill and the witness saw the corpse and the camera and notebook with notes made by him. In no other case did guards open fire on the local
32109 population. * This took place about 300 meters south of Zaozernaya Hill and he penetrated almost to the bank of Lake Khasan. He did not know whether the man's name was MATSUSHIMA nor whether he was a gendarme.

32110 The witness was reminded that in Exhibit 753, there was a report from the Soviet attachment that early in the morning of the 23rd, Section Leader Zhavgorodnin located four Japanese and Manchurian soldiers and fired on them with a machine gun. The witness stated he knew nothing about this report. At the time the man was shot to which he had testified, the witness was on the hill. The witness stated that he knew Capt. Magalov mentioned in Exhibit 753. * Magalov was a border guard, commander of the reserve unit, and during the fighting of July 29 to 31, he was in Soviet and participated.

Reference was made to the affidavit where it was stated that regarding the delivery of letters from the Commander of the Japanese Detachment demanding withdrawal of frontier guards from

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Page Zaozernaya, the witness was told that Exhibit 753 stated that Magalov was sent forward as a result of seeing four Japanese-Manchurian soldiers who escaped, but found a letter at the place where they had been seen, which stated * that on July 16, a letter was sent in the district of the long island. It was ordered that this letter be immediately answered and that they immediately withdraw from Japanese territory in the Lake Khasan area, and if not the situation would become grave.

32111

They were always ready to start negotiations and wanted to know the opinion of the others. Asked if this was the same letter to which he referred in his affidavit, he replied that he personally did not see at what place those four from the local population carrying the letter were detained * but he personally heard from the unit commander that some of the local population were held up and that they carried the letter in which the Japanese were threatening. The witness was reminded that it appeared from the report that they were not local population but four Japanese and Manchurian soldiers, but he stated that he heard they were from the local population from Commander Tereshkin. The contents of the letter about which he had heard was on the same line as the contents of the letter read from Exhibit 753, but he couldn't say positively that the gist was the same. Asked what was done with those who carried the letters, he replied that he didn't see the trespassers himself and couldn't state positively who they were. Told that the * report would indicate they carried a white flag and asked if he knew anything about that, he replied he did not personally observe the occasion.

32112

32113

Asked if the Soviet troops dug entrenchments prior to July 29, he replied they did not make trenches or any constructions in the area of Zaozernaya Hill, nor barbed wire, because there was no necessity for the latter. All the time through July 31, there were only 30 border guards on the hill.

32114 * Asked if it was correct that even after messages had been sent back outlining a concentration of 600 to 800 Japanese troops, building of fortifications, evacuation of civilian population, receipt of threatening messages, there remained only 30 civilian troops without fortifications, barbed wire, and armed only with rifles, light machine guns and one heavy gun, the witness stated that there were no troops in the area except border guards and on the hill only 30. From the standpoint of this border guard duty,

32115 * that was quite a considerable unit which could detain a large number of the enemy.

Reference was made to the affidavit where it was stated that on 29 July 1938 at 4 p.m. a clash involving a hundred Japanese soldiers occurred, and that the witness came up with reinforcements.

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Page The witness stated that on 29 July he was on Zaozernaya Island *
32116 and more than a hundred Japanese attacked the hill.

32117 * The clash began in Soviet territory on the Bezimiannaya
32118 Hill where only 11 border guards were stationed. * Prior to July
32119 29, there were no clashes in the area * and on July 29 there was
only one clash at about 4:00 p.m., and not two.

The witness was told that Exhibit 753 reported a clash
at 4:00 p.m. on July 29 on a no-name hill on the frontier two
kilometers north of Zaozernaya Hill, and a further clash on a
no-name hill 1,000 meters northwest of Zaozernaya Hill. Asked if
that report was correct, he replied he did not know to what
report the question referred to, but as an eye witness he could
say that on 29 July at 4:00 p.m. there was one clash on Bezimiannaya
which was the same as no-name hill. He thought this was about 700
32120 to 800 meters from the top of Zaozernaya. * When it started the
witness was on the eastern slope of the hill and from there could
see the summit of no-name hill. He saw how the Japanese concen-
trated their forces across the border-line, using the ravines
close to the line. That day there was a slight drizzle, but the
hill was clearly seen. There was no dense fog. He clearly saw
the movements of the soldiers and how they waved the blades of their
32121 sabers and cut Soviet guards. * He could not say there was a fog.
There was a slight drizzle and the Japanese did not move under
cover of fog but used the ravines, allowing them to approach
closer to no-name hill.

Asked who ordered him to come up with reinforcements, he
replied that he and four guards were dispatched by Tereshkin to
Bezimiannaya Hill to rescue the guards there. About 200 meters
from the hill he opened fire. From the site of the Zaozernaya
outpost, another group of guards approached and by joint flank
movement they repulsed the Japanese from their territory and
afterward the witness arrived at the place of the clash and saw
32122 that all 11 of the Soviet guards were stabbed. 5 were dead * and
the others heavily wounded. His unit, in connection with the other
unit, drove out the Japanese.

32123 * Asked if after the clash, the number of border guards on
the hill remained the same, except for the killed, he replied that
the number did not increase.

32124 The next clash occurred on the night of July 31, * involving
one regiment reinforced by artillery, but he did not know the details
nor did he know how many men were in the Japanese Infantry Regiment.

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Page Asked if he wanted the Tribunal to believe that 30 guards,
of which 15 or 20 were killed at the start of the attack, held the
hill for 6 hours, he replied that his group had no casualties on
the 29th. After the fighting on the 29th the witness returned to
32125 Zaozernaya Hill * and participated in the fighting for the hill on
the night of July 31. On the night of July 31, during the fighting,
30 Soviet regular troops approached and by the moment of the clash,
32126 this platoon * participated. Thus, about 1:00 or 2:00 o'clock at
night, besides the 30 border guards, this regular platoon partici-
pated in the fighting.

32127 * The witness was reminded that in his affidavit he said
that at 6:00 o'clock he saw Japanese soldiers on the crest of the
hill. Asked if this was the first time he saw them there, he re-
plied in the morning he saw them on the crest, waving their sabers,
but during the night he was engaged in fighting on the eastern
slopes of the hill.

The Japanese attacked from the southern slopes, pene-
trating to the rear of their territory and fighting flared up in
the immediate rear of the Soviet sector.

32128 In general, the witness had never seen Japanese soldiers
on the hill crest before 6:00 o'clock in the morning. Soviet
forces were on the eastern slopes. As the border ran along the
crest of the hill, they were not allowed to trespass in accordance
with instructions.

Reference was made to the affidavit where it was stated
that during the whole time of his service in the frontier detach-
ment, there was not a single case of a breach of the frontier by
detachment guards.

The witness was informed that the Soviet prosecutor had
earlier in the case asked a defense witness if as a military man he
understood certainly that during the course of fighting some defin-
ite line could have been violated by any of the parties (T. 22731).
32129 The witness was asked his own answer to that. * He replied that
border guards were categorically forbidden to trespass the border
and during the fighting were forbidden to violate it. They were
32130 forbidden * not only from trespassing but also when compelled to
use arms against trespassers, should fire so that bullets would
not fall on the neighboring territory. Since fighting was going
on on the eastern slopes of the hill, violation of the border
by Soviet guards was out of the question. He thought Tereshkin
was in action until 5:00 o'clock in the morning since after that
hour he could not command since he had been heavily wounded.

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- 32131 * Asked if he had at any time discussed his testimony with Tereshkin, he said he had not seen Tereshkin for about two years, had never read his testimony, never spoken to him specifically, but simply made a general outline of what was well known to both. Since both participated, the witness presumed Tereshkin knew as much as he did, and neither could get anything from the other. Both affidavits were taken on the same day but not at the same hour. The witness came to Tokyo with Tereshkin. Asked if during
- 32132 the trip they discussed their testimony, he replied * no, that he didn't think it necessary. There was no need to mention it because the witness knew as much about the battles as he did.
- 32133 * REDIRECT EXAMINATION BY COL. SMIRNOV
- The witness stated that he knew approximately where Manchurian territory started and where Korean territory was. He had shown on the map the border mark where the three border lines of Manchuria, Korea and USSR crossed. Therefore, he hadn't been able to answer precisely how the border line passes farther between Manchuria and Korea. If he had been shown a map, he could show exactly where the territory of the different states was, but not from memory. The territory in front of Zaozernaya Hill was Manchurian.
- 32135 * When shown a map, Exhibit 2175, the witness marked the Soviet border outposts in the area which subsequently became the scene of the fighting. He marked two outposts, one on the eastern slopes of Zaozernaya Hill, and another on Bezjimjannaya Hill. He
- 32136 did not remember when these outposts were established. * He knew they were guarded prior to his arrival in the border detachment and during his tenure he was at them several times guarding the border in that area. He arrived at the Posiet Detachment in 1936. So far as he knew, the border in that area was guarded prior to his arrival.
- 32137 * The witness marked on the map the place where he was prior to the outbreak of the fighting in July, and with an arrow the movement of Japanese troops on 29 July and the scene of the fighting. After doing so, he stated that he could clearly distinguish the state border line. The scene of the clash of
- 32138 July 29 marked by him was to the east of the border line * in Soviet territory. Bezjimjannaya Hill was about 200 or 250 meters from the border line.

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* The witness was reminded that in response to the question by the President, he had given a brief answer that he could easily determine where the border ran. Asked to give a more detailed explanation, he replied that if he hadn't known exactly how the line passed, he wouldn't have been able to guard the border. He hadn't been in the area for a considerable time and to a certain extent had forgotten some characteristics of the terrain but still remembered that on certain hills there were extremely characteristic terrain features such as rocks, bush, etc. and by them they knew the exact line and the outpost commander showed them where the line passed, and the witness trained his subordinate guards in these features. The guards made a path east of the border * which was about 8 meters away from the border and in certain places about 20 meters away, and others as close as 3. Along this line they performed their guard duties. While passing along this path they studied where the line passed and a veteran guard could easily spot any changes and violations. The line passed exactly along the watershed, and on Zaozernaya Hill there were large and very peculiar rocks and they could easily determine where the line passed.

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32141

The eastern slope of the hill was Soviet territory * and the west slope, Manchurian. They had optical instruments with which to observe neighboring territory and had binoculars and periscopes, and by lifting these sufficiently high could observe what was going on at the foot of the hill without trespassing the border.

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32144 * The witness had marked on the map Japanese gun posi-
32145 tions which he had observed from Zaozernaya Hill, and also
32146 marked the direction of Japanese penetration * to the hill on
July 31, 1938. This offensive began from the flanks. * On
that night Japanese, under cover of night, crossed the border
south of the hill, reached the rear of the Soviet positions
and thereon launched an offensive. In it they used a part of
their reinforced regiment concentrated in and around Hamoki
Village.

The second group crossed the border north of the hill
and also started an offensive. Other small forces attacked
the crest of Zaozernaya Hill from the front. From their
positions, Soviet border guards engaged in battle. At that
time, on the western slopes of the hill, there were only 30
guards. The order of their commander was to hold out to the
last and not to leave the hill until the approach of reserve
units.

32147 After the fighting started on the two * slopes, a
platoon of 30 men of the field troops approached, thus there
were at that time on the hill 30 border guards and 30 regu-
lar army soldiers. Together they fought until 5:00 a.m.
When almost all were killed or wounded, they withdrew from
the hill to the back of Lake Khasan and, as they had no way
to retreat by land as those ways were held by the Japanese,
the witness together with Tereshkin had to swim across Lake
Khasan, and all that could swim did so. The Japanese fired
at the swimmers with artillery and trench mortars.

32148 * Bezjimjannaya Hill was not a part of Podgornaya
32149 Outpost but was included into the sector guarded by the Podchi-
koriya Frontier Outpost. Bezjimjannaya Hill Outpost had no
connection with Zaozernaya Hill. * The Red flag was hoisted
on Zaozernaya Hill after a regular Red army unit drove the
Japanese from the hill on August 6.

RECROSS EXAMINATION BY MR. FURNESS

32150 * Lake Khasan was at some places 50 meters wide and
32151 at some one kilometer, * and about 50 to 60 meters across the
witness swam across it.

32152 * Exhibit 3374, a photostatic copy of a map marked
by the witness being originally Exhibit 2175 was received in
evidence.

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32153 * DIRECT EXAMINATION OF CHERNOBYATKO, Ivan D.
 By Colonel Smirnov

The witness stated his name, that his rank was major, that he served in the border guard corps of the ministry of home affairs in USSR. From 1936 to 1939 he served in the Posiet border guard detachment, first as a private, then a noncommissioned, then a platoon commander.

32154 * The title of Hero of the Soviet Union was awarded to him for participating in the fighting in the Lake Khasan area. When shown exhibit 755 he identified it as his affidavit, and stated that the contents were true and correct.

CROSS-EXAMINATION BY MR. FURNESS

32155 * The witness stated that during July he served in the Podgornaya outpost and most of the time he was at Zaozernaya Hill, arriving there at the beginning of July 1938 as junior commander of the platoon, a noncommissioned rank. He had about 30 men under him. In general he was attached to the frontier guard outpost at Podgornaya under the command of Tereshkin. This outpost had a permanent post at Zaozernaya Hill.

The Podgornaya Frontier Guard Outpost was about 67 kilometers from the hill, and this was south of the border marked "T" on the map.

32157 * Batarshin was under Dubovoi, a commander of a reserve group of the detachment, and he occupied the same rank as the witness did under Tereshkin. The witness changed his answer that he held to Zaozernaya hill for the first time in July, and explained that when he was graduated from the school for noncoms, he was sent for probation to the Podgornaya Outpost, and from there went to the observation post which separated from Zaozernaya Hill. From the Podgornaya outpost, he served until March *and then went into

32158 the reserve unit. In July he was at Zaozernaya hill the second time. Asked if the post was established in July 1938, he replied that the Zaozernaya Hill post was established a long time ago.

With reference to the hill, the Korean border was on the Tumen-Ula River and across the river was a railroad.

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Page Asked if the residents in the region of Lake Khasan and Zaozernaya Hill were chiefly Korean, he stated he knew nothing about it.

32159 * Some of the population in this region did speak Korean. On the Soviet side there were some populated places such as the villages of Podgornaya and Gryady. The witness could not speak, read, or write Korean or Japanese.

32160 * From border marked "T" the border ran north along the crest of Dlinnaya Hill and then along the crest of a group of hills situated between Lake Khasan and the Tumen-Ula River, further along the watershed of the Zaozernaya Hill, and thence to the sandy ridge north of that hill. Fighting took place on July 29 on Bezjimjannaya Hill, 300 meters east of the borderline in Soviet territory.

Dlinnaya Hill had its foot near the border marked "T". The general direction of the border was northeast.
 32161* The hill Zaozernaya is a long ridge and the border ran along
 32162 the river. * As far back as the beginning of July they observed the arrival of Japanese field troops, and through the middle of the month, observed an increased concentration on this sector.

Asked if they observed an infantry regiment strengthened by artillery mortars and two artillery divisions, he replied he didn't see the regiment marching in columns, but the positions held by the Japanese which were for artillery range and trench mortars spoke for themselves as to the strength of Japanese troops.

32163 * Judging by the numerical strength and the prepared positions, he could say with assurance that in that area was about a regiment of Japanese troops, reinforced by by artillery and trench mortars. A Japanese regiment had about 3000 men.

32164 * When he reported the concentration of artillery, approximately 3 batteries were there on a hill to the south of Hamoka village. Two batteries were to the west of the hill, which was to the northwest of Zaozernaya Hill, and one on the northern slopes of the hill which was to the northwest.

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32166 * He reported daily this concentration of troops, stationing of artillery, etc., to his superior officer, and he reported it to the central authorities. The caliber of the guns observed were about 70 or 80 millimeters or 40 millimeters. Asked if all guns in the territory east of the River Tumen were not small caliber, 37.5 or 40 millimeter guns, he replied there were also guns of 70 or 80 millimeters in caliber.

32167 * Asked if guns of over 40 millimeter caliber were not all on the other side of the River Tumen down near the Village Podgornaya, he replied he personally observed no artillery opposite the frontier guard outpost Podgornaya nor saw any artillery in the village in the neighboring territory. Again asked if any gun of over 40 caliber were on territory across the Tumen River from hill Zaozernaya, * he replied that opposite the hill there were guns of 70 and 80 millimeters in caliber. Opposite the river on its western bank, they didn't exactly observe the positions, but saw the movement of transport vehicles.

32168 He had testified in his affidavit to the evacuation from the village of Khamoki. He believed that this was a different spelling of Hamoka, and was the same village referred to by that name and was about seven meters from the summit of Zaozernaya hill.

32169 * The eastern outskirts of the village were about 900 meters from the summit of Zaozernaya hill. He personally observed the concentration of troops and evacuation from the observation post on the hill. He was approximately a meter or a meter and a half to the east of the border line between Manchuria and the USRR.

32170 * He reported the evacuation to his superior who reported it to the headquarters of the Posiet detachment. His commander also observed this personally. He made the observation the first half of July, but the last stage of the evacuation was on July 24 and 25.

Reference was made to exhibit 753 which indicated that the inhabitants staged a demonstration of indignation on the 24th of July.

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- 32171 * Asked if he knew anything about that, the witness stated there was no demonstration in the Hamoka village. The evacuation was conducted from Manchurian territory to Korean territory across the Tumen-Ula River, the border line between the two states running on that river. The evacuation and fortifications were all within the territory of Manchukuo.
- 32172 The fortifications were in Manchuria, * but they observed troop movements in Korean territory as well. This evacuation and fortification building was because fighting was expected in the territory.

Asked if he knew anything about the killing of a Japanese gendarme on the southern slope of Mount Zaoazernaya, as reported in exhibit 753, he replied that he knew that the gendarme was shot but did not know if his name was MATSUSHIMA. He did not know if two other Japanese gendarmes were captured, but knew two local residents were detained.

- 32173 * The witness was told that in his affidavit he testified that between the 18th and 20th, at different times, Russian guards captured two local civilians with letters from the Japanese detachment addressed to the chief of the 50th Frontier Detachment demanding withdrawal of Russian forces from Zaozernaya hill.

- 32174 * Parts of the report included in exhibit 753 were then read to the witness. This stated that on July 23, about 5:00 a.m., a patrol of 5 men, under section leader Zhavgorodnin, located on Soviet territory 4 Japanese and Manchurian soldiers with a light machine gun. A cavalry platoon under Captain Magalov was sent forward from the outpost and he discovered 120-150 meters from the frontier line where the transgressors were seen, that one telegraph pole was pulled and 14 meters of wire were carried away. There were footprints leading to the adjacent territory. In this place a white flag and a letter written in Korean were found which stated that on July 16 a letter was sent in the district of the long island, immediately answer this letter, and immediately withdraw from the territory in the Lake Khassan area, or the situation would become grave.

Questions arising between them had become tense, and they were always ready to start negotiations on the frontier line. The opinion of the other side was desired.

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32175 * After this was read to the witness he was asked if he knew anything about this incident and he replied that detachment commander Grebennik told him that such an occurrence was somewhat to the north of Zaozernaya hill. Asked if this was the same letter regarding which he had testified in his affidavit, he said this was the second letter, but it was approximately so that the gist of the letter just read was the same as the letter he remembered having been told about by Grebennik.

32176 Asked if Soviet guards dug entrenchments, strung barb wire, or built fortifications in the area prior to July 29, he replied that prior to that time the guards constructed no fortifications there. Originally there were fewer border guards there, but after the 16th there were 30, and * they were the only military forces on the hill.

Reference was made to the affidavit where it was stated that on the 29th a clash occurred with the adjacent Soviet guard consisting of 11 men. The witness stated that at this time he was near the summit of Zaozernaya hill. When he observed this fighting, they came down the eastern slope of the Zaozernaya hill somewhat. From exhibit 753 was read to him the part which stated that according to the Posyet detachment report, on July 29, 1938, at 16.00 hours, Japanese and Manchurians launched a two-group offensive against a no-name hill on the frontier line two kilometers north of Zaozernaya hill.

32177 * The first group was of 50 men with a light machine gun, and the second consisted of nearly a company, attacked no-name hill 1000 meters northwest of Zaozernaya hill. The Soviet patrol withdrew. A group from the garrison on the hill marched out to support them. The group advancing from the hill was engaged in a skirmish with a Japanese group. The observation was difficult because of dense fog. Asked if that was an accurate report of the skirmish, as he observed it, he replied no, that it was a somewhat distorted picture picture of the events. The no-name hill was not northwest of Zaozernaya hill but northeast.

32178 * There was a fog in the dell between Zaozernaya hill
32179 * and Bezjimjannaya hill. There was a slight rain. Tereshkin, the commander of the outpost, ordered the detachment to go in support of the men engaged in the skirmish. About 12:00

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o'clock the night of 30 July 1938, on a reconnaissance party, the witness heard Japanese speech, but as he did not understand Japanese, he did not know what was being said. Asked how he knew it was Japanese, he replied they were getting letters on behalf of the Japanese commander containing demands that they should withdraw from Zaozernaya hill, * and troops under Japanese officers were opposite them.

32180

Asked if the letters were in Korean he replied the Japanese were bossing the show, both in Manchuria and Korea, and they didn't observe the border line between the two countries. One of the letters was in the Korean language.

After the skirmish on the 29th, there were no reinforcements nor fortifications built on the hill. The witness stated that he was wounded and went out of action on the morning of 31 July. * The fighting began on the night of July 30-31.

32181

* It started at midnight and extended to the 31st. He was wounded and went out of action after six or seven hours and took no part in the fighting after that date.

32185

* The witness was told that the witness Tereshkin testified (S. 7781) that only frontier guards took part in the fighting on Zaozernaya hill, and according to the present witness's affidavit the guards numbered 30. Asked if even after the fighting on the 29th, no reinforcements were brought to defend the hill, the witness stated that was not correct. * During the night one platoon of field troops came up and also participated in the battle.

32186

32187

* It consisted of 30 men. Asked if 11 men were killed or wounded in the fighting on the 29th, 15 to 20 killed on the night of the 30th and 31st if that left approximately 20 on the hill, he replied that was not correct because the frontier patrol on Bezjimjannaya hill was not a part of the patrol on Zaozernaya hill. They were two separate patrols. On Bezjimjannaya hill there was a patrol from the Podchikoriya border outpost and on Zaozernaya hill there was a patrol from Podgornaya border outpost. Thus there were 60 men on Zaozernaya hill.

32188

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32189 Before or during the time he gave testimony in this affidavit, he did not talk with either Tereshkin or Batarshin. * He did not discuss with Batarshin his testimony. They came from Russia together and while coming had no discussions on the testimony but did discuss the matter in general terms. The witness asked Batarshin how the examination went, and he told him all that happened. There was no use to discuss the subject in detail as they saw the same things themselves.

32190 * REDIRECT EXAMINATION BY COLONEL SMIRNOV

Regarding the demonstration in the village northwest of Zaozernaya hill, 4 men arrived at the village with movie cameras. Probably according with their orders, 30 men gathered from Hamoka village at a square clearly seen from the hill. One of the men of the village began to deliver a speech, waving his hands and pointing in the direction of the hill. A film was made of this, then the gathered men were ordered to march past the movie camera.

32191 * One of the men who came to the village told them how they should walk and shout and the men obediently did it. Asked if it was known to him when Soviet troops were brought into action on the hill, he replied that one platoon was brought into action on the night of 30th of July to 31st of July. But he didn't think they could be called field troops. Regular army units were brought in later but he didn't know when. On the way to the hospital in Vladivostok he met columns of army units marching to the place of the clash in the area of Zaozernaya hill * in the afternoon of 31 July. He could not tell exactly when the post on the hill was established.

In the beginning of 1937 there was a post already there and veteran guards had told him that it had been established there a long time before. The witness stated that he was on the hill 11 July 1938.

32197 * The first clash occurred on 29 July on Bezjimjannaya hill, which is 300 meters to the east of the border line. No clashes occurred prior to 29 July neither in the area of Bezjimjannaya nor Zaozernaya hill. (Defense counsel called the attention of the tribunal to testimony beginning at pages 22,879; 22,713; 22,740; and 22,943.)

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Page DIRECT EXAMINATION OF KOISO, Kuniaki,
by Mr. Brooks.

32202 * The accused identified exhibit 3375 as his
32205 affidavit, and after corrections verified it. * The
affidavit stated that he was born in 1880, and was appointed
Chief of the Military Affairs Bureau in August, 1930,
promoted to lieutenant-general August, 1931, was Commander
of the Korean Army from 2 December 1935 to 15 July, 1938;
promoted to full general November, 1937, attached to the
General Staff on 15 July, 1938, and in the same month placed
on the reserve list.

After retiring from the army, he had no further
connections with military affairs, and his political
activities were limited to the time and duty of offices to
which he was appointed and which he accepted only as a
duty to his country and not upon his own request.

32206 After World War One, military armaments became
obsolete. As there were movements for their reduction,
improvement was not satisfactory for the nation to wage
* war, and armament conditions grew alarming from the
standpoint of national defense. To readjust equipment,
the mobilizable strength of 32 divisions was reduced to
28 after April, 1931. About the time of the outbreak of
the Manchurian Incident, it was considered to reduce
peacetime strength further of 17 divisions, by changing
the Imperial Guard Division to simply Imperial Bodyguards
and abolishing the two divisions. This was the state of
the army strength, which he learned through performing
duties in the Military Affairs Bureau and the Military
Equipment Bureau.

32207 After assuming the post of Chief of the Military
Affairs Bureau, he heard of frequent acts in China and
Manchuria committed by Chinese arising from anti-Japanese
sentiment, of the infringement of Japan's vested interests
and interference with the Japanese right of residence and
business, and acts endangering their lives and property.
* As a result, feeling between Japanese and Chinese in
Manchuria became more strained. In view of the situation,
the accused presented his view to the War and Vice Ministers
on how to avoid war, by adhering to a policy of patience.
Both ministers agreed, and the accused expressed this view
to the Vice Chief of the General Staff, who entertained
the same opinion.

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- Page The accused also heard that because of the condition of the military forces, Chief of Staff KANAYA sent Major-General TATEKAWA to Manchuria in mid-September, 1931, to transmit to the Kwantung Army Commander the central army authorities' intention of adhering to a policy of patience and forbearance, regardless of developments.
- 32208 * Young officers became indignant over armament conditions, and because they thought internal politics were disregarding the nation's interests, some planned to effect administrative reforms with certain civilians, and some did so. Instances of this were the March and October Incidents, which were successfully nipped in the bud, and the May 15 and February 26 Incidents. Active army and navy officers had been prohibited as a policy from engaging in politics in such a way.
- 32209 OKAWA and his followers resented corrupt party politics and wanted to reform the system with a Cabinet under the Premiership of the then War Minister UGAKI. OKAWA wanted UGAKI to take an active post, but their plan was reckless and it met with UGAKI's refusal, and they had to abandon it. This was the March Incident, and had no relation to the Manchurian Incident.
- In relation to this, the accused was requested by OKAWA, whom he met for the first time, to make arrangements for him to see UGAKI about the plan. After asking the nature of the plan, KOISO voiced disapproval and advised OKAWA to abandon it. The accused recalled that Chief of the Appointment Section OKAMURA was present at the discussion. OKAWA refused to listen to KOISO's advice and persisted that he see UGAKI.
- 32210 * The accused told him he could report it to UGAKI if OKAWA handed him the plan in writing. On reading the document, UGAKI flatly rejected it, and the accused informed OKAWA of this. Prior to this, when KOISO asked OKAWA for the plan in writing and he answered he would submit it after consulting with others, KOISO inquired who the others were. He did not reveal their names, but this was when KOISO learned they were young general staff officers.
- By virtue of his office as Chief of the Military Affairs Bureau, he was in position to discourage officers from such action, and he advised OKAWA to abandon the plan and sever connections with the young officers concerned with it, as they were prohibited from political activity.

Page 32210 Besides reporting to higher officials, KOISO also informed the Vice Chief of the General Staff, suggesting he warn the young officers not to associate with OKAWA. At this time, the Vice-Chief told him that there were * indications that Army firecrackers had been delivered to OKAWA's faction by young officers. KOISO called his attention to the necessity for their being returned immediately to avert trouble and protect army prestige. Later he heard OKAWA was still intending to put his plan into practice and because they would be in a bad position regarding the national interest, he proposed to young officers connected with OKAWA, KOISO requested Marquis TOKUGAWA, in whom OKAWA was said to have confidence, to persuade OKAWA to abandon the plan and return the firecrackers. As a result, TOKUGAWA succeeded in having OKAWA abandon the plan. However, KOISO received information that despite the request of General Staff officers, the firecrackers remained in the possession of the OKAWA faction. KOISO personally and the War Ministry had nothing to do with these articles, but since the effort of General Staff officers to recover them was insufficient, KOISO feared trouble might crop up in the future if the matter were left alone, * so he requested OKAWA to return the firecrackers. Although OKAWA said he would do so, he took no immediate steps to keep his promise.

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To hasten the matter, OKAWA again requested TOKUGAWA to persuade OKAWA. Through TOKUGAWA's efforts, final arrangements were made to return the firecrackers, and KOISO so informed the General Staff. Later, he received information that General Staff officers received from OKAWA's faction the firecrackers, and thus the March Incident ended.

Prosecution witnesses UGAKI, (T. 1608 and 1627), TOKUGAWA, (T. 1441-1446), and SHIMIZU, (1402-1404, 1406-08, 1410-11), made misstatements in their testimony, but these were cleared up in cross-examination, and KOISO believed his own statements were found to be true.

Page 32213 * With regard to the October Incident, the accused HASHIMOTO made a statement that would lead the Court to misunderstand and think KOISO participated. (T. 15676-7). This was a mistake, and he had no connection. From what he learned as a part of his official duty, it was the plan in October, 1931, of some young General Staff officers to renovate the domestic organization. Before the plan took concrete shape, modern elements in the group secretly informed Second Section Chief IMAMURA of the attempt.

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The information was conveyed by him to the Chief of the Military Affairs Section NAGATA, and by him to KOISO. KOISO at once reported to the War and Vice Minister. The minister requested Gendarmerie Commander TOYOMA to * confine and hold incommunicado the young officers who were then confronted with their improper activities and severely reprimanded and told to disband and discontinue such activity. This ended the Incident.

The truths of the March and October Incidents were as he stated, and exhibit 179F and 2177-A were a mistake, and also he had no connection with the May 15 Incident, as mentioned in exhibit 2178-A.

In OKAWA's interrogatory concerning the May 15 Incident, he mentioned the March Incident, making it appear as if in deciding upon his actions he took into consideration the future of Manchuria. However, when OKAWA called on KOISO in connection with the March Incident, his explanation included no mention of policies toward Manchuria.

32215

Regarding exhibit 2202-A, the War Ministry invitation to Manchurian railway Company officials on 30 June 1931, this was a courtesy banquet of the War Ministry * by way of a return invitation, and there was no discussion of politics pertaining to Manchuria or Mongolia. The outbreak of the Manchurian Incident was not due to any plan or intrigue by any Cabinet member or officials of KOISO's acquaintance as far as he knew, and he never saw nor heard any plans for aggression, nor conspired with anyone to do any of the acts charged in the Indictment.

32216

On the night of 18 September, 1931, when the Mukden Incident broke out, KOISO was home asleep. Between 2 and 3 a.m. on the 19th, the War Ministry telephoned him, and he was informed for the first time that about 10.30 p.m. on the 18th, Chinese soldiers had blown up the railway lines near Liutiakou, and that fighting had ensued. Summoned by the War Minister, he found that Vice-Minister SUGIYAMA was ill and unable to come, and pursuant to the War Minister's order, the accused requested a * secretary to call government offices concerned and request the Premier to convene an emergency Cabinet meeting. Both the War Minister and KOISO agreed that the situation should be handled so as to localize the Incident and restore peace.

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32217 Since a summons came from the Vice-Chief to the Vice-Minister for consultation and as the Vice-Minister was ill, War Minister MINAMI sent KOISO in his stead. He met Vice-Chief NINOMIYA, and they deliberated on the following points, which they suggested to the government: The best measure was a policy of localization to settle and stabilize the Incident; although the Chinese might be responsible, their position should be defensive; conditions for settlement should not be determined by the army alone; If the Chinese acts were based on an anti-Japanese policy, this might cause another Incident, and the Kwantung Army * would have to face more provocation; therefore, a proposition should be made to the Chang Hsueh-liang regime requesting observation of existing treaties and rights.

KOISO recalled that Second Section Head IMAMURA was present at the conference also. When War Minister MINAMI notified the accused that the Cabinet had decided on a policy of localization, KOISO reported this to Vice-Chief NINOMIYA. MINAMI then sent a telegram drafted by the Military Affairs Bureau, to the Kwantung Army Commander, stating that Japan wished to exert its utmost to localize the Incident, and they desired the Kwantung Army to keep this in mind.

32218 The same day a report was received from C-in-C of the Korean Army, that he was preparing to send a mixed brigade to Manchuria. MINAMI requested the Chief of Staff to wire that this measure should be suspended, and he did so. * However, on September 21 they found that the brigade had already crossed the border on its own initiative, despite the instructions, and this matter was discussed at the September 22 Cabinet meeting. The Cabinet finally gave ex-post facto approval. Since Imperial sanction had been obtained, army expenses were paid out of second reserve funds.

At the end of September it was decided that since Kwantung Army main strength was concentrated along the railway zone and since the lives and properties to be protected extended over such a vast area, MINAMI, after consultation with the Chief of Staff, indicated to the Kwantung Army Commander that although it was necessary to station detachments along the line connecting Kirin, Changchun and Chengshiatun and along the line of the Taliaho, troops should not advance north or west of these lines. At the same time, units close to Chinchow should be withdrawn within the lines.

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32219

* On 26 November, a disturbance broke out in Tientsin. The North China Army Commander requested the Kwantung Army Commander to send reinforcements for the protection of the Japanese community and maintenance of peace and order in foreign settlements. On the 27th, the Kwantung Army Commander dispatched a unit as far as Koupangtzu to reconnoiter the Chinchow area in preparation for troop transportation. However, MINAMI requested strict observance of the lines in accordance with the Cabinet policy, and the Chief of Staff, in compliance with this desire, ordered the Kwantung Army Commander to withdraw the unit east of the Taliho River.

32220

* On 10 December, 1931, the WAKATSUKI Cabinet resigned and a new Cabinet was organized on the 13th under INUKAI, with ARAKI as War Minister. Prior to this, negotiations had been started to prevent further clashes near Chinchow. Settlement had not been reached by December 1931, and on the 23rd a battle took place between Kwantung Army units and those of the regular Chinese Army, because the latter advanced from Chinchow and attacked the units engaged in the suppression of soldier bandits near Tien-chuangtai. The Chinese evacuated Chinchow, and the Kwantung Army made a bloodless entry into the city on January 3, taking charge of maintaining public peace and order.

32221

In January, 1932, Japanese and Korean residents in Harbin and some Chinese officials and civilians repeatedly asked the Kwantung Army for the dispatch of rescue forces, and the army reported they would like to comply but the central authorities had withheld approval with respect to * the necessity of rescuing Harbin; but the confused situation of the city made central authorities believe such action was necessary, and they finally approved the request of the Kwantung Army Commander, whereupon he dispatched troops and on 5 February drove back the soldier bandits in Harbin.

After the outbreak of the Shanghai Incident the end of January 1932, the troops were sent, but later, on 5 May, a truce was concluded and army units were transferred.

War Ministry personnel, including the accused, endeavoured at all times under the War Minister, to check the aggravation of the situation on the basis of a policy of non-aggravation. Unfortunately, the Incident developed as it did, which was unavoidable, and those concerned did their best to meet the situation according to the above policy.

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* Concerning the army budget, exhibit 74 refers to the period after the official organization was revised. By virtue of this revision, the Chief of the Military Affairs Bureau would assist the War Minister in control of the budget, but before the revision the Chief of the Intendance Bureau was responsible, and the Military Affairs Bureau Chief had neither authority nor control or responsibility, and this was the case during the time the accused held office.

The independence of Manchukuo was declared in March, 1932. The new regime made requests of Japan, which was pressed by the necessity of examining its policies to meet these requests economically and politically. Though the policy to support and uphold Manchuria's development was roughly established, KOISO recalled that up to the time when he left his position in the War Ministry in August 1932, most of the concrete measures had not yet been decided.

32223

* In exhibit 227, KOISO, as Vice-Minister, received an advice from the Kwantung Army Chief of Staff dated 4 June, 1932, with respect to taking over the Dairen customs, and he reported this to the War Minister. At this time the policy concerning customs had not been decided, and as it was a matter which could not be carried out by the army alone, no action was taken.

Regarding the funds mentioned in exhibit 2210, the 20,000 yen turned over to him on 4 July was handled under his supervision by the Senior Adjutant and Secretariat Paymaster, and was used to defray expenses for social occasions in the Ministry and for incidental expenses of the Ministry and to pay temporary employees.

KOISO was transferred to Chief of Staff of the Kwantung Army on 8 August, 1932, and returned the 18,500 yen given to him as Vice-Minister to his successor, YANAGAWA, and he did not know how it was used. (Exhibit 2211).

32224

* The 1,970,000 yen turned over to him under his name when he was Kwantung Army Chief of Staff on 27 December 1933 (exhibit 2213), was handled by the Senior Adjutant and the Paymaster of the Intendance Bureau under the Vice-Chief of Staff, in accordance with the order of the Kwantung Army Commander. KOISO merely was to supervise its use.

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Expenditures during the two months up to his departure from the Kwantung Army was appropriated to incidental expenses at the Commander's official residence and for various army units, gendarmerie and special service organizations, but the largest amount was retained by headquarters.

32225

While Chief of Staff, the sum allotted to units and special organizations was spent for obtaining information, and especially for paying for collected weapons from potential and de facto bandits. The amount for use for this included sums due but not paid. This was the use * made of these funds while he was Vice Minister and Chief of Staff, and he could only say that the way the Army paid out secret funds was such that no individual use could be made of it.

He was appointed Kwantung Army Chief of Staff on August 8, and arrived at Mukden on the 26th, accompanying the new Kwantung Army Commander, MUTO, Nobuyoshi, who was concurrently Ambassador Plenipotentiary. MUTO signed the Japan-Manchukuo Protocol on 15 September, 1932, whereby Japan recognized Manchukuo, and the duty of joint defense was assigned to the Kwantung Army.

32226

In its declaration of independence on 1 March, 1932, Manchukuo announced that the four northeastern provinces under Chang Hsueh-liang were within its territory. Therefore it was necessary for the Kwantung Army, in cooperation with Manchukuo, to make efforts for restoration of law and order in Jehol Province, but it was more urgent to restore peace and order east of the Taliaho River, * especially along the SMR where multitudes of Japanese and Manchurians settled. Therefore the Commander continued to drive out remnants of the Ting Chao, Li Tu, and Ma Chan-shan armies, to restore law and order, with the cooperation of the Manchukuoan Army and the local self-government and police organizations, and also carried out the "Pao Chiao" system, since it subsequently insured law and order.

Bandits or potential bandits surrendering weapons received compensation, and measures were taken to give employment to those among them without employment or farms to return to, and many were employed as laborers by the National Road Bureau of Manchukuo. Ting Chao visited the Kwantung Army Commander at Changchun, expressing gratitude for the treatment accorded him and his army, and swore to do his utmost for Manchukuo in the future, and KOISO understood he was later given important work by Manchukuo.

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* At the end of 1932 Su Ping-wen, who was given a military post at Kulumbair after Manchukuo was formed, rebelled, and many Japanese in the district were killed or imprisoned. The Kwantung Army was faced with the necessity of using force for the protection of the residents. Fearing that rash action might bring further harm, the Kwantung Army asked the Soviet to rescue the residents, and through the good offices of Russian authorities Japanese residents were accommodated into Soviet territory, transported to Vladivostok, and from there sent safely to Japan. Later, the Kwantung Army Commander sent a unit to the district, and peace and order was restored after defeating Su's forces.

32228

Part of Chang Hsueh-liang's troops who left Chinchow and Tungliao were received by Governor Tang Yu ling of Jehol Province, and joining the powerful bandits of the area, established a base there from which to carry out insidious activities in South Manchukuo. * So the Kwantung Army Commander advised Hsieh Lu Sheng, a Jehol Province representative and secretary of Tang Yu-ling, that the army's policy was to restore peace and order as peacefully as possible, and it was necessary for the governor to provide for the peaceful participation of the province with Manchukuo in maintaining peace, and suggested that he so advise Tang. Tang did not accept this advice, and started a campaign to disturb Manchukuo's peace in collusion with bandits, and therefore Japanese and Manchukuoan troops had to take action.

32229

After peace was restored in Jehol, the Kwantung Army Commander ordered all units to defend the line of the Great Wall and borders, but not to penetrate into North China and Chahar. Every time they were attacked, all units drove back the Chinese from their line of defense by way of defense. Chinese groups increased their strength * by the end of April, and their attacks became persistent. Some army units, driving away the enemy, pursued them into North China. However, they withdrew to the Great Wall in accordance with the Kwantung Army Commander's order.

The Chinese Army further increased in strength and repeated attacks against the line of the Great Wall after the Kwantung Army withdrew toward that line. At this juncture army units counter-attacked and pursued the Chinese as far as the Chi-Ho River in early May. The Kwantung Army commander strictly ordered all units to stop east of the line of the Chi-Ho River, considering that the entry into the Peiping-Tientsin Area might aggravate the situation.

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The Chinese proposed a truce on 25 May, and the Kwantung Army Commander accepted, and thus the TANGU truce ending the Manchurian Incident was concluded on 21 May, 1933.

32230

* KOISO was relieved as Chief of Staff of the Kwantung Army on 5 March, 1934, and his duties in Manchuria for twenty months were associated with staff work under the Commander's direction. During this time he was not in command of troops, and had no power to command any, because he was only responsible for administrative matters.

It was stated in exhibit 230, (T. 2902), that he sent a communication to the Vice-Minister concerning "The Program of Guidance for Manchukuo", dated 3 November 1932. The document was the commander's opinion and prepared by his order in reply to an inquiry from the War Vice-Minister and made according to the draft plan of the General Staff Second Division. It was written by order of the Army Commander, expressing his opinion, and not made on KOISO's own initiative and not his own opinion.

32231

Assistance to Manchukuo from the Kwantung Army while he was Chief of Staff was carried out under orders * issued in accordance with the Japan-Manchukuo Protocol, (exhibit 440, T. 5035), and its annexed documents for restoring and maintaining peace and order, protection of transportation, communications, etc., in view of the promotion of the happiness of the Manchurians, these activities were carried out at the initiative and request and with the cooperation of the government organizations of Manchukuo.

32232

After he left his duties in Manchukuo on 5 April, 1934, he served in no official or private capacity, having no direct connection with the Manchurian or Chinese problems. However, he felt that the outbreak and continuation of the China Incident was most regrettable, and he advanced the view privately that the most appropriate measure would be to ask Britain and the U. S. to mediate a Sino-Japanese peace, but little attention was paid to his view. From April to August, 1939, and from January to July, 1940, he was Minister of Overseas Affairs, but had no connection with any work relating to the Incident. The capture of Changsha occurred while he was still Governor-General in Korea, and he had no connection with it. The battles of Hengyang, Kewilin and Liuchow were actions taken as tactical operations, and were outside his responsibility. From December 1931 until 15 July, 1938, he commanded the Korean Army.

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32233 With regard to the Lake Khasan Incident, (T. 22742, 22751), TANAKA, Ryukichi, testified in relation to the concentration of the 19th Division, but this was his imagination, and differed from the facts. The actual situation was that in view of the movement of Soviet troops in the vicinity of Changkufeng, the 19th Division Commander had taken precautions by stationing on the bank of the Tumen River a part of the division's strength, and to enable the taking of appropriate defensive measures in the face of possible future changes requested KOISO's * permission on 14 July 1938 to concentrate the division's main strength on the bank of the Tumen River. Before giving any order, KOISO wired the Chief of the General Staff and War Minister for instructions. Before receiving any reply, he received orders the next day, 15 July, transferring him to Tokyo.

The telegram from the Chief of Staff in reply to his inquiry arrived on 16 July, and was delivered to his successor as commander of the Korean Army, General NAKAMURA. He thought NAKAMURA disposed of the matter on the basis of these instructions, as the order for concentration was not issued by the accused.

At the time of the Khalkin-Gol Incident he was Overseas Minister, and his duties had no connection with such matters in Manchuria, and he did not participate in discussions concerning problems related to the USSR or Outer Mongolia.

32234

* According to exhibit 2214 with regard to the Tripartite Pact, it was alleged that ITAGAKI, on 8 May, 1939, and KOISO on the 9, gave an interview to a Domei News Agency Reporter. Part of the statement in the exhibit relating to himself was a mistake. Foreign Minister ARITA may have made the statement, but the accused did not. It was common for the Overseas and Foreign Affairs Minister to be confused. He did not recall having given this interview, but assuming he did give it, he certainly would not have given such a statement as alleged in the exhibit, for from the nature of his duties as Overseas Minister he had no authority or responsibility with regard to diplomatic or military matters, and was not allowed to make any public statement in such form.

While he was Overseas Minister in the HIRANUMA Cabinet, he only knew vaguely that the problem of the Tripartite Pact was discussed at a five Ministers' conference composed of the Premier and War, Navy, Foreign, and Finance Ministers.

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32235

* While he was Overseas Minister in the HIRANUMA Cabinet, his views on this subject were never requested nor expressed at any Cabinet meetings when he was present, or on any occasion that he could recall, except when in May, 1939, he received a request from Vice-Minister YAMAWAKI, asking him to help restore friendly relations between the War and Navy Ministers, who had opposite views concerning the alliance. To this request, KOISO replied in a note that although he was an outsider, he believed it best for Japan to put off the conclusion of an alliance with Germany and Italy. He also expressed his anti-alliance view to HIRANUMA, and thereafter never entered into discussions thereon.

32236

Exhibit 523, (T. 6174), a telegram to Berlin sent by Ambassador Ott concerning the results of a discussion had with KOISO, was full of false statements. It was * true that on 20 June 1940, in response to a request made by TOKUGAWA, Yoshitomo, KOISO talked with Ott for about half an hour, with TOKUGAWA as interpreter. He did not invite Ott to call on him, and this meeting had no connection with the accused MUTO, whose name was not even mentioned, and at the short interview Ott did most of the talking and explained his views, that the conclusion of an alliance and a non-aggression pact between Japan and the USSR would benefit the economic development of Japan in the southwestern Pacific, and suggested the economic value of FIC and NEI.

32237

It was contrary to the fact to say that KOISO put to him a question concerning the attitude of Germany in case Japan started military actions in these regions, or that KOISO would promote the idea of Ott to have Japan attack the Philippines and Hawaiian Islands and hold the U. S. in check in the Pacific. This would call for an important utterance concerning a matter about which he, as Overseas Minister, had no authority or concern, and of * which he was not authorized to express his attitude. He could not think of speaking even his private opinion to a foreign ambassador whom he had met then for the first time. Ott's telegram to the effect that KOISO stated there was a possibility of a non-aggression pact between Japan and the Soviet further proved that Ott made the false statement to realize his own view to make Japan follow the course he had planned and was not aware and was confused as to the functions of the Overseas and Foreign Ministries. Ott's observation that KOISO belonged to the KONOYE faction was wrong, because he then knew KONOYE only by name. This could be seen from exhibit 1278 of the KIDO Diary, in which KONOYE stated he did not know the accused.

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- 32243 * In relation to his answer to the question on southern expansion raised by House of Representatives Member FUKUDA on 17 March 1940 (Exhibit 2215-A), the reply KOISO made at the outset that he agreed with FUKUDA did not mean he approved of the method proposed by him but only that he agreed it was necessary to pay attention to economic movement in the south. The fact that KOISO held the opinion that the southern regions were not suitable for large scale Japanese immigration because of climate and customs *
32244 was clear from the reply. There was no military significance to the discussion.

According to Exhibit 1509, the arrangement of sending Ambassador SAWADA to NEI as the Economic Envoy in July 1940, was dropped because of KOISO. However, KOISO did not know that SAWADA had been intended to be the envoy nor did he know that the plan was later changed. KOISO declined the offer of the Premier and Foreign Minister to become Economic Envoy because he was not suited for it. KOISO stated he was Premier from 22 July 1940 to 7 April 1945.

- 32245 Matters mentioned in Exhibit 662 were decided by the Supreme Council on 1 February 1945. In view that some measures need to be taken to defend NEI in the face of the situation whereby the U.S. forces had already landed in the Philippines * and their planes were raiding NEI and there existed the possibility of a U.S. landing there coupled with the attitude of FIC forces which became non-cooperative with the Japanese, it had been decided at the Supreme Council for the Direction of War that measures be taken to have the armed forces and a constabulary in FIC re-organized under the control of a Japanese Commander but to leave the date and execution of this decision of the Commander and diplomatic representatives on the spot who should obtain the consent of the Governor General of FIC to the Japanese request and to make efforts to arrange to put it into execution peacefully. These measures were taken by the authorities on the spot on 9 March 1945, but KOISO had no connection or responsibility as its execution was within the competence of the Supreme Command.

- 32246 * Responsibility for the treatment of POWs and internees rested with the Central Command and the Premier could not participate according to constitutional stipulations. He was allowed to attend Imperial Headquarters on 16 March 1945, only three weeks before his resignation. This privilege was confined to listening to reports on the progress of war operations and was not extended to allow his participation directly in the Supreme Command. Thus,

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Page he had no responsibility for the treatment of POWs and during three or four meetings of Headquarters staff officers, he was allowed to attend, he was not informed about mistreatment of POWs nor was there such a discussion.

32247 The prosecution had alleged that the atrocities and mistreatment of POWs were well known before he was appointed Premier, * but there was no public knowledge about such matters. He knew nothing about them since he was in Korea from May 1942 to July 1944 and he believed only those directly in charge of POWs knew about the existence of such problems. The possession of short-wave radios was prohibited both to civilians and officials and the accused did not possess such a radio, hear the Eden broadcasts, nor was any report ever made to him about such matters. Censorship might also count for the lack of public knowledge. Furthermore, the notification to be issued by the Vice War Minister on the treatment of POWs, according to Exhibits 2012 to 14, was outside the Premier's duties and did not require being reported to him. The dates cited by the Prosecution of almost all the protests or inquiries from foreign countries regarding the treatment of POWs, sea victims and internees * were at the time when he was not Premier and even if a few did come during his tenure, he received no reports about them from the Foreign Minister. Therefore, he knew nothing about them and did not investigate. He firmly believed that POWs were being treated properly and the cases described in Court of cruel and inhuman acts were beyond his imagination and it never occurred to him to suggest any investigation while he was Premier.

32248 In Dec. 1941 he was invited to a party by an acquaintance YAMANAKA and there he expressed his view opposing the opening of hostilities, saying he desired to avert the opening of war and stating his reasons.

32249 * On receiving word he was to stand trial, KOISO went voluntarily to SUGAMO on 23 Nov. 1945 and at that time carried with him a letter from Mrs. Yamanaka to his wife which stated that she recalled what KOISO had said, and that he was far-sighted.

When KOISO's belongings were examined, he made a plea that he wanted to keep the letter since it was a part of his personal evidence, but it was taken from him and he was told it would be returned when necessary. He had approached the prison authorities, asking for the return of the letter but had been unable to get it back as he was told it had been lost.

32250 * KOISO consistently maintained a view opposing war with America and Britain; this could be shown in a statement of Major General Piggot, the British Military Attache, which showed that

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Page Figgot visited KOISO in 1939 and KOISO expressed the opinion that relations with America and Britain must be improved and they must avoid resorting to arms.

Exhibit 277 stated that in the administrative policy speech delivered to the Diet on 7 Sept. 1944 as Premier, KOISO declared that the independence of NEI would be recognized.

32251 * The facts were that according to military administration reports, natives had long wished for independence and had been wholeheartedly cooperating with the military and their national consciousness had increased. On consultation, the Supreme Council agreed that it was necessary to take steps to recognize their independence and KOISO submitted the matter to the Cabinet Conference, obtained its approval, and made a statement of the policy to the Diet, and steps were taken to prepare for its effectuation. In this speech it was stated that, concentrating all efforts, KOISO wished to gather national strength together with national unity to achieve the war's end in accordance with the expected operation of the armed forces which would soon be realized to destroy America and Britain.

32252 The accused submitted that this was a speech any Premier would make under the circumstances for they were on the defensive and the allies threatened to destroy Japan. * His real intention behind the statement was that they could no longer hope for final victory so now that the Army and Navy were anticipating a decisive battle in the near future, if they would destroy temporarily the advance of the enemy, it might be that by taking advantage of such opportunity they might plan to bring about the end of the war and arrange for negotiated peace. This idea was also maintained by members of the Supreme Council for Direction of War and Cabinet members.

32253 * The Supreme Council also devised two schemes for peace which proved it also had the will to end the war. One of these measures was through the good offices of the Chungking administration and the other through the Soviet. It was KOISO's plan that if both measures bid fair to be successful, the one through Chungking would be limited to peace between Japan and China, while the peace in the Pacific War would be primarily through the mediation of the USSR. For this purpose they hastened a direct communication route with Chungking and tried to despatch proper representatives to the Soviet in addition to the ambassador there. However, the project of the Army and Navy which was to destroy the advance of the enemy ended in a failure in the Philippines and adjacent areas and all measures for terminating the war confronted various obstacles.

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32254

* During this time the war situation became increasingly unfavorable and KOISO devised to bring about further adjustment and harmonization of state policy and the Supreme Command and also increase production, thereby they would be enabled to have an accurate idea as to the substance of their war potential and it was his desire to make a prompt decision on future policy. As to harmonization of policy and Supreme Command, he obtained Imperial sanction to create the Supreme War Directing Council to be a more simplified and powerful organ concerned with the Liaison Council of the government and Supreme Command.

32255

With regard to increased production, all efforts were concentrated to achieve this. However, the Supreme Council did not come up to his expectations and was ineffective and the Supreme Command was prone to develop in unexpected directions without the Premier's knowledge. * Reduction of war potential accelerated owing to increasing bombing damages. To eliminate defective points, KOISO was authorized to attend the Headquarters Conferences by order of the Imperial Command, but being bound by the constitutional provisions, had no opportunity to take active part in matters pertaining to operations and tactics. To improve defects in production, efforts were made to remove manufacturing establishments to places of safety. Because of difficulties, they were hardly able to obtain expected results. A War Minister being engaged in affairs relating both to state policy and the Supreme Command could not only be well informed of war potential but also be aware of even secret plans with regard to operations and tactics. On the other hand, he was authorized in the scope of military operation * to apply military force, equipment, etc. to fields most necessary to strengthen war potential. KOISO asked for Imperial sanction to return to the active list so he could hold the additional post of War Minister. He, as Premier, was resolved to extirpate the two big defects and thus to prosecute his policy.

32256

On 3 April 1945 he suggested to War Minister SUGIYAMA the plan of the Premier holding the additional post of War Minister, but met SUGIYAMA's opposition. Upon consultation with YONAI, cooperator in the joint cabinet, KOISO applied for resigning from the Premiership, wishing for the realization of a new and more powerful cabinet.

32257

On 5 April 1945 he resigned as Premier and permanently withdrew from public life. At no time did he have conversation with any of the accused or anyone else involving the planning, scheming, and conspiring as alleged in the indictment. * He had no official or personal relations with DOIHARA, HASHIMOTO, HOSHINO, KAYA, KIMURA, MUTO, OKA, OSHIMA, SHIMADA, TOGO and TOJO. He did not become

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Page acquainted, either officially or personally, with MINAMI, un-113 1.39; HATA, 1908; ARAKI, 1918; MATSUI, 1920; UMEZU, 1925; SATO, 1929; SUZUKI, 1930; SHIRATORI, 1931; KIDO, 1932; HIRANUMA, 1932; ITAGAKI, 1932; HIROTA, 1944; SHIGEMITSU, 1944.

32258 On further oral examination, the accused was asked about the reliability of Miao Pin. He stated that he had occasion to meet him twice in 1939 * and learned that Miao Pin was a staunch advocate of Japanese-Chinese friendship and was also a very close friend of Ho Ying-chin, a leader in the Chungking Government.

Although Miao Pin was nominated president of the Nanking Legislative Yuan under Wang Chingwei, he was demoted to the post of Vice Chief of the Examination Board because of intercourse with the Chungking Regime. He constantly kept contact with Chungking by wireless, and people were sent him from Chungking for liaison. Upon Miao's arrival in Tokyo, he showed KOISO a telegram from Chungking, stating that that regime approved of his trip but that he should not go beyond the scope of the peace terms stipulated by Chungking.

32259 The points in the peace terms said to have been set forth by the Chungking Government were * (1) with regard to the Manchurian question, a separate agreement should be made; (2) Japan would completely withdraw her forces from China; (3) Japan should detain all leaders of the Wang Chingwei Regime in Nanking, in Japan; (4) The Chungking Regime would establish in Nanking for the time being a government in absentia and place in that government* leaders of the Chungking Regime; (5) The Chungking Government would return to Nanking within 3 months; and (6) Japan should make peace with the US and Britain.

32260 * KOISO endeavored to establish a direct line of communication with Chungking by using the services of Miao Pin. Asked if his projected peace moves were opposed he replied that he invited Miao to Japan with the approval of the Minister of War and Navy and Foreign Affairs. However, when these ministers were received in audience by the Emperor they expressed disapproval of the idea in early April 1945. Asked if that was before the report was made to the Throne on his plan for direct peace negotiations, he replied he thought it was on March 27 that he first reported to the Throne in connection with the Miao Pin matter. At that time the Emperor did not express * approval or disapproval but asked whether KOISO intended to continue peace efforts through Miao Pin, and KOISO answered that that was his intention.

32261

He thought it was on April 2 that he was given an audience by the Emperor and on that occasion the Emperor said that the

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Page War, Navy and Foreign Ministers had expressed disagreement and disapproval of the idea. The Emperor then instructed KOISO to return Miao Pin immediately to China but did not rebuke him.

Asked what other peace plans he tried as to U.S. and Britain, he replied that he made efforts to send special envoy to Moscow in addition to the ambassador there to make preparations for peace moves vis a vis the U.S. and Britain. He had Ambassador SATO in Moscow take this up with the People's Commissar for Foreign Affairs but this meant refusal on the part of Soviet authorities.

32262

* Asked why he sought reinstatement into active service and if it was for the purpose of redoubling his efforts for the prosecution of war as testified by KIDO (T. 31248), he replied that KIDO's testimony was wrong. His idea in connection with this had already been set forth in his affidavit. By holding the office of War Minister concurrently, his intention was to bring about increased war production and thereby, from the standpoint of the High Command, get an overall picture of national strength, and on the basis of this, wished to decide whether it would be preferable immediately to bring an end to the war, or if the Army advocated holding the final and decisive battle on the mainland and then bring about an end to the war.

32263

Asked if he would have had a means of knowing secret plans as War Minister that he did not have as Premier, he replied that the War and Navy Ministers, because they handle matters of state and matters of the High Command, * to bring about harmony between the two, they were able to know in advance military plans and operations and tactics before any decision was reached on such plans. It was necessary to understand and fully grasp the relationship of war and the termination of war to have more control if he was working out peace plans. Following this opposition, he resigned on 5 April 1945.

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Page heard of any Kwantung Army officer participating or being connected with the March or October Incidents, the May 15 Incident or the February 26 Incident.

32266 * DIRECT EXAMINATION BY MR. LOGAN
Council for KIDO

The witness stated that with regard to his holding the post of War Minister concurrently, he had talks with War Minister SUGIYAMA because if that was not possible, there was no need for his applying for reinstatement into active service. Therefore, he did not apply. Asked if he did not seek it from SUGIYAMA without making actual application, he replied that expression of the desire to hold the post of War Minister amounted to asking for reinstatement into active service. * At that time the war situation was deteriorating and he was eager to increase war production.

32267

Page * CROSS-EXAMINATION BY COLONEL FIXEL

- 32268 Asked if he was convinced of Miao Pin's authority to act as a liaison for the Chungking Government, he replied that because he was unable to trust him one hundred per cent, he made efforts to ascertain whether he was actually trustworthy. Asked if it was not true that one of the matters he wanted Miao Pin to confirm was his authority from Chungking, and if it was not true that the only way he could check this was to get into radio communication with Chungking, he replied that this was generally so. As he had said before, Miao Pin was for the most part originally related to the Chungking regime. At first it was KOISO's idea that Miao Pin did not have qualifications to act as China's representative in connection with peace.
- 32269 * Utilization of Miao Pin was only to the extent of establishing direct communication with Chungking. If such contact would be established, it was KOISO's intention to present the matter before the Supreme Council to study and discuss peace terms. Unless the Chungking government sent a bona fide representative, it was not Japan's intention to enter into peace talks. Neither he nor the government considered Miao Pin a Chungking representative in connection with peace with China.
- 32270 * Their only intention was to utilize him for direct communication with Chungking.
- 32271 KOISO entertained doubts that Miao Pin had any form of contact with Chungking, as he claimed,* to do with wireless apparatus, and so KOISO arranged to have Miao Pin bring his wireless apparatus to Tokyo with him as well as his operator. They had Miao Pin actually communicate through this apparatus with Chungking and at that time intercepted the message to find out whether everything was bona fide. Asked if it was not a fact that Miao Pin came to Tokyo without his radio apparatus and that the Japanese refused to fly it from Shanghai, he stated that in his affidavit there were various impediments in the way.
- 32272 * It was scheduled that Miao Pin was to bring the apparatus to Tokyo as well as the operator and representative from Chungking, but because he came alone further steps were taken to bring the apparatus and operating personnel later on. Asked if he didn't previously testify that Miao Pin brought the apparatus and by means of it was able to communicate with Chungking, he replied that Miao Pin said that he was able to communicate with Chungking by his wireless. But unless it was actually tested, it was impossible for him to ascertain whether

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he was actually in a position to do so, and since they could not test it, they were unable to ascertain that. They got information that there was a person with a wireless in Peking who was in communication with Chungking, so they made efforts to bring from Peking to Tokyo this personnel and apparatus there.

32273 * The accused stated he had no recollection of ever being named director of the Kokuhonsha Society, nor did he hold any office in that society. At the time he was a regimental commander he became a member out of a desire to read a publication of the organization. He thought he became a member in 1924 and continued in its membership until the society disappeared. 32274 * He attended one meeting of the organization but not the one to which the accused MINAMI was a speaker in July 1931. He had no recollection at the meeting he attended whether MINAMI was present. HIRANUMA was present but he did not know whether ARAKI was.

32275 He had no positive recollection that HIRANUMA was a director but knew the accused HIRANUMA was president. Asked if the purposes of the Kokuhonsha were mainly to foster nationalism, bolster * the state foundations, and exalt national spirit, he replied that nobody ever explained to him its real nature, but from what he had read in the publication of the organization his understanding was that its purpose was to support a true understanding of Japan's true nature and spirit.

32276 * Asked if that interested him as a regimental officer to the point he joined, he replied that at that time the domestic situation was confusing and Japan's fundamental character not fully clarified, and he thought it a good thing to secure an understanding of their true character and spirit through the magazine of the organization and that lead to his membership. It was his understanding that it was absolutely not the case that the organization hoped to accomplish its aims in part by political measures. He did not recall becoming interested in May 1932 in advocating HIRANUMA as premier, but when asked whom he thought would be good as the next premier, he might have replied that HIRANUMA might have been the best man. 32277 *He did not recall making such a statement to KIDO, nor whom he made the statement to. At the time he made the statement he did not recall whether he was Vice War Minister.

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- 32278 * Reference was made to the affidavit where it was stated that KOISO first met KIDO in April 1932. It appeared that KIDO, in his diary in May 1932, recorded that KOISO seemed to be in favor of HIRANUMA for premier. The accused was asked to state the circumstances under which he met KIDO and their conversation at that time. He replied that Parliamentary Vice-Minister of War DOKI told him that members of the House of Peers were meeting at the Kazanhan and invited KOISO there with him. There he met KIDO, but in his recollection, the first time he ever talked with him was in 1939 * when they were both in the HIRANUMA cabinet.
- 32279
- 32280 The premiership of Japan was a political office. * Asked if the rule prohibiting officers from engaging in political activities applied to the Vice War Minister at the time he held that office, he replied that the war and navy vice ministers were considered civil officials according to regulations, although an active officer could not resign his post at his personal request, the service vice ministers might, at times of cabinet changes, be relieved of their duties at their own request. In the war and navy departments, when appointments were made as officers, the term "hosu" or "assignment" was used, but in the case of vice ministers the word "ninzu" or "appointment" was used.
- 32281 "The accused stated he was at no time a member of the Sakurakai. Asked if in early January 1931 he was a party to discussions for measures reforming Japan to which UGAKI, SUGIYAMA, NINOMIYA, HASHIMOTO and others were present, he replied that an excerpt from the KIDO diary, which he recalled was exhibit 179-F, was probably referred to, but there was completely no foundation. He had never attended such a meeting. There was no movement within the war ministry to foster the political activities of UGAKI in early 1931. At that time he
- 32282 was not acquainted with the accused HASHIMOTO, but had been acquainted with TATEKAWA since August 1931. He knew him before that but was not intimate.

There was no such thing as a group in the War Department while he was chief in the military affairs bureau in 1931 that favored military force in connection with UGAKI's appearance on the political field. Reference was made to the affidavit where it described a plan OKAWA proposed KOISO take up with UGAKI. The accused was asked, if, in a voluntary statement, he had not given OKAWA's plan to be one to confuse

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32283 the Diet by hurling bombs at it; attack the Metropolitan Police force, and bring about a situation whereby public peace could not be maintained except by military force: then to guide the situation to where martial law would be necessitated; * to make the cabinet responsible for it and resign en bloc; let UGAKI offer to save the situation; take measures to make it possible that the Imperial Order would be given to organize the next cabinet. As for measures to save the situation, it was enough that they were to be planned after Imperial Order was given.

Asked if he got that statement from OKAWA in March 1931 when he visited the accused in the War Ministry, he replied that this probably took place the end of February and a visit was made to his own house. At that time OKAWA expressed such ideas. It had already been made clear to the tribunal that the bomb used was a sort of paper bomb used in maneuvers, and not real bombs. Asked if when he spoke of firecrackers in his affidavit if he really meant bombs he replied that when OKAWA came to see him in February 1931, he used the word "bombs."

32284 * Asked if, as a matter of fact, the army in 1931 was not using firecrackers in artillery practice. he replied,
32285 "Yes, . . . these firecrackers were used." He referred to this article as dummy or blank shells, and at that time did not know through whose hands they were delivered to OKAWA and his group. Asked if he later found out that Major-General TATEKAWA of the General Staff office had released the bombs and that they were delivered by HASHIMOTO, or under his direction, he replied that when he went to the vice chief of staff to warn that it was improper to have general staff officers
32286 approach such * a person as OKAWA, the vice chief reported that the dummy shells were delivered from TATEKAWA to OKAWA's group. Since then he did not know by whose hand they were delivered and it was in the Tribunal that he heard for the first time that HASHIMOTO was one of those responsible for delivery of the bombs.

32287 * Asked if, after OKAWA outlined the plot to him, he took any action to have him arrested, he replied that he believed that if he succeeded in having OKAWA and his group abandon the reckless plan, he did not think there was any need to arrest them. Asked if he had the same opinion with reference to army officers who participated, he replied that because he believed such plottings highly improper, he went to

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32288 the vice chief of staff to warn him it was highly improper. KOISO had no authority to issue any indictment or make charges. Asked if he recommended to anyone who had authority to file charges to do so, he replied that if there was any necessity to file charges, there was no need to await his warning and, inasmuch as he went to the General Staff * with the warning to stop such rash action, he believed the general staff did take appropriate steps. With regard to filing charges, the accused stated he did not do anything.

Asked if he examined the plan that OKAWA brought to him the first time he brought it, he replied that when he heard the plan explained he told OKAWA point blank that it must be immediately abandoned. Colonel NAGATA was under KOISO as chief of the military affairs section.

32289 * Asked if, after he had determined that the plan was reckless, he ordered NAGATA to examine the plan for its consistency, he replied that * he warned OKAWA to abandon the plan but he did not accept his advice. Thereupon he reported to War Minister UGAKI that what OKAWA wanted to submit to him was a matter in which the war minister should not be involved. UGAKI then ordered KOISO to ask OKAWA to submit the plan in writing and so KOISO met OKAWA again.

32291 KOISO tried his best to decipher the document submitted but could not do so and asked OKAWA to read the contents. * KOISO took the explanation down with pencil and brought the original document and his memorandum to the war minister. Although KOISO compared his notes with the document, he could find no consistency in the plan, and so he ordered NAGATA to find out whether there was consistency.

32292 At that time he had already made up his mind that the plan was not workable. Asked if he had nevertheless ordered NAGATA to examine the plan for its consistency after he decided it was an improper plan, he replied that it was not so. The matter had to be reported to the war minister and no explanation could be offered on any plan in which there could not be found consistency. That was why he ordered NAGATA to discover * whether there was consistency so a logical report could be made.

Asked if he thought a plan to blow up the Diet and cause a coup d'etat in the government could be made consistent, he replied because the plan itself was highly inconsistent

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he warned OKAWA to abandon the idea. Asked if it was correct that he disapproved of the plan himself and then turned it over to his subordinate to try to improve it, he replied any such order to NAGATA was not given by him. After submitting the document to UGAKI, KOISO saw him one or two days later and asked for his reaction. UGAKI condemned the plan, using the explanation, " Could such an absurd thing be adopted?"

32293 * Very apparently UGAKI opposed the plan.

Asked if after he had been given this information by the war minister if it was not a fact that he continued to have NAGATA still work to have the plan made consistent, he replied that was without foundation. He had stated in his affidavit that army prestige would be injured if the bombs had remained outstanding, so he desired to secure their return. Asked if OKAWA or one of his henchmen had the bombs at that time, he replied that he heard later that one of OKAWA's followers had them. That person was SHIMIZU, who appeared as a witness before the tribunal.

Reference was made to the affidavit where it was stated KOISO intervened with TOKUGAWA to secure the return of the bombs and the accused was asked when he first asked TOKUGAWA's help, * he replied that it was around March 27 or 28, 1932 that he asked the return of the bombs through other persons. At that time, not only the return of the bombs was demanded but also it was requested that OKAWA be commanded to abandon the plan entirely and they succeeded in this as a result of TOKUGAWA's efforts.

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KOISO did not know whether the dummy bombs were actually returned by OKAWA or transferred from OKAWA to TOKUGAWA, nor did he know whether TOKUGAWA talked to OKAWA about the bombs.

* It was only once that he met TOKUGAWA personally and asked for good offices to bring about a return of the bombs. Asked again how many times he requested OKAWA, SHIMIZU, TOKUGAWA, or anyone else to return the bombs before they were returned, he replied that he asked OKAWA only once. It was not until March 1932 that he got the bombs back to the war department until March 1932 for they were returned around December 1931. It was not so that the bombs were kept that length of time, having in view the incident of October 1931.

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32296 * Asked why, if he was so afraid of army prestige what prevented him from sending a army truck out to the place where the bombs were, and seizing them, he replied that the dummy shells were delivered to OKAWA by General Staff officers, and any attempt to have them returned was the business of the General Staff and not the chief of the military affairs bureau. Asked why he was intermeddling in the matter for if it was a matter for the General Staff to secure the bombs back, he replied that this was actually the duty of the General Staff as it involved its officers, but inasmuch as the General Staff's efforts were far from sufficient, and inasmuch as the bombs should not, under any circumstances, be in the possession of civilians, and because the matter reflected upon the army's prestige, KOISO in his capacity, as chief of the military affairs bureau, undertook the job of trying to get the bombs back.

32297 * Asked if he meant to tell the tribunal that he had to virtually beg a civilian to intervene in behalf of the War Ministry to secure the return of these shells which were War Department property, he replied that the shells were not the property of the War Ministry, but of the artillery school.

32298 * The artillery school was under the jurisdiction of the Inspector general of military education. Asked if the artillery school was not also connected with the military affairs bureau, he replied that the school was a training institute under the inspector general.

32299 The army had three distinct branches, the War Ministry, the Inspector * General of Military Education, and the General Staff Headquarters. I did not say the shells were the property of the general staff. The general staff officers made arrangements to have the shells delivered to OKAWA's group but the shells were the property of the organization under the inspector general. He did not know if the inspector general knew that some of his bombs were in the possession of a civilian.

32300 * Asked if he did not know that the matter of disposing and ruling Manchuria and Mongolia was undergoing studies prior to July 1931 in the War Ministry, he replied that he did not know, that such a thing was highly impossible.

32301 * Asked if he knew an officer named SHIMANUKI and if he was a subordinate of the accused in July 1931, he replied he did not know whether it was prior to 1932 but he thought

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there was a captain by that name who was an army officer in the military administration section. There was a section within the bureau called the military section in 1931. Asked if he recalled the communication that came to the military affairs bureau and was acted upon in the military service section, received from military policy commander MINE in which he submitted an estimate of his requirements in connection with the occupation of Manchuria and Mongolia, KOISO replied that there may have been but he had no recollection.

32302 * When shown a document he was asked to refer to a portion thereof being a letter of 25 July 1931 from the commander of the military policy to the war minister in reference to a study of the reorganization of the military policy forces in Manchuria, the accused acknowledged that the document bore the seal of SHIMANUKI and he admitted the truth of the contents of the document.

32303 Exhibit 3376, the document was identified by the accused being a report to War Minister MINAMI from MINE dated 25 July 1941 with the seal of the Provost Marshal on it and marked "Secret" was entitled "Study on the Organization of MP Force in Manchuria." It stated that they had no need to enlarge on the fact that in the future war, the Empire should secure complete possession of Manchuria and Mongolia from the standpoint of maintaining fighting capability and self sufficiency.

32304 The management and administration of Manchuria and Mongolia was being studied by responsible organs, and with this the necessity of inquiry on the MP in the occupied area was also evident. The necessity of the MP activities in enforcing military administration had been proved by a * number of wars and was clearly increasing due to the tendency of recent warfare more of a psychological nature.

As to the present situation in Manchuria and Mongolia, pending negotiations between Japan and China were being aggravated, and Japanese MP in Manchuria were greater in activity. He believed it most necessary and timely to consider the changing phases of future military operations, and to study the application, strength, etc., of the MP. The gist of the writer's opinion was that if a complete military occupation of a certain area in Manchuria and Mongolia was planned, a minimum force of about 5,000 MP, with the addition

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32305 of some Chinese and Korean MP assistants, besides a part of the occupation garrison, was required to maintain peace and order. However the whole number of MP was * far from sufficient to meet the requirement. To increase this organization the full number of the Kwantung MP should be revised and increased, and exceptions for extraordinary drafting should be provided for. The total number of MP requirements in Manchuria would be about 5,000 with approximately 20,000 Chinese (Korean) auxiliaries.

The basis of the estimation approves on the whole the "Study on the Administration of the Occupied Territories in Manchuria and Mongolia," compiled by Kwantung Army Headquarters. Namely, about 25,000 MP would be placed in the hypothetical administrative area of about 45,000 square "ri" with a population of about 27,000,000, which rate being one MP for a population of about 1100 in an area of 1.8 square "ri."

32307 * Asked if in September 1931 he felt there was a very critical situation in Manchuria, he replied the period could not be confined to the single month of September, but for a period of one or two years previously. Due to pending issues in China and Manchuria, feelings between Japan and China were becoming aggravated. Asked if he asked MINAMI's consent to take the matter up with the general staff to seek a decision as to what should be done with reference to the ultimate dispatch of TATEKAWA to Mukden, he replied he had one conversation with MINAMI in connection with TATEKAWA's dispatch.

32308 Asked if he had a conversation with MINAMI with reference to the critical situation in Manchuria in early September, he replied * that the situation between Japan and China and Manchuria was becoming more critical and in the light of the strength of the Japanese army, he expressed his opinion to the War Minister and Vice Minister that no matter what happened, if trouble broke out, it should be settled peacefully and so must be avoided.

Asked if he got MINAMI's permission to talk the matter over with general staff, he replied he had never received any such permission or order. Asked if he went to the general staff to discuss the question taken up with MINAMI about which KOISO was so fearful, he replied he expressed the same opinion to the vice chief of the general staff.

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32309 Asked if he expressed that opinion in a personal or official capacity, he replied he received no instructions from MINAMI, but before becoming chief of the military affairs bureau of the war office, * he was chief of the material mobilization and procurement bureau and was familiar with the situation of the armed forces, as well as the condition of the war production industry, and after becoming military affairs bureau chief, he obtained a far better understanding of the situation between China and Japan. With this background he expressed the opinion in his position as a bureau chief.

When he expressed this opinion only the vice chief of staff NINOMIYA was present. He did not mention TATEKAWA to NINOMIYA as a suitable person to be entrusted with the mission to stop an outbreak in Manchuria and he never mentioned it at any other time with any person connected with the general staff.

32310 * He did not recall the date when he found out that TATEKAWA was selected to go to Manchuria on orders of the general staff, but did recall that a telephone message was sent from the vice chief of staff to the military affairs bureau to that effect before the outbreak of the Mukden incident. Asked if it was not a fact that he received the information several days before the Mukden incident, he stated he had no clear recollection as to dates. He had not had clear recollection as to dates two years before when he gave a written statement to Major Hummel of IPS in connection with this point.

32311 * The accused was asked if it was stated in such statement that it was expected TATEKAWA would arrive at Kwantung army headquarters by September 15 at the latest. He replied this must be a mistake in recollection on the part of the prosecutor. He had not said anything of the kind to Major Hummel. The date "15th" was written on a memo, but if his affidavit was reread it would be understood that after entering Sugamo Prison he had tried to trace his faint recollection to approach as accurate a date as possible. But it was inescapable that he might be mistaken as to dates as well as facts.

32322 * Asked if it was not expected that TATEKAWA would appear at Kwantung army headquarters by at least 15 September

32323 * 1931, he replied that there was some error in notes made on

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his memorandum sheet. The notes should have been that to his inquiry of the vice chief of staff, whether there was any report from TATEKAWA, the vice chief replied that it was about time for TATEKAWA to arrive in Manchuria, and probably he was holding discussions with the Kwantung army commander, for as yet there was no reply from him. The accused now felt that it was a mistake on his part to have written the 15th on his memo.

Asked if it was also a mistake when he stated in his memorandum that TATEKAWA spent many days discussing the Manchurian situation with the Kwantung army headquarter's staff, and that was why he was delayed in getting to Mukden, KOISO replied that he had absolutely not written such a thing in his memorandum.

32324 * He did not know what kind of instructions TATEKAWA received before he left for Mukden, nor on what day he departed. Asked if he still said that after TATEKAWA departed and he received a message from the general staff that he was on his way, he didn't know what he was going there for, he replied that was not so. He knew his purpose in going to Manchuria but he did not know what the instruction was. Asked if the purpose of TATEKAWA's going was not to prevent the outbreak of an incident, he replied the purpose of the mission was that whatever might be the situation, patience and forbearance must be exercised.

32325 * There was telephone communication at that time between Tokyo, Port Arthur, and Mukden. Asked why such a slow and uncertain method of communicating a simple request or decision of the general staff was adopted, if telegraph communication was available, he replied that in the light of the situation within the army and in order to have the chief of staff and war minister's ideas thoroughly understood, a person carrying such detailed information should be dispatched.

32326 * He did not discuss the purpose of TATEKAWA's trip with him before he left for Mukden. This TATEKAWA was the same person of the general staff who was instrumental in releasing bombs to CKAWA the previous March. TATEKAWA's failure to proceed expeditiously to Mukden and his failure to deliver the orders upon his arrival in Mukden was not because the accused and TATEKAWA had a prearranged plan to permit an incident to occur. He had heard that this was in the HARADA

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32327 diary but it was completely without foundation and a falsehood. Asked if while he was chief of the military affairs bureau, the Kwantung army was guiding the intelligence movement in Manchukuo for establishing a regency after the outbreak of the Manchurian incident, * he replied that on 15 November war minister MINAMI sent instructions to the Kwantung Army commander that the army should not under any circumstances participate in political questions centering around Pu-Yi. The accused thought the Kwantung army was not doing anything of the kind in pursuance of this instruction.

32329 Asked if the document forwarded by Kwantung army chief of staff MIYAKI to the war vice minister about 5 December 1931 dealing with the policy of the intelligence movement guidance came to his attention, he replied he had no recollection. When shown this report he was asked whether it passed through his office while he was chief of the military affairs bureau and if he admitted the truth of its contents, he stated that * it was a document upon which he had never cast his eyes. Its contents seemed to be personal opinions and were never adopted. Neither his own seal nor that of the section chief appeared on it and it only bore the seal of one SUZUKI. It did not pass through the military affairs section, * but the

32330 military administration section.

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* The accused was asked if it appeared in the document that two copies of the appendix were retained by the Military Administration (Affairs) Section. He replied that he could not find the seal of the Chief of the Military Administration Section, and it was impossible to ascertain how many copies were kept in its custody. When the document apparently came to his bureau, he felt sure that both he and the Section Chief were on duty.

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Asked if it was not true that a document of this nature involving an important policy matter would have been brought to his attention by a section sub-chief before it went to the Vice Minister, he replied that if it were of such importance as to be shown to the Vice-Minister, it would first be shown to the Military Affairs Bureau Chief. * On looking over the document, it had come to him that if the seal of someone acting for the section chief appeared, it should also bear the words "by" or "proxy".

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The SUZUKI whose name appeared on the document was one of his subordinates and a member of the Military Administration Section. The accused recalled that with such drafts when there was a doubt whether it was worth sending on to be adopted as final policy, lower section members would often send it semi-officially to their section chief, and after studying it if he decided it was worthwhile adopting, it would be sent through official channels in its final form. * He could see no indication that this document was ever adopted by the War Ministry later.

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He would not say that Kwantung Army Chief of Staff MIYAKE would send to the War Ministry an untrue document, but since he had no remembrance of ever having seen the document, he could not admit its truth. After * looking through the document, he stated that the Kwantung Army might have conducted studies on this matter, but he never knew of it until he saw it here. He didn't recall

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* ever making any study of the document while he was a bureau chief. However, on looking at it, he saw on the margin in red pencil the words "good" or "true" and other criticisms, and therefore it was easy to infer that after reaching the Ministry the document was looked into by

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someone and commented on. * He did believe that the document was accurately drawn up by the Kwantung Army and sent on.

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* Exhibit 3377, an excerpt from exhibit 3028-G, being a letter dated 5 December, 1931, from Chief of Staff MIYAKE to Vice-Minister SUGIYAMA re matters concerning the delivery of documents pertaining to plans for the temporary system now being carried out in the policy toward Manchuria and Mongolia, stated that in the present situation active guidance by a powerful, clear-cut, autocratic organ was necessary. If a huge but weak organ was established, it would aggravate the situation, and not only be unwise but might be destroyed. Furthermore, the secret would leak out, * and it would be unsuitable for establishing rights and interests or for establishing a regime through inner guidance.

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The Chinese regimes were dependent solely on the Japanese military, and were already in the midst of various constructions. If a new organ was established separately, there was fear that orders from two sources would overlap and the construction project be destroyed. Particularly, the feeling of confidence was weak toward organs with tendencies leaning toward political parties and factions, or which became corrupt easily in movements to guard rights and interests or which wantonly make speculations in international relations. These organs would be unsuitable to the construction project which must be progressed while displaying power to the Chinese.

32341

The council system of the various organs actually would not be able to bring about the solution to Manchuria and Mongolia affairs. It would be most logical for the * army to newly establish a governing section in the present organ, and for the organs in Manchuria to give it lateral support. If a new government was established, its guidance would be carried out by an advisory body. It was believed advantageous for headquarters and others to merge with the government general described in a separate book.

32342

The accused stated that General TADA was an adviser to the Military Government Department of Manchukuo while he was Kwantung Army Chief of Staff. TADA was not Chief of the Counselling Section of the Army, for the word "attached" meant he was on duty with the army and did not necessarily mean he had no position in general headquarters. * His status was of an officer attached to staff headquarters, and he was under the Kwantung Army Commander's jurisdiction.

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* The accused had no connection with the work TADA was doing in Manchuria.

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The procedure in submitting his reports was that he submitted them directly to the army commander, although as Chief of Staff KOISO was aware of them. Asked if he knew that TADA was principally engaged in guiding the military government in Manchukuo, he replied that as a counsellor of the Military Government Section, he responded to inquiries of the Military Government Minister of Manchukuo. The Section did not occupy itself with such duties, but its main functions were the organization and training of troops.

32344

TADA was not connected with matters involving the coordination of personnel, finance, and munitions. * TADA was the Chief Adviser of the Military Government Section, and had quite a few subordinates, and the group composed the Advisory Section to the Military Government Section. The subordinates were called advisers, and worked in the section of Manchukuo. The section was not in reality a great network for performing its functions throughout the country. He denied that the system of advisers actually placed the Manchukuoan Army under the direct control of the Japanese.

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* In explanation, he stated that his appointment as Chief of Staff came barely half a year after Manchukuo's independence, and its national army was composed of remnants of the old military cliques. TADA gained the approval of the Minister of Military Government and the consent of the Kwantung Army Commander to the limitation of the functions of the national army to preservation of peace and order, and it was also discussed that the total number of the army should be around 60,000. That was why at the time the national army was not organized and no schools existed. Not until he left Manchukuo in 1934 did he hear that schools had been established. It was impossible for TADA and the advisers to engage in any functions other than these.

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* The functions described by the prosecutor really belong to the advisers to the Kwantung Army Commander, and whatever TADA might say, he could not and did not engage in such functions. No advisers were sent to the national army. They were Kwantung Army officers, and with TADA as their chief were assigned to the advisory section. The

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* section did not play a very important role in the re-establishment of law and order in Jehol. It was not true

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* that the section was used to control the life pulse of the Manchukuoan Army, and it was not true that the advisers and instructors of that army became the practical rulers of both the local and central government of Manchukuo.

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* When shown a document appearing to be a report by TADA to the Kwantung Army Commander dated 4 August 1944, entitled "The Guidance of the Military Government of Manchukuo", he was asked if he knew whether the contents were correct. He stated the document was presented by TADA after he had left his post, and it was the first time he had seen it. * However, he could state it was a report by TADA to Kwantung Army Commander HISHIKARI. Regarding the question a short while before concerning personnel and finance, he took the question to apply to matters of personnel and finance pertaining to Manchukuo as a whole, and that is why he answered as he did, but on looking through this document he found that since TADA was an adviser to the Military Government Department, it was but natural that he was concerned with matters of personnel, intendance, legal affairs, and medicine, so far as they related to his section. Matters concerning practical control of Manchukuo were mentioned in TADA's report as future plans, but he felt quite sure that his view of the state of affairs was mistaken.

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* Exhibit 3378-A, the document identified by the accused, stated that TADA, on leaving his post, submitted to C-in-C HISHIKARI a report on conditions * connected with the guidance of the military government of Manchukuo. The annexed booklet was to be handed to his successor. The first chapter of the document was "The Outline of the Guidance of the Military Government from the Time of the Founding of the Empire" and Article One was "Grasp by Force and the Central Control".

32358

At the beginning of the founding of the Manchukuo Empire, troops gradually reverted to the new state forced into submission by the Imperial Army, and were organized into province garrisons, but still assumed the aspect of rival war lords, and the controlling power of the military * government failed to penetrate into them. To make them loyal to the new state and put them under the practical control of the army, either in war or peace, it was necessary to control them first under the government's rule.

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In that period they established the policy of gradual organization and drew up "The Essential for Organization of the Manchukuo Army". As the first provisional measure, it was necessary to strive for grasping control of them by force, as well as putting the soldiers' minds at rest, so they sent advisers and instructors, few in number, to key points to assume the responsibility of gripping the Manchukuo Army with the influence of the Imperial Army for a backing.

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32360 At the same time, perceiving they must include in their grasp money, people, and munitions to control the life pulse of the Manchukuoan Army and put them under direct control, they first exercised general control over accounting, * personnel affairs, and munitions, and later strove for the gradual centralization of these matters.

To grasp control of the Manchukuoan Army, it was essential to form systematic networks and cellularize their veins and branches, and meetings of the advisers and instructors were held, who were scattered and hard to control at first. They strove to make them the pivot of control of the Manchukuo Army by impregnating them with a guiding spirit and gradually employing Japanese personnel, making them the veins and branches of the networks. They tried to establish a horizontal network with connections in all directions. After that they demanded an increased stationing of advisers in actual service, only to be refused, and were obliged to use reserve officers.

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* They were fortunate to have the number of officers in actual service doubled in April 1933, and to some extent succeeded in making the networks covering the whole of Manchukuo a desired organic system. They re-named all the officers in actual service advisers, changed their reserve status to that of call-in officers, naming them military instructors, and established a consistent connection even among their subordinates. They firmly established connection among Japanese-Manchukuoan officers in the Manchukuoan forces, government offices, * schools which had contact with the network and were under its control, thus consolidating the networks.

32362

Jehol Province Operations were the greatest worked up and directed by the Advisory Section of the Military Government Department, a force of more than 40,000, with eight million yen spent for them. While * these operations belonged to the past, he would add that these operations carried out by the Manchukuoan Army were presided over by military government advisers and advisers of general headquarters of the former enemy.

Special attention should be accorded to the western boundary (Tolun) operations carried out after the Jehol operations. As a result of the operations, the eastern Chahar garrison, as one of the pro-Manchukuoan self-defense forces, was now stationed in the vicinity of Tolun, ruling over its neighborhood, and the government office of the governor of the Eastern Chahar Special Autonomous Administrative District was established.

- Page The fact that Le Shou-hsin, commander of the Eastern Chahar Garrison, was concurrently commander of the
- 32363 * garrison of Hsingan Hsishen Province and the Military Government was expected to defray 300,000 yen annually for its expenses were also worthy of attention. With the founding of the state, Ma Chan-shan was appointed Vice-Chief of the Department, and carried on the chief's business in his behalf, organizing the department. At the outset, the Kwantung Army charged itself with his guidance, and Captains KOMATSU and SUMITANI, chiefly concerned themselves in this business.
- 32364 * On April 13, advisers to military administration, provincial guards' headquarters, and military instructors were appointed and placed under TADA's supervision. The
- 32365 * prerogative of Supreme Command was to be controlled by the Emperor, and a form to justify the name of Sovereign State was to be adopted, but the original source to put it in action was under the control of the Kwantung Army C-in-C. The source of Supreme Command was really in his hands.
- 32366 It was not clear at the outset whether the prerogative of Supreme Command of Manchukuo was independent of her state affairs, but on the enforcement of Imperial (Manchukuo) rule, it was clear it should be independent. * Considering that the army had made its elements penetrate deep into the Manchukuoan Army and had been controlling it making them grasp the substance of the Supreme Command, it might be proper to deal with supreme command of the Manchukuoan Army through the original system under the Kwantung Army and not through the Board of General Affairs.
- Even practically, it would be idle to attempt to carry out matters belonging to the supreme command through civilians. As to the possibility of revolt by the Manchurian Army, if they came to a situation uncontrollable by the present advisory system, they should not be able to prevent the performance of duties pertaining to the supreme command by civilians.
- 32367 * There was the opinion that there was a danger because the permanency of Manchurian Army Advisers was uncertain, but the withdrawal of advisers was unimaginable to those considering the permanent rule of Manchukuo. Armed troops could be the destructive as well as the mainstay of supreme command power, and they should not be able to loosen their control of a national army composed of a different race. It was obviously self-contradictory that the advocates were voluntarily thinking of taking steps convenient for revolt while recognizing the possibility of revolt by the Manchurian Army.

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There was the opinion that the dispatch of advisers should not be continued when it had no lawful foundation. However, from the spirit of the protocol and the articles of military agreement, their dispatch should be interpreted as having a lawful foundation. Customs could always be taken for lawful foundations.

32369 * By its independence they should give the Manchukuoan Army a nucleus and enhance the feeling of a national army. As long as the Kwantung Army had the * substance of a supreme command in its power, there was no danger. What they should be most careful about was that if they made a precedent of a non-independent supreme command it would become a source of calamity for the Imperial Army in the future, though all right for the present.

Although there were doubts within the Army as to the advisability of independence, negotiations were made with the authorities concerned according to the above opinion, and it was made independent as a matter of formality.

32369 * Existing advisers were not employed by the Manchukuo Army, nor did their appointment need its sanction, nor was ex post facto approval necessary. They were simply sent to the Manchukuo Army by the Kwantung Army in accordance with a military order. The advisers were Imperial Army organs, and the systematic networks for controlling the Manchukuoan Army were in reality branch organs of the Imperial Army. Though in the Manchukuoan Army advisers were in service on the standpoint that they were all advisers of the Japanese Army and burned with patriotic spirit, it was certain they would never place the Manchukuoan Army in opposition to the Japanese Army.

32370 * Manchukuoan leaders picked out by the advisers took part in the Military Government Department were naturally under the advisers' control, and as they had never been in this kind of service they could not do anything without the advisers' guidance. The Department held perfect control of the advisers. In provinces, Military Intelligence Bureau Chiefs were generally appointed advisers, as past circumstances naturally caused them to come into power. At the front, the Manchukuoan leaders realized they could obtain facilities in connection with the army through the advisers, and this caused them to make friends with them. The advisers' footing was raised as they thought it wise to rely upon them in negotiations with the department.

Page The Manchukuoan leaders began to reveal and rely
32371 upon the advisers after they knew the advisers' ability in
 matters concerning subjugation, * and they realized that a
 word from an adviser to central government authorities would
 concern their position, and this naturally induced them to
 be ruled by the advisers. In short, the advisers were
 practical rulers of both local and central governments.

 The pivot of guidance was practical grasp of the
Manchukuoan Army. For this, it was essential to establish
control attended with real power with strong guiding net-
works, and control soldiers' minds. Measures and facilities
to be established should be based on this.

32372 TADA thought it necessary to consolidate relations
 between the networks themselves and the Japanese-Manchukuoan
 officials related to them. They should pay most attention
 to the establishment of Kempei-tai and the reform of training
 stations, and exert their utmost in matters affecting the
 human nature of the Manchukuoans, such as personnel affairs,
 allowances, etc. As for equipment, they should be satisfied
 by only fulfilling the minimum necessity and aim at immediate
 * maintenance of public peace and order. As for the
 equipment and facilities to be used by the Imperial Army
 in wartime, they should be completely equipped from a
 different point of view.

32373 The accused was asked if not the real reason he
 was relieved as Vice-War Minister and made Kwantung Army
 Chief of Staff was so he could carry out the conquest of
 Jehol. He replied his transfer was carried out on the
 orders of his superiors, and he knew nothing about the
 reasons. When asked if Kwantung Army operations in Jehol
 were not accelerated shortly after his arrival as Chief
 of Staff, he stated that after the signing of the Japan-
 Manchukuo Protocol on 15 September, the Kwantung Army was
 given the responsibility of joint defense and peace and
 * order. The re-establishment of law and order in Jehol
 was necessary, but a more pressing problem was the re-
 establishment of peace and order east of the Taliho River.
 To affect this, they tried to re-establish peace and order
 in Jehol by peaceful means.

 The accused was executive of the Special Service
Department as well as Chief of Staff. DOIHARA had nothing
to do with that organ while he was Chief of Staff. Asked
if the Special Service Organ had charge of opium in
Manchukuo, he replied the Manchukuoan Government had
complete control of opium matters.

Page
32374

* The Kwantung Army had nothing to do with the opium problem while he was Chief of Staff and Executive of the Organ.

32375

* When shown a document, he stated he didn't recall receiving three million yen from Secret Service funds in January, 1933, while he was Chief of Staff. Asked if he recommended to the War Ministry a customs tariff policy for Manchukuo, he stated he recalled receiving a document from the Kwantung Army Chief of Staff while he was Vice-Minister of War, but didn't recall sending out such a document. He didn't recall, after becoming Chief of Staff, making recommendations to effectuate a customs policy favorable to Japan, nor did he recall making a declaration that no country except Japan could participate unconditionally in Japanese-Manchukuoan conventional tariffs.

32376

32377

When shown a document purporting to be a letter from * himself to Vice-War Minister YANAGAWA dated 29 December, 1932, stating recommendations regarding Manchukuoan customs and tariffs, * he acknowledged that his official seal was set on it. Exhibit 3379-A, an excerpt from this document, stated that KOISO was notifying the Vice-Minister regarding a definite plan, as per separate text concerning Manchurian economic control, that had been obtained as a result of army research.

32378

* The separate text stated that the draft of outline of general measures regarding custom duties in Manchukuo, dated 12 December, 1932, at Kwantung Army Headquarters was to decide on a customs policy to make Japan and Manchukuo one economic unit. For the time being, the policy shall be adopted to have Manchukuo customs based on the statutory tariff in principle, but toward Japan tariff on certain articles shall be decided by agreement. Manchukuo shall be persuaded to keep from making any tariff agreement with other powers, and she shall not unconditionally allow other powers to share in the tariff between her and Japan.

32379

The statutory tariff of Manchukuo shall be decided for the time being through revision, and later the general tariff shall be entirely altered. In revising the tariff, certain articles shall be specified as free, * or those on which duty shall be reduced. To make up for the subsequent decrease of revenue, duties on articles not hindering Japanese-Manchurian trade shall be increased.

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In the revision of the tariff, legitimate consideration shall be taken to prevent third powers, especially China and Russia, from making an economic advance toward Manchukuo. A system shall be considered whereby discrimination may be made between exports and imports of countries friendly to Manchukuo and those unfriendly. Consideration shall be taken to devise a system reducing customs duties at the border of Manchuria and Korea. Special treatment shall be given to the duty of special articles necessary for common defense.

32380

* Rights already acquired in accordance with treaties or agreements shall be independent from the statutory and stipulated tariffs. Regarding the abolition of the Manchurian Customs and Tariff Law, close connection between Japanese and Manchurian authorities shall be maintained. The customs system in Kwantung Province shall remain in general as at present.

The accused stated he didn't recall on January 24, 1934, while Kwantung Army Chief of Staff, making any recommendation to the Vice-Minister as to any changes in the proposed Manchukuoan constitution which was then under consideration. Asked if he recalled recommending power be divided between a premier and several department heads so that control by the Kwantung Army could be effectually carried out, he recalled expressing an opinion that the position of the premier should be stronger than that in Japan. In Japan the premier was a state minister and equal with the others.

32381

* He felt that in Manchukuo the premier should be given a stronger position to control and lead his cabinet.

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32382

* After examining what appeared to be a letter dated 24 January 1934, containing certain recommendations by the Chiefs of Staff, Kwantung Army, to the Vice War Minister, the accused was asked whether it was a document prepared and sent by him or at his direction. He stated that he thought he must have sent a telegram of that nature.

32383

Exhibit 3380-A, the document so identified by the accused, stated that as to the responsibility for assistance of department chiefs, it was helpful in intensifying the principle of making the General Affairs Board the axis, to have only the Premier assist. However, the selection of the Premier would not always cater to the Army Commander's opinion and a stubborn man might sometimes be selected. There would be a danger of delay of political affairs owing to the attitude of the Premier alone. In such cases, if the Department Chief was responsible for assistance, the Army Commander could carry through his opinion * by controlling one man or the other. Therefore, it was appropriate to divide part of the responsibility for assistance among the Department Chiefs.

32384

32385

KOISO begged the Vice Minister to give consideration so that these opinions might meet with his approval and to reply by the 25th. Asked if he secured approval for his suggestions, he stated that on glancing through the telegram he felt that what was stated there was somewhat different from the thought expressed in his previous answer. He felt there might have been discussion on this point within the Headquarters and there might have been disagreement, but his recollection was not too clear. The telegram showed * it was sent from the Kwantung Army in reply to an inquiry from Central Headquarters. He did not believe the final orders of the Central authorities embodied completely the suggestions in the telegram. Asked if with reference to his suggestion that there be divided control between the Premier and the other department heads in the Manchukuo Government, if the suggestion was complied with, he replied it was not accepted by central authorities in his recollection.

32386

* When handed a document, the accused was asked if it refreshed his memory so that he could now say he did receive 3 million yen on 25 Jan. 1933 from the War Ministry. He stated he had no clear recollection. * It was not a Kwantung Army document but a War Ministry document and was received by the Kwantung Army from the Vice Minister.

32389

32390

* Exhibit 3381-A, the document identified by the accused, relating to the granting of Manchurian Incident Expenditure Secret Service Funds, and being a draft of Notification to the Chief of the Finance Section of the Intendance Bureau, ordered the disbursement

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KOISO - Cross

Page of 3 million yen as Secret Service funds and ordered delivery to
KOISO. KOISO was notified by the Vice Minister that 3 million
yen was being granted for his Army's needs as Secret Service funds.
The accused was asked if the Harbin Special Service Agency was under
him when he was Kwantung Army Chief of Staff and concurrently Special
Service Chief, and he replied it was under the command of the Kwantung
32391 Army Commander. * Asked who the persons were who worked at that time
with the Special Service Agency in Harbin, he replied that they often
changed but the one he remembered best was KOMATSUBARA. During his
tenure the organs were mainly concerned with maintaining peace and
order. The organ was not assigned to work out plans of political
measures for preparing war against the USSR. Asked if it had duties
to work out measures to be carried out outside Manchukuo - for
32392 instance the Soviet prior to the war with the USSR, he replied *
that the organs had no duties to draft plans but its main functions
were the assembling of information.

He did not remember if in January 1934 the Special Service
Agency in Harbin drew up a document entitled "Outline of Political
Measures for the Preparation for a War Against the Soviet Union",
stamped "Military Secret." Asked if it was not true that after
military action in the North China Provinces had been completed, he
was relieved from further service in Manchukuo, he replied that by
military operations in North China was meant operations carried on
as an extension of the Jehol pacification campaign and those carried
on before the Tangku Truce. He was transferred one year after that
agreement.

32393 * He had stated in his affidavit that after being relieved
as Chief of Staff, he became Commander of the Korean Army. There
was a sector of land constituting a frontier between Korea and Soviet
32394 Union at that time. * This line was in the vicinity of the Lake
Khassan area and the 19th Infantry Division was a unit under his com-
mand. Also the 20th Division. He thought the total strength of the
19th and 20th Divisions, which had no supply units, was around 20,000.
32395 * They had no rear units but there was a heavy artillery unit known
as a fortress unit. A unit belonging to the 19th Division was sta-
tioned near the Soviet border. When KOISO first arrived as Korean
Army Commander, there were various units along the Tumen River, total-
ling about 2 battalions. After reorganization, units in Chinghuangtao
in Manchukuo also came under the command of the Korean Army. These
units numbered about 2 battalions.

32396 * He believed about the 13th or 14th of July a small force of
the 19th Division was sent to strengthen the Heiko garrison on the
opposite bank of Lake Khassan. Until his resignation as Korean Army
Commander, no additional troops were moving into the Lake Khassan
region. The area along the border line south up to the border line "T"

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Page fell within the Kwantung Army's garrison area and even before the outbreak of the Incident, scouts had been entering the area frequently.

32398 The witness was reminded of the testimony of TANAKA, Ryukichi, that orders concerning the concentration of the 19th Division field units in the Lake Khassan vicinity were given on 11 July 1938 * and that these units had arrived at the border by July 12. The accused stated that this was contrary to the facts. On 6 July 32399 3 Soviet Cavalry men appeared on the crest of Changkufeng * and on 11 July several more Soviet troops appeared there and reports from the front indicated they were engaged in construction work. No reports from the front reached them on July 12. On July 13 the number of Soviet troops on the summit of Changkufeng reached 40 and there were reports of continuing construction work. The accused instructed the 19th Division Commander, who was guarding the spot, to take all precautions but that was all the accused did.

On the 14th the 19th Division Commander requested the accused that since he would be placed in a difficult position if Soviet troops entered Manchukuoan territory, he wished to concentrate his troops along the banks of the Tumen River. At the time the China Incident was in progress and Korea was the only rear line of communications, and the outbreak of an Incident on the Soviet-Manchukuoan or Japanese-Soviet border would be a grave threat.

32400 KOISO was in a position where he would have to be very anxious as to the effect of a concentration along the river banks * and he sent an inquiry to Central Army authorities in Tokyo. The reply arrived in Seoul on July 16, the day after KOISO was transferred from his command, and instructions were handed to his successor and he did not know what further orders or actions were taken. He never issued the order to the 19th Division cancelling its orders concerning the concentration of troops in the Lake Khassan vicinity and there was no such order to cancel.

Asked if he had a memorandum of dates and events or if he was testifying from memory, he replied he was testifying from memory. He did not recall HIRANUMA's policies while he was Overseas Minister in that Cabinet.

32401 * Asked if he did not know that HIRANUMA had determined to strengthen the Anti-Comintern Pact to secure closer cooperation between Japan, Germany and Italy, he replied he did hear vaguely that the problem of relations between the three countries was being discussed and studied in the Five-Ministers' Conference. While he was a member of the Cabinet he did not know of the HIRANUMA Declaration of about 4 May 1939. Asked if he meant to say that he did not know that HIRANUMA had stated that Japan was firmly resolved to stand at

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Page the side of Germany and Italy, he replied he supposed the matter was studied in the Five Ministers' Conference but Cabinet members were not told of that.

32402 * He did not know at the time that HIRANUMA praised Hitler's wisdom and iron will and sent Hitler a message that he greatly admired the noble task of reconstruction on which he was engaged. Several days after, however, he did hear this from HARADA. Asked if he wanted the Tribunal to believe that he kept such an important matter secret from the Cabinet, he replied he was telling the honest truth and they really did not hear about it. He knew Baron HARADA in 1939, but in a conversation with HARADA about 24 April 1939, he did not complain to him about lack of unity in the Army and that this was a hindrance to the successful conclusion of the Tri-Partite

32403 Pact. * It was entirely false that he had a conversation with HARADA later in May 1939 concerning the Tri-Partite Alliance in which he expressed the opinion that in order to conclude the China War, such an alliance was necessary because it would alleviate the feelings of the men at the front.

32405 * Asked what motive he thought HARADA might have to make an entry in his diary if such views of his were recorded, he replied

32406 * that he had discovered that several times HARADA had twisted what he said and told lies. He believed he must have fallen into this practice because of his own subjective view that the accused was an advocate of the Tri-Partite Pact. That was why he denied this portion of the HARADA Diary. Since HARADA had spoken ill of the accused in various parts of the Diary, he could hardly think he entertained friendly feelings toward him. He did not know where HARADA got this false idea of what he had said. On one occasion the accused asked HARADA what Prince SAIONJI thought of the Tri-Partite Alliance, and HARADA replied that SAIONJI was not a man who easily voiced his own opinion. Later, on reading the diary, KOISO found that he was represented to have asked him what the Lord Keeper thought of the Tri-Partite Alliance. From this, the accused judged that HARADA often wrote contrary to actual conversation.

32408 * Asked if he did not visit the Navy Minister in early May 1939, in connection with a possible overthrow of the Cabinet due to Navy opposition to rightists and their German-Italian attitude, he replied he may have asked such a question but didn't recall the details. He may have visited the Navy Minister in early 1939 but he had never conversed with the Navy Minister in connection with the possible overthrow of the Cabinet due to Navy opposition to the rightists in their German-Italian attitude.

In early May he received a request from the War Vice Minister for his services and as he did not know what was going on

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KOISO - Cross

Page in regard to the proposed Tri-Partite Pact, he might have visited the Navy Minister on this question, but his recollection was that it was the Foreign Minister. * Since he had to reply to the Vice Minister, he wanted to ask in what way their thoughts regarding the Alliance were changing. It was not true that the main reason he went to the Navy Minister was to try to convince him to get Navy support for the Alliance.

32409

Reference was made to the Affidavit where it was stated that while he was Overseas Minister in 1940, Ambassador Ott told him that a German-Japanese Alliance would benefit Japan in the Southwest Pacific's economic development. When asked what he replied to Ott's suggestion, he stated he didn't say whether he was for or against it. Asked what would have been the reason that Japan required an ally such as Germany, if Japan was only seeking fair trade in the South Pacific, he replied he had never advocated that Japan must have Germany as an ally.

32410

* Asked if it was not true that it was intended by Japan that she would get what she needed out of the South Pacific by force if necessary, and if that was not the reason for a discussion of an alliance with Germany, he replied he didn't believe a single important government leader at the time had such thoughts. Asked what he told Ott after he gave the accused his strong sales talk on the advantage of a German alliance, he replied on that occasion he expressed neither approval nor disapproval.

The accused was reminded of testimony to the effect that after the interview, OTT notified Germany that KOISO asked him what Germany's views would be if Japan made military advances in the South Pacific. The accused was asked if he thought OTT just imagined that he said this, and replied that OTT's report was written in such language as to indicate that the accused had said what actually OTT had been telling him.

32412

* At the time he knew that the Foreign Office was announcing its view that the status quo of NEI would be preserved. Asked if it was not true that economic demands made on NEI, if accepted, would have disturbed the status quo and seriously interfered with the sovereignty of NEI, he replied he had no knowledge of what demands were made on NEI during the YONAI Cabinet. Asked if he as Overseas Minister learned of the decisions of the 12th and 16th of July 1940 of the Army, Navy and Foreign Office authorities under which Japan was to dominate the southern areas, he replied he knew nothing about this and doubted if these things actually occurred.

32414

* There were Anti-British demonstrations in Japan around July 1939 and he knew one occurred in Tokyo, but didn't know what

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Page demonstrations occurred elsewhere in the country. Asked if he attended a dinner party on 12 July 1939 given for MATSUOKA by IKEDA, at which General MATSUI and Admiral NOMURA were present, he replied there may have been such a banquet but he didn't recall for sure. He didn't remember a dinner party about that time at which Anti-British demonstrations was one of the topics discussed.

32415 Asked if he recalled discussing with KIDO in early July * 1939 the Anti-British propoganda and speeches made in Anti-British demonstrations, he replied he recalled he met KIDO on his way to a Privy Council Meeting. As KIDO was Home Minister then, he suggested to him that measures be taken to stop the demonstration in the city and pave the way for peaceful negotiations. KIDO then was not head of the Kempei and he didn't remember who was. KIDO did not think that it could have occurred that the Kempei was leading these demonstrations. It was utterly impossible that the Army was financing them. He had no recollection while he was Overseas Minister in the HIRANUMA Cabinet of sending the Kempei to China and Manchuria disguised as laborers * because the Overseas Minister was in no position to do such a thing. He had no recollection of making a speech to the Diet Committee on the destiny of Japan while he was Overseas Minister on 17 February 1940. Asked if he recalled that in the course of the speech to the Diet Budget Committee on that date, he said that Japan had a destiny to advance in all directions, he stated he did recall now.

32417 * Asked if he did not also express the view that the religious beliefs of the Buddhists, Confucianists and Christians in China would have to conform to Japan's spirit and culture, he explained that among the Japanese, there were many who advocated advance in various directions and questions based on these views were often voiced in the Diet. If the transcript of the Diet proceedings were looked at, it would be found that he replied that Japan could advance in any direction peacefully. Asked if he did not urge that the Japanese spirit and culture should be spread throughout the world, he replied he had always held the view that Japan's traditional culture embraced all ideologies and * and was able to merge with them all and he was of the belief that he made replies based on such views. Asked how he expected to convert those unwilling to be converted, he replied that if they advanced with an all-embracing capacity, he could hardly think that any opposition could arise. Asked if he would not overcome the opposition by force if it existed, he replied that the main purpose of force is defense and if force is used to quell opposition, he thought it was proof that any person using it was without culture.

32419 * When shown a document, the accused was asked whether it was a speech he gave before the Diet Budget Committee on 17 Feb.

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Page 1940, he answered it was a reply made by him.

32422

* Exhibit 3382, the document so identified by the accused, showed that KOISO stated that in SHINOHARA's speech, which had just been heard, he presented the problem as to whether they should advance northward or southward. What KOISO was going to say might be said to be somewhat a departure from reality or he might be told not to speak so fanatically. However, he did not make this departure. As the original policy of Japan they had been handed down from generation to generation, the mission handed down to the Emperors by the Goddess Amatera, of making the universe the Emperor's capitol. * This meant world wide expansion with the magnificent spirit and culture of Japan. Emperor MEIJI's statement that he had given all subjects freedom from care and he would finally cross the seas and spread national glory throughout the world, and KOISO believed this sentence placed its underlying note on this belief. This meant that in national policy, advancement in any one direction was not considered in their advance to the north, south, east or west. Japan's destiny was to advance in all four directions. The question as to which direction should be emphasized was the problem of this generation. KOISO said he might be somewhat dogmatic, but the Japanese race was surely divine. The YAMATO race, which had controlled and unified several races, had the quality * to advance in any direction and grasp and assimilate any culture, and could endure the hot or cold zone. Because they possessed Indonesian blood, they had the capacity to progress southward. It was the natural tendency to advance toward the north because of the main feature of their racial composition. However, a nation cannot stand without defense, and history proved if they were to obtain quickly economic rights and interests, it would be more convenient to do so by sea rather than by land.

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They must proceed toward economic development in the south where resources were thought abundant. * At present they should follow the increased tendency toward the continent and the north with more than ample economic development and also extend economic rights and interests toward the south. The necessary movement of the race was indispensable and they should not emphasize any one direction.

32426

Asked if there were not economic negotiations pending with NEI when he made this speech, he replied he was in the Overseas Ministry but never heard of any such problem. Asked if he meant to say that he didn't know that Japan was making strenuous efforts then to secure oil, tin, etc. through negotiations with NEI, * he replied that maybe negotiators had been sent from the Foreign Ministry to NEI, but he knew very little about them. He did not recall if he found out about them shortly after.

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32427 * He did know that he had been tentatively selected as an envoy to conduct the final negotiations considered to be the ultimatum to NEI in August 1940, a few months after the speech. Asked if he did not say then that he would go, provided he was sent, on a battleship, and in case of emergency would have the right to fire and destroy them, he replied this was utterly fantastic. The question of a battleship firing was something that was the prerogative of the Supreme Command. How could he on his own authority order a battleship to fire?

32428 * Asked if the real intention of Japan in engaging in war against the U.S. was not her desire to expel Anglo-American influence from China and the Asiatic-Pacific regions, and to reconstruct a Greater East Asia, he replied that he was of the opinion that Japan should not fight against America and Britain and had no recollection of ever voicing such opinions.

(Reference was made to Exhibit 277, T. 3704) The accused stated he was a member of the Committee for the Establishment of Greater East Asia in April 1942. He had never heard that Japan's intention was to close the door of the Asiatic countries to others except on her own terms. In connection with the speech he made on 7 Sept. 1944, promising future independence to NEI, he was not familiar with the Osamu Army Corps Chief-of-Staff's announcement the same month that there had been no great alterations in the operation and business structure of the military government.

32429 * Asked if he, as Premier, knew of the decision of the Supreme War Leadership Council on 1 Feb. 1945 to place all military and armed police forces of FIC under the joint command of the Japanese Army, subject to army orders, on matters of organization, allotment and movement, he replied he knew of the matters decided 1 Feb. 1945. The main purpose of the decision was to place the armed forces and armed police in FIC under the Japanese forces. There was also a plan to place communications and transportation under Japanese control but this was an auxiliary decision.

He remembered he received through the Greater East Asia Minister a six-hour ultimatum to the Governor General of FIC to bring about the surrender of those agencies such as communications and military forces. Asked if he had any authority to stop such high-handed procedure, he replied he didn't think the order included any such wording as "to take high-handed measures." He believed it had words to the effect that the understanding of the Governor General of FIC should be obtained. Asked if he thought 6 hours a

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Page reasonable time within which the Governor General could determine whether he was to capitulate or seek his own protection against the Japanese who had been permitted to come in as friends, he replied that since that depended on the circumstances in that area, the decision of the Supreme War Guidance Council did not set a specific time limit of 6 hours. He did not know if in the winter of 1944, while he was Premier, the Japanese Army thrust into the interior provinces of Kwangsi and Kweichow within immediate reach of China's wartime capital, Chungking.

32431

* Reference was made to the Affidavit which referred to his opposition to the March 31 Incident, tried to prevent the Manchurian Incident, opposed the China Adventure, the Tri-Partite Pact, and the war against the U.S., and he tried to settle the China War as Premier, and in all these matters was frustrated.

Asked why he accepted one important government position after another, becoming a protagonist of the matters he so strenuously objected to, he replied that the way of the way of the Japanese was that no matter what their personal opinions were, once a state policy had been decided, it was their duty to bend all efforts for its prosecution.

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32433

* The accused was reminded of previous prosecution questions regarding a conversation with KIDO to the effect that he was supposed to have told KIDO that he was in favor of a HIRANUMA Cabinet in April or May, 1932. * The accused stated he had no recollection of ever saying this directly to KIDO. The accused was reminded that the prosecution in that occasion also referred to a diary entry of KIDO to Col. SUZUKI telling him that KOISO seems to be in favor of a HIRANUMA Cabinet. The accused stated he had no recollection of such a conversation with SUZUKI or someone who might have told him that, but he could not say absolutely he did not say such a thing. In his previous testimony he had stated that the diary entry for August 7, 1931, exhibit 179-F, was completely without foundation.

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* Asked if he meant by this that the contents did not properly portray what HARADA told KIDO, or if he meant the information HARADA transferred to KIDO was inaccurate, he replied that exhibit 179-F said that KIOSO, NINOMIYA and TATEKAWA held a meeting, and using HASHIMOTO, Shigeto, as a tool and inviting the services of OKAWA, were planning to utilize the Social Masses Party to carry out a political change. He did not know the source of this, but denied the facts. He could not deny the fact, however, of this having come from HARADA to KIDO.

CROSS-EXAMINATION BY MR. TAKAYANAGI,
Counsel for SUZUKI.

32438

* Asked if when he was Chief of the Military Affairs Bureau there was another by the name of SUZUKI besides the defendant in the Military Administration Section of the Bureau, he replied that after his previous testimony on this point, he discovered that there was another SUZUKI.

32439

With regard to the stamp or seal on exhibit 3377, the accused was asked if it was not unclear whether the seal was the defendant SUZUKI's or not. He replied that yesterday he said the seal was that of the accused, but this was a careless and hasty remark. In the Military Administration Section, the accused SUZUKI was in charge of Manchurian problems, but questions of military organization were in * the hands of SUZUKI, Sosaku, and he thought therefore that the seal must have been the latter's.

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Page CROSS-EXAMINATION BY MR. FURNESS,
Counsel for SHIGEMITSU.

The accused stated that he became Commander of the Korean Army on 2 December, 1935. Regarding his testimony that the total strength of the Korean Army at the time he took command was about 20,000, he was asked if the strength increased prior to the Changkufeng Incident. He replied that about one year prior to the outbreak of the Incident, strength very greatly decreased. With the outbreak of the China Incident the 20th Division was brought under the command of the China Garrison Forces, and the unit in Korea became a unit in absentia. He thought the decrease was by some 5-6,000.

32440 * After the reduction, a reorganization of border guards was carried out, and he thought there was an increase after that decrease of from 5-600. Two battalions were eliminated and three new ones were created, so there was a net increase of one. This may have been done in 1936 or 1937.

Regarding his testimony that on July 3 Soviet cavalrymen were seen on the crest of Changkufeng hill, that they were increased on the 11th, and by the 13th 40 were observed, he was asked if any Soviet troops were reported in the area prior to July, 1938, and he replied that prior to that there had never been any stationary Soviet troops in that vicinity.

32441 Regarding his testimony that he received reports that Soviet troops were engaged in construction work on the 11th and 13th of July, 1938, he was asked what sort of construction was reported * and he replied that in his recollection it was that they were digging trenches on the western slope of Changkufeng hill in Manchurian territory.

32442 Asked if concerning the actions toward FIC, he as premier was aware that DeGaulle, the Head of the French Provisional Government, which had been recognized by the Allies, had announced over Radio France on 29 August, 1944, that France had been at war with Japan since 8 December, 1941, he replied that he didn't know anything about the broadcast. Asked if he had been advised as Premier that * the Provisional Government of France had declared that France was at war, he stated that at the Supreme Council for the Direction of War, Foreign Minister SHIGEMITSU explained that while the DeGaulle regime was still in Africa it had declared war against Japan, and after its return to France the situation had not changed.

Page REDIRECT EXAMINATION BY MR. BROOKS.

32443 * While he was in the War Ministry as Chief of the Military Affairs Bureau or as Vice-Minister, he had never seen the Ministry's so-called secret diaries, as compiled. Asked if there was any sign or seal on the documents filed in the secret diaries to show whether he or his superiors ever had a look at them, he replied that distinctions could be made on any document, and it could be noticed whether there were any notations or markings

32444 * indicating whether a particular person had seen it or not, such as a seal or signature. This was routine procedure for documents examined by any War Ministry member.

Asked if there were not documents filed in the secret diaries which were not brought to the notice of himself or his superiors, he replied that two documents he had seen during his cross-examination did not indicate that he nor the Vice or War Minister had seen them if there was no signature nor seal on them showing they had been submitted after examination.

32445 Asked if he knew any reason why such documents were not shown to him, he replied that there are various reasons, but in most cases if any matter is not adopted in * lower levels and the matter was abandoned there, it was finished after an oral report, and was not submitted to higher levels.

When shown exhibit 3376, the accused was asked if he found in it a sentence that "The basis of determination on the number of MP force in Manchuria on the peace time footing will be as follows".

32448 * Exhibit 3383, an excerpt from 3038-B, a study on the Organization of the MP Force in Manchuria, being the document referred to, stated that the basis of determining the number of the MP force in Manchuria on the peace time footing would be as follows: To satisfy the wartime requirement of men; cause no hindrance to the peacetime business of MP; maintain harmony between the peacetime and wartime organization. For this purpose, they had prepared a plan of organization. Headquarters of the MP in Manchuria. In the Kwantung were named, and included about 200 men.

32449 The Mukden units' 5 headquarters included about 300 men, the Chanchun units' 4 headquarters included 400 men, and the Independent Battalion at Mukden consisted of about 400 men.

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As to the Independent MP Battalion, the men would be first enlisted in other branch services for about six months and then join in the MP service for about a year. A bilateral system of conscription and volunteering would be adopted. After a year and a half of enlistment a number would be posted as corporals in the section. The battalion would thus become an educational organ of the MP. Units other than the Independent Battalion would be active service organs.

32450

According to the plan of organization, they should be able to command active MPs of about 400 men and educated MPs of about 400 men, the total supplying 1100 annually. * The number released annually from each unit would be recruited from the Independent Battalion, while the latter would release those not sent to each unit as recruits, thereby acquiring 400 on reserve annually. After about ten years about 4700 would be supplied. The 11th year about 5,000 would be secured. Supposing that the men released from the Independent Battalion got the same number of service years as ordinary conscripts, they could supply 7,000 at all times for 14 or 15 years. Considering the rate of decrease as 15% ann. the addition of NCOs after the maturity of the second reserve service, the total would not exceed 6,000.

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Thus, ten or more years were required to supply 5,000 MPs, and in order to supplement the force until then they must fill the number of 1,000 active service MPs by amending the organization and adopt a system of temporary transfer. For such purpose and in case of need, temporary * regulations should be issued to cover the deficiency. In this they arrived at a plan of organization in peacetime by discussing the number of men required in wartime. Many aspects of the present condition of MPs may not meet future demands, and they must make further study and prepare a satisfactory solution for harmony between the peacetime and wartime organizations

32452

The accused was asked if he had any further explanations of these documents, and he stated that as the seal on the document indicated, he did not see it at the time, but recalled that Chief of the Military Affairs Section ANDO gave an oral report on the plan's outline. * ANDO reported that MP Commander MINE had submitted his personal views to bring about an expansion of the Kempeitai. This was MINE's own idea and a highly fantastic one, ANDO said. Such being the case, ANDO said he would not submit the matter to the Chief of the Military Affairs Bureau. This draft was not carried into action, and was completely shelved and abandoned.

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32453

* The accused was shown exhibit 3377, and stated that it appeared to be from the Kwantung Army Chief of Staff MIYAKE to Vice-Minister SUGIYAMA, and the certificate stated it referred to matters of sending documents in regard to the draft plan for the transitory organization in regard to policy toward Manchuria and Mongolia. The date of its receipt was December 9, 1931. The accused stated this was just one day prior to the resignation of the WAKATSUKI Cabinet, and War Minister MINAMI resigned on 10 December.

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* This document was certainly prepared by the Kwantung Army, but there was no indication that the War Minister, Vice-Minister, or Chief of the Military Affairs Bureau saw it. As far as the War Ministry authorities were concerned, no directives putting the drafting into action were issued, but he did not know whether the Kwantung Army took the steps set forth in the plan.

32456

When shown exhibit 3378-A, the accused was asked what control, if any, he could point out of civil administration, as set out in the document. He replied that the document pertained to a military administration department which was identical with what was in Japan, the Ministries of War and Navy. Therefore, such an agency was not permitted to engage in civil administration, and it was natural that nothing pertaining to it should be included.

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* When shown exhibit 3379-A, a draft of an outline of general measures regarding customs duties in Manchukuo dated 12 December, 1932, the accused was asked

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* if it represented his opinion or was sent as part of his administrative duties. He stated it was the opinion of a financial and economic adviser attached to Kwantung Army Headquarters named SUZUKI, Roku, and submitted to the Kwantung Army Commander. The plan adopted by the latter and sent in KOISO's name to central army authorities.

Asked if there had been any previous study by central authorities on the matter and if they requested the observations of the Kwantung Army, he replied that with regard to the customs question of Manchukuo, nothing had been decided by the central authorities when the accused became Kwantung Army Chief of Staff in August 1932. The reason was that relations with Third Powers were very delicate. He didn't recall any requests made by the authorities in connection with this after he came to the Kwantung Army.

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 32460

* Regarding the words in the document "No in study", he explained that the Third Power relations in connection with customs was delicate, and if the Kwantung Army Commander accepted opinions submitted by the adviser and formulated a plan of this sort, even then there was considerable room for study because the plan may not be put into immediate practice. He didn't recall whether the plan was ever put in practice.

32461

* When shown exhibit 3381-A, he stated that this document was in the form of a reply to an inquiry made by central authorities of the Kwantung Army in connection with laws and regulations and was supposed to be made by the Kwantung Army Commander, and was sent in the name of the Chief of Staff, as was customary procedure. It was also customary procedure to send a communication direct from the commanding general, depending upon its importance.

32462

* Exhibit 3381 was handed to the accused, and he stated it related to funds for the use of the army. Asked if they were handled in the same manner as he had testified in relation to other funds sent on another occasion, he replied that such procedures were taken by central authorities when funds of this kind were sent to the Kwantung Army. The funds were used for the same

32463

* purposes and under the same procedure as described in the affidavit.

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* The accused was handed exhibit 3382. Concerning it, there was no consideration in drafting it for economic development between the nations alone. The meaning was primarily peaceful development, and the population problem was secondary. Economic development was related to the

32465

* population question, for Japan could not by the produce of her own land maintain self-sufficiency. The principal method for Japan to survive was to import raw materials, process them and increase their manufacturing capacity, and by exporting them to procure necessities by trade. At that time she could import such materials without restrictions.

32466

Asked if there were any countries at the time with which she could not do business, he replied that at the time of the HIRANUMA Cabinet he recalled that restrictions were placed on trade by the U. S. Among the raw materials of which there was a severe shortage and which were required for defense was oil, which was not for * military purposes alone. He thought that in the Navy there was a considerable need for oil.

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32467 Asked if at that time there was much discussion among the State Ministers and representatives on how to meet the problem, he replied that the members of Parliament made many demands on the government to bend more efforts to enable Japan to secure necessary raw materials, chiefly petroleum, from the South Pacific, through trade. Asked * if a decision was reached at this time on the problem, he replied that there were no special steps taken by the YONAI Cabinet, but in his recollection consul generals were conducting negotiations with competent foreign authorities.

32468 Reference was made to the affidavit of the accused relating to the Lake Khasan Incident and to the testimony of TANAKA, Ryukichi at T.22751. In that testimony, TANAKA was asked what army commanding general issued the order about the concentration of troops. TANAKA answered * that he did not see any of these documents directly at headquarters, but judging from common military knowledge he would say that the order for concentration was naturally given by Army Commander KOISO, and not NAKAMURA, who succeeded him on 15 July 1938. This was not an order for attack, but to concentrate. This TANAKA was the TANAKA he had referred to in his affidavit.

32469 Asked if he knew whether Ott knew of his opposition in the past to the Tripartite Pact, he stated he did not know whether Ott actually knew that he was opposed, but since Ott had frequent social contact with army officers, he was of the opinion that he might be informed by them of his opposition. Asked if there was any action or statement * by Ott to lead him to think that Ott might be trying to influence his future decisions, he replied that at this interview with Ott he considered that Ott, being an ambassador, would know the real nature of the Ministry of Overseas Affairs. Perhaps Ott addressed questions to him which should have been asked the Foreign Minister, not understanding the true connotation of the name of the Overseas Affairs Ministry.

32470 * According to Ott's telegram it was represented that KOISO invited him, but the fact was the other way around. At the time of the interview with Ott, KOISO entertained doubts as to the purpose of the meeting, but there was a telegram in evidence sent by Ribbentrop to Ott, that various moves should be taken in Japan to build up a political atmosphere and create the desire among the Japanese to enter into an alliance with Germany. It occurred to KOISO that perhaps the telegraphic instructions to Ott included himself as a target to be utilized.

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32471

* Asked if the action taken in relation to FIC was taken after approval from the French authorities under an agreement with the Vichy Government, he replied that the pact of common defense was entered into with FIC, which was represented by De Coux acting under directions of the Vichy Government. When KOISO became premier it appeared that De Coux had entered into DeGaulle's camp, and in connection with the effectuation of the pact for common defense, FIC authorities were showing a non-cooperative attitude. KOISO knew that this was the situation when he became the premier, and in light of the changing military situation the decision of the Supreme Council of February 1 was taken.

32472

Being a composite member of the Supreme Council for the consideration of war, he considered that he would * be one of those responsible for any of its decisions. Asked if he would have no connection or responsibility for security measures taken by the Supreme Command he replied he had no responsibility in connection with high command matters taken to carry out matters on the spot.

32473

Regarding the dummy bombs of the March Incident, he had never heard how large the package was, but he had heard the amount was such it could be carried in one suitcase. * The previous testimony describing the package as one which could be easily carried and containing 300 bombs was true.

There was absolutely no necessity to use an army truck to move the bombs, and they had no power to blow up the Diet building, or cause any destruction of that nature.

32474

Regarding exhibit 179-F, he could not deny the fact that KIDO had heard from HARADA the alleged facts in the exhibit. * He did not know whether it was true or not, but not having any knowledge he could neither affirm nor deny it.

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32484 * Exhibit 3385-A, an excerpt from war ministry gen-
32485 eral affairs regulations was received in evidence but not read,⁺
and showed the duties of the chief of the military affairs
bureau and was offered to show that he did not have control
of the budget, but it was under the control of the chief of
the intendance bureau.

32486 * DIRECT EXAMINATION OF HIYOSHI, Takehiko
By Mr. Brooks

32488 * The witness identified and verified exhibit 3386 as
32489 his affidavit. * The affidavit stated that during the period
August 1933 and August 1935 he was paymaster of the adminis-
trative department of Kwantung Army headquarters, in charge of
the accounts of the army's secret service funds by order of
the vice chief of staff and senior adjutant under the super-
vision of the chief of staff. Therefore, he knew well how
they spent the funds amounting to 1,970,000 yen sent from the
vice minister to the chief of staff of the Kwantung Army on
27 December 1933.

At that time peace and order in Manchuria had not
been completely attained so the Kwantung Army made efforts to
establish it in accordance with the Japan Manchukuo protocol.
32490 The fund was spent for * gathering information, propaganda,
purchasing weapons from Chinese Bandits, and entertaining and
paying wages in the execution of general business. It was ex-
pended by headquarters, the division, the brigade, independent
garrison, Kempeitai, and the special service office, who were
all carrying out their duty of establishing peace and order.

32491 * As to the procedure for application concerning these
expenditures, each section of the staff department applied in
accordance with his own plan for a definite sum, and applica-
tions were assessed by the vice chief and chief, then the ad-
ministrative office informed the sections concerned of the
approved sum. Units receiving their notice, informed of
their apportioned sums, were able to use them on the respon-
sibility of their commanding officer. According to regula-
tions, expenditures were reported to higher units monthly, and
after examining them Kwantung Army headquarters then reported
to the war minister. Reports were made in duplicate and the
originals were kept in custody of the units. As to the

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whereabouts of the originals and duplicates sent to the ministry, he did not know where they were. Disbursement of secret service funds was strictly regulated, and it was impossible to expend it for private purposes or making a profit on it.

32492 * KOISO could not have appropriated any for his own benefit and the funds were not used in any manner in reward for services of army officers.

32493 Exhibit 3386-A, a certificate of nonavailability of the documents referred to in the affidavit was received in evidence. *The witness was handed exhibit 3381-A, which referred to a further sum of 3,000,000 yen paid at a different period. The witness stated that the funds described in exhibit 3381-A were of the same nature as the ones referred to in his affidavit.

There was no cross-examination of the witness.

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IWAKURO - Direct

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Page * DIRECT EXAMINATION OF IWAKURO, Hideo
By Mr. Brooks

32494 The witness identified and verified exhibit 3387 as
32503 his affidavit. *The affidavit stated that he was attached to
a section of the maintenance bureau in March 1928, and in
August 1932 was transferred to the staff of the Kwantung Army.
After two years there he returned and served as a member of
general staff headquarters and was junior secretary in the
Manchurian affairs bureau.

32504 On 1 August 1929 KOISO assumed his office as chief
of the maintenance bureau and the witness served * as his
subordinate then and while KOISO was chief of staff of the
Kwantung Army. As chief of the maintenance bureau from
August 1929 to August 1930 KOISO was greatly distressed about
the army's ill equipment and the munition industry, and re-
peated that it was necessary for Japan to avoid war by all
means. When KOISO was transferred to the bureau of military
affairs as its chief in August 1930, he was confronted with
the dispute with China and the strained situation in connec-
tion with Manchuria.

32505 When the witness was appointed on the staff of the
Kwantung Army on 8 August 1932, when he arrived at head-
quarters in Mukden on 26 August in company with commander
MUTO and chief of staff KCISO. bandits were actively carry-
ing out underhanded disturbance movements. * Night trains
would often be held up and there were attacks on the aerodrome
outside the city late in September. In pursuance to com-
mander MUTO's intention, KOISO as chief of staff directed
his staff to draft policies for cooperation with Manchukuo.

These provided for the restoration of public peace
and order: maintenance of transport and communication; and
development of industry. The association of harmony had been
organized in Manchukuo which, however, lapsed into a polit-
ical body of a one party one state character. Pursuant to
MUTO's instructions, KOISO advised the president of general
affairs in Manchukuo that there was no objection to main-
taining the association as a cultural body, but it would be
inadvisable to encourage its growth as a political party.
The witness understood that MUTO had also refused the body's
request that he become an advisor.

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32506 * When shown exhibit 230 the witness stated he had seen the document before in Manchuria in the fall of 1933. Asked if he received any request from any official government department in Tokyo as to the matter contained in the exhibit, he replied he understood the document originated and formulated in Tokyo and was transmitted to the Kwantung Army * for its opinion. He thought the plan was formulated in general staff headquarters in Tokyo and from there to the war ministry, which forwarded it to the Kwantung army. It could not definitely be known who formulated the plan in Tokyo.

32507 Asked if there was any significance in the fact that the exhibit was dispatched in the name of the chief of staff, he replied the name "KOISO, Kuniaki, Chief of Staff" appearing on the document was only in accordance with regulations governing the handling of documents * and did not mean the name appearing thereon was responsible for its contents. This was customary procedure.

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There was no cross-examination of the witness.

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KITANO - Direct

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Page * DIRECT EXAMINATION OF KITANO, Kenzo
By Mr. Brooks

32511 The witness identified exhibit 3388 and, as corrected, verified it. * The affidavit stated that the witness was chief of staff of the Korean army from early March 1938 to September 1939. The commander of the army at that time was KOISO until 15 July 1938 when he was succeeded by NAKAMURA. The Korean army commander in 1938 had no operational duties but was only charged with defending Korea. He was not invested with any wartime duties. As regards the two divisions in Korea, the command was confined to the defense of Korea and the chief of staff was directly in charge of wartime operations.

32512 At the time of the Changkufeng incident, the only division in Korea was the 19th. * Troops under its command were constantly required to absolutely keep from exciting the Soviet army, since the China incident was in progress. They were warned to be extremely cautious as any dispute with the Soviet would be an obstacle in carrying out the policy of the central authorities towards China.

Inspections or observations were done at the spot of watch-post line or unit headquarters, and were never made close to the frontier line. It was the principle for all troops to do their utmost not to excite the Soviet as an attempt to invade Soviet territory was out of the question and impossible.

32513 The witness remembered that he presented the telegraphic instructions from the central authorities * to the succeeding commander NAKAMURA, who arrived at Seoul on July 17 and asked for necessary instructions. Korean army orders to units of the 19th division relative to the Soviet-Manchurian dispute were given by NAKAMURA, the new commander, and had nothing to do with KOISO.

There was no cross-examination of the witness.

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TOKUGAWA - Direct

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Page * DIRECT EXAMINATION OF TOKUGAWA, Yoshitomo
By Mr. Brooks

32514 The witness identified and verified exhibit 3389 as
32515 his affidavit. * The affidavit stated that the witness was on
the special staff of the overseas ministry from April 1939 to
August 1939, and from January 1940 until the following July.

32516 * Regarding the conversation between KOISO and Amba-
sador Ott, one of the witness's acquaintances at the embassies
and legations was Ott, and he remembered that in the middle of
June Ott requested an appointment to see overseas minister
KOISO. The witness conveyed the request to KOISO but he an-
swered that he was not interested in an interview with Ott,
but if the latter wished to see him he would comply. Their
conversation was very short. Only about thirty minutes.

32517 * The witness was an interpreter between them, and
the ambassador explained his opinion to KOISO that the con-
clusion of the Tripartite Pact would be advantageous to Japan
and that Japan would be able to gain economic advantages in
FIC and NEI as the result of the conclusion of the pact.
KOISO for the most part listened in silence, neither acknowl-
edging nor denying and asked only a few questions.

There was no cross-examination of the witness.

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Page * DIRECT EXAMINATION OF TANAKA, Takeo
 By Mr. Brooks

32518 The witness identified and verified exhibit 3390 as his affidavit.

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32528 *The affidavit stated that the witness, after posts as secretary of the government-general of Korea and director of the police affairs bureau of the government-general, retired from this service in September 1936 and then was appointed
 32529 * overseas vice minister in April 1939, resigning in October 1940. He was appointed the civil governor of Korea in May 1942, resigning in July 1944, then secretary-general to the cabinet.

The witness was acquainted with KOISO since August 1932 and his political connection began in April 1939 when KOISO was appointed overseas minister in the HIRANUMA cabinet. The witness served as vice minister under him.

32530 When KOISO was overseas minister between 1939 and 1940, economic expansion to the south became a subject of much discussion. * The question of determining the attitude toward the Tripartite alliance as well as that of southward expansion were befalling the HIRANUMA government. The government's attitude toward these questions was so serious that every single nation was watching the movements of Japan. The cabinet at that time made it a rule to hold Five Minister's conference: attended by the premier and the war, navy, foreign affairs, and finance ministers besides cabinet meetings to talk over important matters.

32531 The Tripartite alliance was discussed in the conference but the overseas minister was not a member of it and was never consulted about any matter as a member of the cabinet. KOISO's private opinion was that in view of the international situation, foreign policy was not so simple as to be necessarily pro-Italo-German, if not pro-Anglo-American, or essentially * pro-Anglo-American, if not pro-Italo-German. Foreign policy should not be either right or left. Steps should be taken lest they be remorseful for erroneously directing the course of the state by rash actions. KOISO expressed that it was advisable to give up concluding the alliance to avoid producing unfavorable results being vainly

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made use of by Germany. On one occasion he stated this view opposing the foreign alliance privately to the premier and the foreign minister. As regards the southward economic expansion, his opinion that the aimless advocacy of it was liable to make foreign nations mistake their intention for expansion with territorial ambitions, and if so it would be greatly different from their true intention. The necessity of economic expansion must be explained to convince everyone of the necessity for reasonable expansion and dogged advocacy would not do.

32532 * As long as expansion was reasonable and economic, for the sake of self-support, expansion either north or south would do and was not always necessary to emphasize a one-sided view. Regarding population problems, KOISO believed it would be difficult to encourage a large population to immigrate to the southern areas because of unsuitable climate.

32533 On 18 July 1944 KOISO was ordered to form a new cabinet. At that time, at his post as Korean governor general he was informed of nothing about the war situation except from official announcements. Information, however, made them feel that the fact was that the situation was more unfavorable than was announced, and that the naval power had sustained heavy losses and at this juncture the fall of Saipan was announced. They were impressed that the war situation was really unfavorable and also felt that most of the gloomy news in the * past should have been true.

The public, who up until then half believed and half doubted rumors, began to be pessimistic about the prospects of war. Such a state of things was both in Korea and at home. Under these circumstances KOISO accepted the command to form a new cabinet. When he first received the call about the imperial summons, KOISO said that if the emperor would order him to form a new cabinet, he had to give serious consideration to what sort of resolution he ought to make. Therefore, after careful consideration, he decided on the principles on which he had formed it.

The outline of these was that at present the war situation was very unfavorable. They were now defeated and in retreat and war prospects were serious. They had an eager desire to survive by exhausting every means. but it would be

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32534 most difficult * because of present circumstances. Farsighted policy required them not only to hold in check the enemy's forces, but also to take a cool view of how to bring the war to a conclusion. For though it was of greatest urgency to win the hearts of the people, it was feared that whatever attempt the government might make, it could have no influence on authority over the people. KOISO felt confident of the necessity of bracing up the people to increase a productive power by smashing the enemy's scheme for invasion and gaining time to take steps to negotiate peace through third powers and proceed with a prompt peace move towards China.

32535 To accomplish this, KOISO stated that the premier on assuming the * office must effect a strong adjustment and combination of both political and military tactics. Accordingly the cabinet head ought to be placed in a position enabling him to perform such function. After an imperial audience, he was ordered to form a new cabinet with YONAI, and acted up to his original principle. He intended to assign the portfolio of navy to YONAI and hoped to secure a war minister to carry out the program to establish peace.

32536 He also expressed his resolution that he wished to decide whether he would comply with the imperial command to form a cabinet on condition that the ordinance should be revised to qualify the premier for attending imperial headquarters meetings, or else that a strong and simple organ of directing affairs should be established. * He received a promise that a definite answer might be given.

After a three chiefs conference, the army replied that the war should be carried out, that field marshal SUGIYAMA would be recommended for the army portfolio, and that would meet KOISO's desire as to the creation of the war direction council. The navy replied that the post of navy minister should be assigned to YONAI and they had no objection to the said council. KOISO, after consulting YONAI, decided to approve of them and completed the formation of the cabinet.

32537 *Members of the supreme war direction council were the chiefs of the army and navy general staffs, the premier, the foreign war and navy ministers, and the secretaries or cabinet secretary general, the directors of the military affairs bureau and of the naval affairs bureau. Besides them, both

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general staff vice chiefs might attend on proper occasions and cabinet members concerned were to attend. It was decided that when the war situation was reported, every cabinet member and the directors of the legislation and planning bureaus were to attend. Many matters to be discussed in council related to the administration and adjustment between the supreme command and state affairs. There was no chairman, but the premier was charged with expediting proceedings.

32538

As for secrets of operations and tactics, the premier was not able to touch * them but was a total outsider. Since KOISO happened to be a general, he sometimes questioned and expressed his views about details of operations. But generally the attitude was that the premier was not desired to meddle with tactical affairs, and this attitude was found among army and navy officers, including council members. They challenged him when he wished to touch their secrets, and concerning front line operations, he only heard of the general war situation when it was reported.

The premier had a great expectation at the outset for the council, but the actual circumstances were against his expectation. Since it was impossible to materialize the primary principle when he formed his cabinet, KOISO finally asked the throne to issue an order authorizing the premier to attend headquarters' conferences.

32539

As for his attending these conferences, his authority was confined to being informed of the condition of operations and * tactics and he was not vested with authority to set forth his views and have a share in the discussions. He was not placed in a position to have his views reflected in the direction of the front line. KOISO discussed the idea that it would be impossible to carry forward his ideas for ending the war unless he would return to actual service and hold the additional portfolio of war minister to perfect the adjustment of the supreme command to the state affairs.

32540

He took steps to get this power but could not obtain necessary approval from the three army chiefs. KOISO took pains in the supreme war direction council for making moves toward the Soviet and China relative to concluding the war. His view on the China affair was originally speaking, Japan ought not rashly * meddle in China, for once she was involved in China it would be the same as stepping into a swamp. They

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ought to be most cautious against being pushed against such a sad plight. The war was so deplorable that they must lose no time in recovering peace and true cooperation. He could not manifest this view concretely until he assumed the premiership when he firmly urged this view. While premier he left nothing undone to try to succeed in a peace move toward the Chungking government. In the supreme war direction council, he repeated deliberation on this matter, but failed.

32541 The witness thought that the Miao Pin issue proved how KOISO was intent on realizing peace, apart from the questions whether he dealt with the issue adroitly and what its outcome was. * Miao Pin had once served as vice president of the nation association of North China and was later president of the legislative yuan of the Nanking government and then relegated to vice president of the examination yuan. As he had been a military academy instructor, he had considerable acquaintance with the army men around Chiang Kia-shek.

He visited Japan in 1939, while vice president of the new nation association, and KOISO met him by the witness's introduction. Miao explained the reason for the necessity of cooperation between Japan and China and there was much sympathy between the two men. Every since they had no particular connection with each other. After KOISO became premier he was urged by state minister OGATA to send for Miao Pin to hear his opinion about the peace question.

32542 On KOISO's part, it happened that as diplomatic operations toward Chungking came to all but a deadlock, he was very worried and was desirous of breaking the deadlock by some means. * He thought that, although it was uncertain how much influence Miao Pin should have on Chungking, it would be fortunate if he would be of use in settling the peace question, and if a step was taken further and a direct connection established with Chungking, it would be more favorable. With such an idea he took OGATA's advice and tried first to bring him to Japan to hear his opinion and then to decide their attitude and policy whether use should be made of him.

As a result of opposition of both army and domestic circles, everything deadlocked and failed except bringing Miao Pin to Japan. In consequence he returned to Nanking in vain.

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32543 KOISO also took great pains to bring about peace through the medium of the Soviet and negotiations were entered into but ended in failure. * As to the diplomatic moves to realize peace with China, sometimes his opinion on procedure did not agree with that of the foreign minister and others. That he dared to try to realize what he believed good was because he was confident it would serve the state to materialize his primary intention that he had cherished when he formed the cabinet.

When the cabinet was formed, the 85th session was at hand and KOISO delivered a speech on policy at the beginning of the session. The contents of the speech were nothing but a concrete expression of determination with regard to forming the cabinet. He required the hundred million people to brace themselves in unison and declare Indonesians' independence to be justifiable, because every race was entitled to independence and a proper position among nations and he also proclaimed that the Korean and Formosan people should quickly be vested with suffrage.

32544 As for the treatment of POWs, the supreme command and war and navy ministers took * charge and the premier had neither authority nor responsibility. The cabinet at no time dealt with affairs relating to POW treatment. According to the witness's memory, no one ever gave reports about POW matters at the cabinet council.

There was no cross-examination of the witness.

32546 * Exhibit 3391, the affidavit of Piggott, F.S.G., major general, military attache to the British Embassy in Tokyo from 1921 to 1926, and from 1936 to 1939, stated that the affiant met KOISO in Tokyo in 1939. Because of the possibility that he might be a dark horse for the premiership, the affiant sought his acquaintance. He found KOISO receptive to the idea of improving Anglo-Japanese relations, which, he stated, * were important for the country and that the idea of solving disagreements between Britain and the United States by war was repugnant, and it was essential to probe and find a peaceful solution.

He said he would continue to study outstanding problems between the countries and was certain freindship could be restored to mutual advantage.

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32557 * Exhibit 3392, a certificate from competent Soviet authorities, KITA, Seiichi, a former Japanese POW died in Habarovsk on 7 August 1947.

32570 * DIRECT EXAMINATION OF BUDARIN,
Boris Alexandrovich
By General Vasiliev

The witness stated his name and that he was first mate of the ship Perekop, perished. When handed exhibit 822 he verified it as his affidavit.

32571 * EXAMINATION BY THE TRIBUNAL

32572 When asked where identification signs of the Perekop were located, he replied they were on both boards of the ship. The flags had the state flag of the USSR with hammer and sickle in the left-hand upper corner. * They were on the holds and the boards of the ship and were two meters twenty centimeters long and one meter twenty-five centimeters wide.

32573 * All identification signs on the ship were made at the outbreak of the war between Germany and the USSR. The distance at which the signs could be distinguished depended on the quality of instruments used. But if none was used, they could be distinguished with the naked eye at 200 to 250 meters in conditions of good visibility. When he had said that he hung out identification flags, he meant that when a ship wanted to show its nationality in addition to the identification signs on boards and holds, they hung out nationality colors consisting of four flags with the letters "USSR" on them. On the day of the attack he saw no other vessels but did prior.

32574 * The witness could distinguish a bomber from a fighter and knew that bombers dropped bombs. The first plane which flew over was a bi-plane, and all others which bombed were monoplanes. He couldn't tell exactly whether the planes were land or sea planes. Identification signs on the planes that bombed were red circles on the planes and fuselage of about three-quarters of a meter in size. The distance at which the planes flew was sometimes 100, sometimes 200 meters, sometimes even less than 50.

32575 * Asked how he knew at the moment of the attack on December 17 there were no hostilities between the USSR and

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32576 Japan, he replied that he remembered that on that day they received a radio broadcast and learned that there was no war with Japan. Asked why two hours were needed for the big group of planes to sink an unarmed ship, he replied that he believed it was two hours or probably less that the planes dropped bombs. It was his personal opinion that one of the planes photographed the ship while it was sinking. He observed that this plane did not bomb the vessel* nor machine-gun it. It was flying at a very low height and he supposed they were photographing the vessel at the moment when it was sinking to see how the sailors were being drowned.

32577 At the moment of the attack there were no clouds, the visibility was very good. The ship's cargo was about 5,000 tons. Asked how they made themselves understood by the Japanese when they were wandering, he replied that they used English. The statement in his affidavit that the Japanese were acting according to government instructions was his personal opinion. If there was one plane bombing the vessel, he didn't think he would have thought that, but when he saw there was a big group of planes, then the possibility of a mistake was excluded, * and that is how he came to the conclusion that they were acting on government instructions. Eight men of the crew perished.

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32578- * OPENING STATEMENT BY MR. MATTICE
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32587 * DIRECT EXAMINATION OF OSUGI, Hiroshi
By Mr. Mattice

32588 The witness identified and verified exhibit 3393 as his affidavit. * The affidavit stated that from August 1937 throughout 1938, as leader of an observation section of the first battalion, the third artillery regiment, the third division, he took part in the campaigns in Shanghai and Nanking as artillery second lieutenant.

32589 On 9 November 1937, when they were attacking Nanshi, he was ordered to scout the settlement boundaries so that these zones might be absolutely safe from fire. The results of the scouting were sent * to every company on the spot, and so far as he knew, they caused no damage to the settlement area during the attack on Nanshi.

After the Nanshi campaign, his unit assembled and started for Nanking about December 2. There was no fighting on the way to Nanking and he never saw a totally destroyed village between Taitsang and Nanking, but did see a few houses partially destroyed or burnt, but never saw nor heard of any houses destroyed by Japanese soldiers.

On the way to Nanking he saw a pile of rice burnt and abandoned. Upon inquiry it was explained by the villagers that it had been burnt by retreating Chinese soldiers who did not want it taken by the Japanese. After this observed the destroyed houses more carefully and found that most were storehouses and other provision depots.

32590 About 11 December 1937 he was ordered to scout for the line of advance and suitable places for army positions. He left his unit at Chiyun and went alone to the south side of Nanking. * On the evening of the 13th he entered the walls of Nanking through the south gate of the town. There were many scattered fires and Japanese dead. Among them he saw the body of a Japanese soldier tied to a tree with several bullets in his body. He knew at a glance he had been captured and slaughtered by the Chinese soldiers. Around the city walls there were many dead bodies of Chinese soldiers but no civilians.

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32591 He went within the walls about a kilometre from the city gate and saw Kempei guards posted at banks and government offices with signs of off limits to Japanese soldiers. He noticed very few residents damaged and he could see that as a whole Nanking preserved its old position and no traces of fire were found there. Toward the end of the battle of Shanghai, they repeatedly received instructions which the witness enforced among his men: to observe strictly military and moral discipline: *treat the Chinese people kindly; observe international laws; do not cause international complications; and, be prudent in behavior keeping in mind that they were under observation by the powers.

On 13 November he joined his unit at Tangshuichen and led them to Tushanchen south of Nanking. At this time, on instructions of the higher command, he strictly forbade his soldiers to go out on passes. Even when they went out on official business they were ordered not to enter the southwest quarters of Nanking as they were set aside as refugee quarters. At that time he heard that this prohibition was due to the danger of the armed defeated enemy soldiers in civilian clothes who had sought refuge there.

32592 As the witness had had dangerous experiences from the Chinese plain-clothes soldiers in the battle of Shanghai, he had his men take special caution never to approach any place where defeated Chinese soldiers were likely to be in hiding. His unit eventually marched west without entering the walls. While he was in the Nanking vicinity, he never heard stories of unlawful acts and massacres of Chinese people frequently said to be committed by * the Japanese soldiers.

At the beginning of 1938 his unit was stationed near Chinking. One day he visited a famous temple near by and in it was a great collection of books sealed by the Kempei with notes that taking any of them was strictly forbidden, and offenders, including Japanese soldiers, would be duly punished. When a soldier of an adjacent company was arrested by the Kempei, the witness accompanied the commander to take him over. The detachment commander of the Kempei, however, told them that the soldier had committed rape and refused to hand him over because of the order of C-in-C MATSUI to maintain military discipline and severely punish any offenders. There greatest trouble was the Chinese plain-clothes soldiers who, when pressed hard hid their appearance and pretended to be civilians, but the moment they were unnoticed they challenged the Japanese. As it was impossible to tell them from

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32593 real civilians when they were without arms, they at least resorted occasionally * to the method of gathering all the village people and keeping surveillance over them. As soon as the plain-clothes soldiers surrendered themselves, public order was regained. They set the common people free and turned the surrendered soldiers over to the Kempei.

There was no cross-examination of the witness.

32595 * Exhibit 3394, the affidavit of OUCHI, Yoshihide, stated that since the landing at Woosung at the end of September, 1937, the affiant had taken part in the battles between Shanghai and Nanking areas as acting commander of the 7th battery of the 9th mountain artillery regiment, 9th division in the expeditionary force to Shanghai as a 2nd lieutenant.

32596 His regiment assembled near the air field west of Shanghai after crossing the Soochow River about 3 November. This area was rather devastated by cannonade. The regiment was still in battle position and it was maintained with strictness. At that rendezvous, they were instructed by the chief of staff that as the regiment would be sent presently to a zone where various foreign rights and interests existed, each commander ought * to have his men strictly at his command for the maintenance of discipline.

The affiant then cautioned his men that this instruction must be thoroughly understood and there was no one under his command who violated discipline at the rendezvous and vicinity. There were several women in a village near the rendezvous, but stepping into this area was strictly forbidden.

One night signal shells shot from the village and afterward a shower of enemy shells was poured on unit quarters. They seized the village the next morning but could not find a single man, and thereafter it was necessary to take strict precautions against women. About 14 November the unit advanced to Soochow and they scarcely met enemy resistance until they got there. Some villages along the road were mostly reduced to ashes and there were no inhabitants to be seen.

32597 * As their unit advanced at the head they never could have done such violence and he knew it was done by Chinese troops in their retreat. The affiant strictly prohibited incineration of houses and looting both for the Chinese people and the Japanese troops coming after, and perhaps owing to this order there were satisfactory results.

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They entered Soochow with no resistance and the streets were not destroyed except for slight damage by bombing. In Soochow the removal of goods by individual soldiers was prohibited and the preparation for requisition was conducted by intendant officers, but as the unit was ordered to advance west about 17 November, the requisition was not executed and the soldiers marched with their rationed food cooked in their messstins.

32598 They encountered a fierce resistance of the enemy in the mountaineous zone around 30 kilometres east of Nanking and the zone was well prepared and defended by the Chinese so their resistance was fierce. * The affiant's unit advanced again at the head and all troops were obliged to bivouac as all houses had been burned by advance troops. They then received an oral order that the aim for the advance was the wall of Nanking and as regarding the entry into the city they would have another order.

They marched into the air defence school outside Kwanghuamen at dawn 9 December after desparate fighting, and found that many houses had been destroyed and devastated. Especially the houses in the vicinity of the air field were burnt down. This destruction was surely made by the Chinese troops as there were no Japanese troops ahead.

32599 On 9 December they received an order that if the enemy would not surrender at noon the following day, they should attack Nanking. At the time they cautioned that as Nanking was the capital of * China, they should take care not to send shells so far as to fall within the city, although it was allowed to bombard the enemy on the wall. They were to take particular care not to drop shells upon foreign rights and interests and the refugee quarters.

32600 At this order the affiant racked his brain from the technical point of view of firing but fortunately attained the purpose mentioned in the order. The attack on Nanking was launched about 2:00 on 10 December and they captured the Kwanghuamen wall. But it was not permitted to enter the city and only MPs, as well as small units, entered. On that day near the wall was a burnt body of unknown nationality. On seeing this his battalion commander was enraged and gave a strict order to find the offender, and the affiant stopped the preparation for fighting, assembled his men, gave a warning, * and investigated the criminal, but there was no offender among the men under his command.

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The surgeon who inspected the corpse decided that it must have been committed at least ten hours prior to the Japanese entry into the city, and that a Japanese soldier must have been captured by Chinese troops who burnt him to death. The affiant's unit turned back to Tangsuichen that night. They entered Nanking on 15 December and lodged several days at the Chinese barracks where each unit mounted guard and all soldiers were prohibited to go out except officers on official duty. This was so with all division units. There was not a single criminal charged with illegal action.

32601 An officer friend of the affiant told him that there seemed to be many refugees in the refugee quarters but it was guarded by MPs. So even an officer was not permitted to enter there. The affiant saw a great deal of Chinese army equipment thrown away. It was when he went there on official duty, but found no fire * disaster except ruins of small fires, and the streets were almost safe from destruction.

He saw a few Chinese soldiers' corpses along the Yangtze River, but never found a corpse which had been massacred. They turned eastward on 20 December.

32603 * Exhibit 3395, the affidavit of WAKIZAKA, Jiro, stated that in September 1937 he commanded the 36th regiment, 9th division as a colonel. His regiment was ordered mobilized about 20 September and he took part in engagements in the Shanghai and Nanking areas under the expeditionary force to Shanghai. Upon arrival at Shanghai, MATSUI's instructions were often passed to the affiant through his senior. MATSUI on every possible occasion delivered instructions that discipline should be strictly maintained, innocent people pacified and protected and foreign interests be safeguarded. The affiant made efforts to have these instructions thoroughly understood by his officers and men and warned them so misdeeds might not occur.

32604 While the Japanese force was advancing toward Nanking from Shanghai, his units always took the lead, and noticed that not a few houses along * the route had been burnt down, destroyed, or looted. Chinese natives said that this was due to the destruction caused by the so-called field clearing tactics, customarily taken by Chinese forces when about to retreat to check the advance of the Japanese. They said that both Chinese soldiers and people looted the houses, as was the case in war time. They endeavored to preserve

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houses and other facilities to pacify and protect the Chinese and for the convenience of the following units, and did not undertake to burn up and destroy them as this was common sense.

32605 As soon as his units captured Shunwachen, 40 kilometers southeast of Nanking, at about 4 p.m. 8 December, they immediately pressed hard on the enemy, hurriedly marched all night, and reached Shantfanctchen, south of Kwanchuamen, at dawn on the 9th. It was pitch dark that night, and before they could ascertain in which direction Nanking was, two pillars of flames rose high in the north. The affiant guessed that armies in the direction of * Nanking had started the flames. He made them a target for advancement and his guess turned out right.

For a few days before they captured Nanking they could see flames within the walls day and night. At that time Japanese bombing was not so intense and there was no artillery bombardment. They concluded that either the Chinese field clearing tactics or accidental fires were presumably responsible. Hitherto the Japanese forces were strictly warned against accidental fires. Soon after the capture of Nanking his units were engaged in extinguishing the first of the burning houses. There were no cases of incendiary by the Japanese and his units never caused accidental fires.

32606 They captured Kwanchuamen in the early morning of December 13. Furious fighting went on at the gate and a large number of killed and wounded were reported from both sides. Immediately after the capture, his unit took care of the killed and wounded. They gathered up both the Japanese and Chinese corpses at the same place, half way between Kwanchuamen and Tuncttsimen, and erected a grave post * and formal ceremonies were held.

When he inspected within the walls of Nanking on 15 December, he wanted to see the real state of those in the refugee section, but the foot armies refused his request saying that without special permission, even a commander was prohibited from entering. On that occasion and later he never heard of any illegal behaviors by the Japanese inside the section. A certain house was examined to accommodate regimental headquarters. When an officer entered the house to examine an air raid shelter attached to it, he was fired on from the inside. He accepted the challenge and shot and killed two Chinese soldiers. The affiant at once instructed

Page his command to take precautions against the remnants of* the
32607 Chinese forces, and not go into any Chinese houses. After the
units entered Nanking, a certain officer found a Chinese
lady's shoe while he was on the discharge of official business
and brought the shoe back to his quarters. A gendarme dis-
covered this and submitted a document to the court martial
on suspicion of plunderage. The officer asserted his inno-
cence to the affiant and the affiant believed him and re-
ported to his superior to that effect.

The supervision of Japanese gendarmes in Nanking was
extremely strict and no consideration was shown even to minor
offenses. MATSUI, immediately after a memorial service for
the dead on 18 December, admonished the senior officers that
military discipline should be more strictly maintained and
the prestige of the army raised, and efforts made to realize
friendly relations with China without delay.

32608 * After the various battles to capture Nanking, the
affiant was struck with MATSUI's righteous and benevolent man-
ner and always endeavored to exalt this spirit. The affiant
was in Nanking until the morning of 24 December. No criminal
was found in his command and the natives entertained no fear
toward Japanese soldiers. He never heard any shot inside or
outside of the walls after Nanking's fall.

32609 After the hostilities in Nanking were over, his units
took over the responsibility of defending Kiating, and one
night a guard of the battalion headquarters poured oil into
a lamp, it caught fire and the quarters burned down. * Be-
cause of this accidental fire, the affiant was reprimanded in
accordance with army disciplinary law. The battalion com-
mander was put on good behavior and the guard commander was
imprisoned.

By MATSUI's orders, military discipline was maintained
in such a manner and even a small unlawful act was never over-
looked. Besides this, the witness did not remember any unlaw-
ful act in his units.

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* Exhibit 3396, the affidavit of NISHIJIMA, Takeshi, stated that in mid-September, 1937, the affiant joined the Shanghai Expeditionary Army as Battalion Commander in the 19th Regiment, and participated in the siege of Nanking as a major. Toward the end of September they landed near Woosung, Shanghai, and participated in the battle. In mid-November they were ordered to pursue the enemy toward Soochow, with strict instructions not to destroy or burn houses unless absolutely unavoidable for operations. The affiant instructed his subordinates of this.

Aside from the railway station and vicinity being destroyed, Soochow was left intact. A native told the affiant that the city was saved from destruction because the inhabitants pleaded to the Chinese army with money to retreat without fighting in the city or destroying and plundering it.

32611

2.5 miles east of Wushin and inside its city limits, Chinese resistance caused a battle which damaged houses nearby. * Upon the affiant's inspection after the battle, he found that some contents of the provision warehouse had been carried off. He posted guards and prohibited further removal of the contents by unauthorized individuals. After reporting the situation to the Intendance Department they turned the place over to them, in accordance with previous orders.

A fierce battle was fought between the Hopan mountain range and Nanking. Almost all houses there had been burned down before Japanese occupation, and marks of plunder were evident, and nothing left to be utilized by the Japanese forces. They camped in tents and made the advance with no other provisions than field rations.

32612

* In the drive against Nanking, movements were strictly controlled and no arbitrary action was allowed even to capitalize on opportune operational chances. More detailed instructions were given by December 8 regarding the attack on Nanking. According to the schedule, the affiant's unit was to begin the attack on Yuhuatai about 10 December, turn to Kwanhwamen on the afternoon of the 12th, and proceed to attack from about the 13th. On receiving the news of Nanking's fall, they only engaged in a clean-up campaign near the gate and then turned back to Tangsuchen. They entered Nanking on the 15th, deployed, and were billeted in houses in the southeast part.

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32613 Almost all houses in the city were left undestroyed. There were some small fires around the billeting area, but none were started by his unit. As higher authorities had warned against fire before and after the entry, his command was especially careful. On entry, he prohibited his men to go out into the city except on official errands, and instructed them to protect and respect foreign properties and not inflict harm on the Chinese. * He placed a fire caretaker at every billet, with stern warnings concerning fire prevention.

32614 After his unit's entry into Nanking, they were billeted so as to be able to pursue the enemy at any time in accordance with instructions. Their actions were as follows: December 13, entered Nanking through the Kwanghuamen gate, mopped up remnants of the enemy east of the creek running from south to north west of the Tunktsinmen gate, and pushed on to Tangshuichen that night; December 14, mopped up around Tangshuichen and returned to Nanking about 7 p. m; December 16, the ceremony of reading the Imperial Rescript was held, and all officers and men cleaned up their personal effects with boiling water; On the 17th the triumphant entry of MATSUI, the Commanding General, took place, and they worked on moving camping quarters. On the 18th memorial services for the dead were held, and on the 19th regimental memorial services were held. * On the 20th a guard escort for MATSUI for inspection of battlefield and hospitals; on the 21st and 22nd they cleaned up the battlefield of Yuhuetai and searched for missing persons, and on the 23rd prepared for departure. On the 24th they moved to Kunshan.

In addition to the above daily routines, battle reports, and communication to the bereaved, etc., took up so much time they could not even rest. When at Nanking, going in and out of billets was closely guarded, and the affiant got instructions to train sentinels in questioning people so they might not cause trouble to law-abiding natives. He obeyed this to the letter. No superior ordered plundering or violence, much less Commanding General MATSUI.

32615 On December 19 they were directed by MATSUI, and on the 22nd by regimental commanders, to be kind toward the Chinese so they would trust in the army. * About December 19 the affiant inspected along the road from Chungshanru to Hsiakwan, and found no damage to the houses there. Before the entry into Nanking there were rumors of the awful destruction of Nanking by Japanese bombings, but after witnessing it the affiant confirmed it was untrue.

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He found no corpses of Chinese soldiers at Hsiakwan either. On December 24 his unit turned back east, reached Kunshan about January 5, and was ordered to stay there for garrison duty. During this time American pastors and medical men came to inspect churches and hospitals there, and were pleased and expressed gratitude to find those institutions had suffered only small damage and were in good order, and they entrusted them to the affiant's custody. For about a month after that the affiant also did garrison duty at Soochow, where the houses were in the same condition as before, and the streets well arranged with flourishing trade.

32616

* No illegal conduct of the Japanese forces was witnessed, and they were on harmonious terms with the natives, and not one irregularity occurred.

Exhibit 3397, instructions distributed to the Central China Expeditionary Force on 18 December, 1937, by Commander MATSUI, stated that he was deeply moved by the Emperor's words on the occasion of the forces carrying out at one charge the city of Nanking, by dint of the fierce pursuit following the battle of Hutung, and thus had accomplished this historical undertaking. Thanks to

32617

* the fighting and exertions of the soldiers, so humble a one as MATSUI could discharge his duty, and he expressed deep gratitude.

It should be borne in mind that their goal was a long way off, and the army's responsibility was all the more heavy and they should not relax their efforts. They should realize the true significance of command, enforce stricter discipline, and concentrate on education and training and strive for the perfection of fighting strength, thereby making preparations for the next operation complete. They should also be on stricter guard against possible attack, keep military secrets, and maintain peace and order, and afford no opportunity for recalcitrants to arise.

32618

* Viewed from the future prosperity of the Orient and in accordance with Japanese traditions, they should be merciful to the Chinese masses and cooperate in pacifying them through guidance and enlightenment. The Army's principle remained the same irrespective of whether fighting was going on or not, and everyone should be careful with regard to conduct and exert utmost efforts to maintain and augment the splendid battle results, enhancing the Army's prestige. These were his instructions.

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Page DIRECT EXAMINATION OF NAKASAWA, Mitsuo,
By Mr. Mattice.

32619 * The witness identified and verified exhibit

32621 3398 as his affidavit. The affidavit stated that the
* witness, from November 1937 to the end of January,
1938, participated in the siege of Nanking as Chief of
Staff of the 16th Division, under the Shanghai Expedition-
ary Force.

32622 While his division was carrying out a pursuit
from Chuyung, orders were received to attack Nanking about
December 3, and they started their advance. About December
* 8 they were ordered to stop about three or four kilometers
from Nanking. They were ordered also, as Nanking was the
capital and there were many foreign interests, cultural and
historical institutions there, not to destroy them, and
at the time of the entry into the city they were to send a
select unit to placate and treat the citizens kindly and
maintain order. The witness had this point made known
thoroughly to his units.

32623 What troubled them most during the attack on
Nanking was the battle in the vicinity of Tsuchinshan,
where the 33rd Regiment faced the enemy, and the one
fought in the vicinity of Chungshan-ling, the division's
main front. The division paid a price to capture Nanking
without damaging Tsuchinshan and the Hsiaoling of the Ming
Dynasty, as specified in the orders. Chinese units in the
vicinity of Chungshan-ling were the greatest obstacle, and
by firing at the rear and flank of the regiment harassed
it to no end. Still the army had to withstand the disad-
vantage of refraining from using artillery fire, not to
mention the use of heavy infantry weapons. This hindered
* the advance, and they were forced to suffer great loss
needlessly, but because of their sacrifice the Chushan-
ling and Hsiaoling were kept intact, and the regiment was
given a letter of appreciation from the army commander
after the campaign.

The 16th Division, which reached the walls of
Nanking at Chungshan-men at dawn December 13, 1937, sent
about two battalions into the city, and had them sweep
the area embracing Raipingshan, Shanyuan-men, Hsiakwan and
Chungshan Road. This continued the next day, and on the
15th the Division Headquarters and a small unit entered
the city, but no inhabitants had evacuated the area in
charge of the division.

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Page On the 23rd troop dispositions were changed, and a part of the division was given a new disposition of guarding the inside and outside of the city, and remained in Nanking until about January 20, 1938.

32624 * The refugee area, after the change in disposition of the 23rd, included the 16th Division garrison district. The area was marked clearly at the time of entry and was guarded strictly, and even officers were not permitted to go in or out of the area without special permission. After the Central China Area Army and the Commander of the Shanghai Expeditionary Army entered the city, instructions were often issued to maintain strict discipline, and he passed these orders to every unit.

32625 At the time of the occupation of Nanking all responsible administrative personnel had fled. Consequently the troops could find no person with whom to negotiate with regard to peace and order. They had no alternative but to take maintenance of order into their own hands, and this was extremely inconvenient. After entry, they found on the highway from Chungshan-men of the city limits of Nanking to Hsiakwan a great deal of discarded uniforms, sabers, * ammunition, rifles, and caps. When they made a sweep inside the city, there were no Chinese to be seen with the exception of the refugee area. Being unable to trust that all in the refugee area were possible citizens, they had to investigate them and a Sino-Japanese joint commission was organized on December 25 to do this. The method of investigation was to interrogate or inspect the Chinese in the presence of both Japanese and Chinese, and judge whether he was a straggler by consultation with Japanese soldiers and the Chinese committees; for the general people, certificates of residence were issued. Those determined to be stragglers were turned over to headquarters. It was indeed not true that they were slaughtered.

32626 As almost all villages outside Nanking were set on fire by Chinese troops in their scorched earth operation as they retreated, Japanese troops had no houses to billet and almost all units were forced to camp out. Common as * such scorched earth operations were, the burning of homes in the battle area was especially numerous. Even inside Nanking there were traces of fire when they first entered, said to be started by Chinese troops as they retreated. Because of the necessity for maintaining billeting facilities in cold weather, headquarters ordered units to be alert against fire. In spite of precautions, there were times when they caught Chinese girls with certificates of residence starting fires.

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The affiant did receive reports from the MIA of a few instances of plunder by Japanese soldiers. However, as the residents fled their belongings were carried with them and most of their houses were practically empty. He never heard of any organized or mass plundering. It was absolutely without fact that headquarters ordered or connived or permitted such illegal acts. He was informed by Chinese victims that most plundering and destruction in the battlefields were the common acts of retreating Chinese * troops and those desperate people who took chances to force themselves in the area.

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* The protection of foreign interests and cultural institutions was ordered by MATSUI and made known to all units. Chinese, however, were skillful in hiding behind foreign interests, and abused the use of foreign flags by stragglers hiding under their protection. He got such reports many times from the Chinese. It was true that Japanese troops could not at once identify foreign flags as synonymous of foreign interests, and sometimes could not help raiding places that impressed them as dangerous. It was regrettable that these raids gave rise to complications.

32629

There was no organized rape by Japanese soldiers. There were a few scattered offenses but they were all punished in accordance with the law. The places where buried bodies were said to have been found according to prosecution evidence were where Chinese troops had built * positions and defended themselves, as in the area between Chungshan Men and Ma-Gun, or where there were facilities for receiving dead and wounded, as in the case of Taiping-Men Fukueishan and the vicinity. Soldiers of both sides were killed in these areas, but there never was mass butchery there.

32630

When the 16th Division came to guard Nanking and vicinity its efforts were concentrated on maintaining peace and order. Order was soon restored, and the people gradually returned to their homes with confidence in the Japanese troops. MATSUI's order to treat the inhabitants kindly was so thorough-going that as early as the end of the year the Assembly of the Maintenance of Public Order was organized, and thousands of Chinese gathered at the place of ceremony and cheered. It was not true that illegal and violent acts of the Japanese troops were * frightening the inhabitants at that time, for the number of residents was increasing and even peddlers were seen more and more.

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CROSS-EXAMINATION BY BRIGADIER NOLAN.

32631

* The witness stated that he was Chief of Staff of the 16th Division, which was under the Shanghai Expeditionary Forces at the end of October. At the capture of Nanking it was under MATSUI's command, belonging to the Shanghai Expeditionary forces under him. At the time of the fall of Nanking the Shanghai Expeditionary Forces was under Prince ASAKA, but this force was in turn under

32632

MATSUI's command. * The 6th Division was part of the Shanghai Expeditionary Force, and not the 10th Army. Force headquarters was somewhere east of Nanking. At the fall of the city, headquarters were at Tansuichen, and afterwards in the city. Divisional headquarters was set up about 15 December, and Force headquarters was not located within Nanking immediately after the fall. Headquarters entered the city at the time of the formal entry on December 17.

32633

* He didn't recall whether headquarters was actually established in Nanking immediately after the fall of the city, or exactly what the date was. The 10th Army took part in the attack on Nanking, and he didn't think it was a part of the Shanghai Expeditionary Force. He didn't know where 10th Army Headquarters was after the fall of the city, for he had no connection with that army. He believed that the 6th and 114th Divisions formed the 10th Army, but was not sure. He didn't know

32634

* if the 8th Division was part of the 10th Army. The 16th, 9th, and part of the 13th Divisions were in the Expeditionary Force at the capture of Nanking, but as for the others he did not know where they were located. He believed that the 3rd and 11th Divisions were part of the force at that time.

32635

Reference was made to the affidavit where it was stated that at the time of the triumphant entry the select unit was sent in. Asked if this was on December 17, he replied that those sent into Nanking immediately after the entry occurred on the 13th and 14th of December. Asked again if when a select unit was sent in at the time of the triumphal entry if this was on 17 December, he * replied that units arrived at the walls of Nanking on the morning of the 13th, and on that and the following day two battalions were sent into the city for mopping up.

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32636 At the time of entry into Nanking on 17 December the units sent in were not limited to the select units.

* Asked if at the time of the formal entry the select unit was sent in, he replied that he didn't recall whether units were specially selected when they made the triumphal entry. He did recall that different troops were picked to represent various units on this triumphal occasion. In

32637 * his affidavit he had mentioned that the select unit was sent to placate and treat the citizens kindly and maintain order, and he was asked if there had been reports of outrage which caused the dispatch of the special unit. He replied that he believed the meaning of this paragraph was that those units were given orders to do so. The first units that went in were given orders to do so.

32638 * He believed the prosecutor was confusing the first units that entered the city with units that entered later to mop up the remnants. At the dawn of December 13 about two battalions were sent in to sweep certain areas. He believed this was confused with the part of the affidavit which had just been cited regarding MATSUI's order to send a select unit into the city.

32639 * Reference was made to the affidavit in which it was stated that on 23 December part of the 16th Division substituted for another unit which had entered the city previously. The witness stated that this other unit belonged to the 9th Division. Asked what other divisions were within the city after the fall besides the 9th and 16th, he replied he did not know the names of any other units except the one in front of his own division and those on both sides. The 9th Division was on the left, and there were divisions belonging to the 10th Army on the other side. but he had forgotten which was to the right and which to the left.

32640 Reference was made to the affidavit where it was stated that he received reports from the MPs of a few instances of plunder by Japanese soldiers. He stated that this plundering * was inside the city wall. He had forgotten the number of instances, and goods of little value such as food and things of that nature were taken.

The witness was referred to his affidavit in which he stated that sometimes soldiers could not help raiding places that impressed them as dangerous and that those raids gave rise to all kinds of complications. When asked what kind of complications, he stated that the soldiers would see a foreign flag flying but would believe they were

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Page used by the Chinese forces under false pretenses. They would go to those places and find that the flags actually represented foreign interests, and the foreigners there would be irritated.

32641 * Where he had stated in his affidavit that there were a few scattered offenses concerning discipline, these were attempts to enter refugee areas, attempts to cohabit with Chinese women, and things of that nature. Asked if he meant the offense of illegal entry and rape, or the attempt to commit such offenses, he replied there were some attempts and he believed that there were some actual cases of rape, but believed they were few in number.

32642 * Where he had referred in the affidavit to evidence presented by the prosecution in speaking about places where bodies were buried, he was referring to a document published by a charitable organization in Nanking. The bodies buried were those of soldiers who fell in the fighting, not merely within the walls of Nanking, for the greater number * were found in the fortified areas immediately outside the walls.

Asked if in the number of dead picked up there were women and children killed outside the wall, as shown by the prosecution evidence, he replied that since he was not testifying that he saw these bodies, he didn't know. When he was speaking of the bodies he was referring to the prosecution evidence, and not bodies he saw himself. Asked if he was trying to explain it away by something of which he had no personal knowledge, he replied that what he wanted to say was that the bodies referred to in the prosecution evidence were found in the battle area and that they were the bodies of soldiers.

32643 * He saw the bodies himself, but didn't recall the number. He didn't mean that he saw the bodies referred to in the prosecution evidence, but only that he did see bodies on the battlefield.

Reference was made to the affidavit where mention was made of an inaugural ceremony on 1 January, 1938, of the Assembly of the Maintenance of Public Order, and that the gathering was in the public square in front of Kulou, and thousands of Chinese cheered. The witness stated that this was the day the Russian Embassy was burned. He saw the burning, but didn't know who started the fire.

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EXAMINATION BY THE TRIBUNAL.

The witness stated that he was a colonel when he was Chief of Staff of the 16th Division. He was promoted to a lieutenant-general in October 1941. Asked if he was decorated for his part in Nanking's capture, he replied that he didn't know whether the decoration was for the fighting in the Nanking area itself or not.

The commander of the 16th Division at the time of the entry into Nanking was Lieutenant-General NAKAJIMA, who had passed away. He didn't remember the Chinese members of the commission organized after the entry. Chinese stragglers turned over to the Expeditionary Force Headquarters were treated as POWs. Asked if they were tried for any offense, he replied that was a matter for headquarters, and he didn't know what happened later.

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DIRECT EXAMINATION OF IINUMA, Mamoru,
By Mr. Mattice.

32648 The witness identified and verified exhibit 3399 as his affidavit. * The affidavit stated that when the Shanghai Expeditionary Force was organized the witness was appointed Chief of Staff under C-in-C MATSUI and participated in the battles of Shanghai and Nanking. After the force was organized, MATSUI instructed that the battle in the Shanghai vicinity was aimed at subjugating the Chinese Army, and they should therefore protect and patronize Chinese officials and people as far as possible. They should always bear in mind not to involve foreign residents and armies, and maintain close liaison with foreign authorities to avoid misunderstanding.

32649 Officers and men took unusual trouble to carry out this instruction. During the Shanghai battle, Chinese soldiers and civilians were given medical treatment, and medicines were distributed among them. When the Japanese Army took the southern district of Shanghai (Nanshan), front line units took technical pains not to drop shells there. * This instruction was repeated on all occasions, and its execution was strictly supervised even after the battle of Nanking.

After the Shanghai battle, MATSUI interviewed foreign representatives and apologized for the damage on their nationals, clarifying Japan's position and requesting their cooperation to bring the war to a quick conclusion. The witness never received from MATSUI any order to make light of foreign interests, and never saw or heard any in his command perpetrated such deeds.

On 2 December, 1937, the witness was ordered to capture Nanking. MATSUI, as C-in-C of Central China Army Groups, gave detailed instructions concerning its capture. The witness, as Chief of Staff, transmitted to MATSUI's units the order, and admonished them to be tolerant and benevolent towards Chinese soldiers and people.

32650 * On 10 December, the order to attack the Castle of Nanking was issued. Despite the fact that at Nanking's fall nearly all the principal houses outside the city were destroyed or burned, there was no house to quarter the Army, and more troops than expected entered the city. By MATSUI's order, the witness ordered all troops except the 16th Division to retire to far-off eastern districts, and intended to restore order by ordering them to maintain strict discipline and public morals.

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He made three inspections on each day of December 16, 20, and 31, but found no corpse in the streets. In the neighborhood of Siakwan he saw scores of soldiers' bodies, but as for the alleged tens of thousands of slaughtered bodies, * he never saw them. He admitted there were small fires, but saw no case of intentional incendiarism, nor received a report about it. Within the castle walls of the city were a few burned houses, but nearly all remained as they had been. He always instructed that the army pay careful attention to fire.

After the entry into Nanking, a few cases of plunder and outrage were reported to MATSUI, and he regretted these acts. He instructed officers to do their best to prevent misdeeds and insisted on severe punishment and consequently such offenders were punished. Afterwards discipline was strictly maintained, and the witness heard that the 16th Division lodged a protest against the Legal Department's procedure.

32652

He was told some troops removed furniture, but they said they did it to facilitate quartering. They said they compensated for the loss, but in most cases managers fled, so they put up a note to guarantee compensation. A few soldiers removed furniture privately, and some removed * furniture belonging to foreigners, but this was settled by returning the articles or by compensation, and the offenders were punished. Headquarters never gave an order for the commission of unlawful acts.

As for the management of the refugee district, the witness ordered the 16th Division to protect the place and admission to and from it was limited to those with certificates, and MPs guarded the place. He believed the place could not have been encroached on by men, collectively, systematically, or continuously. He never saw nor heard the incidents shown by the prosecution, and consequently never made a report of these to MATSUI, who naturally never heard of them. He never knew how many protests had been made by the Nanking Security District Committee, so he never reported it to MATSUI.

CROSS-EXAMINATION BY BRIGADIER NOLAN.

32653

* The witness stated that he was a major-general when he was Chief of Staff under MATSUI in 1937. The attack on Nanking was undertaken by the 10th Army and the Shanghai Expeditionary Force. General YANAGAWA commanded the former, and Prince ASAKA the latter.

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32654 Almost all the 9th and 16th Divisions of the Expeditionary Force took part in the attack, and part of the 3rd Division took part, and a part of the 13th was to have taken part but did not arrive in time to participate in the fighting around the walls. Almost all the 16th and 9th Divisions, a part of the 3rd and a part of the 13th was supposed to reinforce, but as they were late were not in time to join in the fighting up to the city's fall.

Asked if the 6th, 8th, and 114th Divisions of the 10th Army participated, he replied he didn't know the details concerning the 10th Army, but believed the participating units were the 114th, the 6th, and a part of the 8th Division.

32655

* Asked where Siakwan was, he replied that it was outside the city walls to the west on the banks of the Yangtze. Reference was made to the affidavit where it was stated that he made inspections on the 16th, 20th, and 31st of December. Asked if he was in the Nanking area throughout that period or if he returned on the later dates of the 20th and 31st, he replied that headquarters was practically outside Nanking, and on the 16th and 20th he went specially to Nanking from headquarters for this inspection. By headquarters, he meant Prince ASAKA's headquarters. He was Chief of Staff to MATSUI up to the beginning of December, and after that was Chief of Staff of ASAKA's army.

32656

* He didn't see complaints made by foreigners beginning about 13 December, 1937, and ending in February 1938. He didn't know whether foreign residents had participated, but had heard of incidents such as the stealing of a piano or an automobile after they occurred, and took appropriate measures.

He didn't remember which unit was involved in the theft of the piano. He heard of cases of rape, but not murder, but didn't remember the date; but it was after headquarters moved into Nanking, which was after the 25th or 26th of December.

32657

* He believed it was possible that MATSUI knew about these before he did. The witness was referred to his affidavit where it said that after the entry into Nanking a few cases of plunder and outrage were reported to MATSUI.

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He was asked how long after the entry, and he replied by these words he didn't mean after entry of headquarters. but after the troops took Nanking and two or three days later. He believed it must have been the military police who told MATSUI, and it was not himself, and he didn't know if the Japanese Consul-General told him, and didn't think it possible that his divisional commanders told him, because the chain of command was different.

32658

* If a divisional commander wanted to report anything, either he or his chief of staff would report it to MATSUI or Prince ASAKA, from whom it would go to MATSUI.

The witness was present at the triumphal entry into the city on 17 December. All army commanders, chiefs of staff, divisional commanders and their chiefs of staff were present except the commander and chief of staff of the 13th Division.

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* CROSS EXAMINATION OF IINUMA
BY BRIG. NOLAN

The outrages reported to MATSUI after the entry into Nanking were rough actions and at times included rape. Asked what he meant by "rough actions" when it did not include rape, he replied that the words meant such actions as removing furniture for firewood, beating or kicking inhabitants and other actions of such nature, but did not include murder.

32674 Army headquarters was 30 kilometers from Nanking prior to the city's fall and moved into Nanking about 25 Dec., * remaining there until after 10 Feb. the following year.

32675 Exhibit 3400, the affidavit of OGAWA, Sekijiro, stated he was ordered to become Legal Affairs Section Chief of the 10th Army, commanded by Lt. Gen'l. YANAGAWA, about the end of Oct. 1937.

* He landed on the northern coast of Hangchow Bay, took part in the battle of Nanking, and was attached to the Central China Area Army on 4 Jan. 1938 under the direct control of MATSUI. The 10th Army, after landing on the shores of Hangchow Bay, came under the Central China Area Army. MATSUI gave instructions to apply the law strictly to protect law abiding citizens and defend foreign interests and obey strict discipline and public morals.

32676 Before the affiant came to Nanking, he dealt with about 20 cases of offenses on discipline and morals and in the course of this found it difficult to decide whether the cases were fornication or violation, the reason being that it was not rare for Chinese women to take a suggestive attitude toward Japanese soldiers and when they were found as * having committed adultery with Japanese soldiers by their husbands or others, they suddenly changed their attitude, asserting they had been raped. Whether adultery or rape, the affiant punished in accordance with the law. Those who took intimidation steps, he punished severely.

32677 He entered Nanking on 14 Dec., that afternoon inspected the garrison area of the 10th Army in South Nanking. He saw only 6 or 7 corpses of Chinese soldiers. The 10th Army evacuated Nanking on 19 Dec. and switched to the Hangchow operations. While in Nanking, he heard no rumors of illegal conduct nor were there any indictments for them. The Army remained on an operational basis with strict discipline. He never received orders to commit, nor did he ever approve, illegal conduct. The Japanese MP observed strictly MATSUI's orders. Illegal conduct was strictly controlled.

* One MP officer protested the affiant's being too lenient in a case.

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On 4 Jan. 1938, when the affiant met MATSUI at Shanghai Headquarters, he stressed that judgment of crimes should be fair and strict and the affiant faithfully followed his advice.

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SAKAKIBARA - Direct

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DIRECT EXAMINATION OF SAKAKIBARA, Kazuo
BY MR. MATTICE

32678 * The witness identified and verified Exhibit 3341 as his affidavit.

32679 * The affidavit stated that the witness became a staff officer of the Shanghai Expeditionary Force in Aug. 1937 and was ordered to take charge of logistics. Landing at Woosung on 23 Aug., he first had charge of the ammunition supply, but when the Army entered Nanking, he was concerned with transport, and returned to Japan on 23 Jan. 1938. He was well acquainted with the operation plan of MATSUI as he always received orders directly and was consulted by MATSUI at Headquarters. As the expeditionary force was organized suddenly, with no preparations or plan, * it was decided that without waiting for completion of organization, the units which had completed mobilization should be sent one after another to the front in time for rescuing the naval landing party at Shanghai. This detachment consisted of 5000 men of the 3rd Division, 4 infantry battalions and 2 artillery batteries, 5000 men of the 11th Division and 8 guns, but owing to the shortage of preparative ammunition, they could only carry 400 rounds per gun, totaling 3200 rounds.

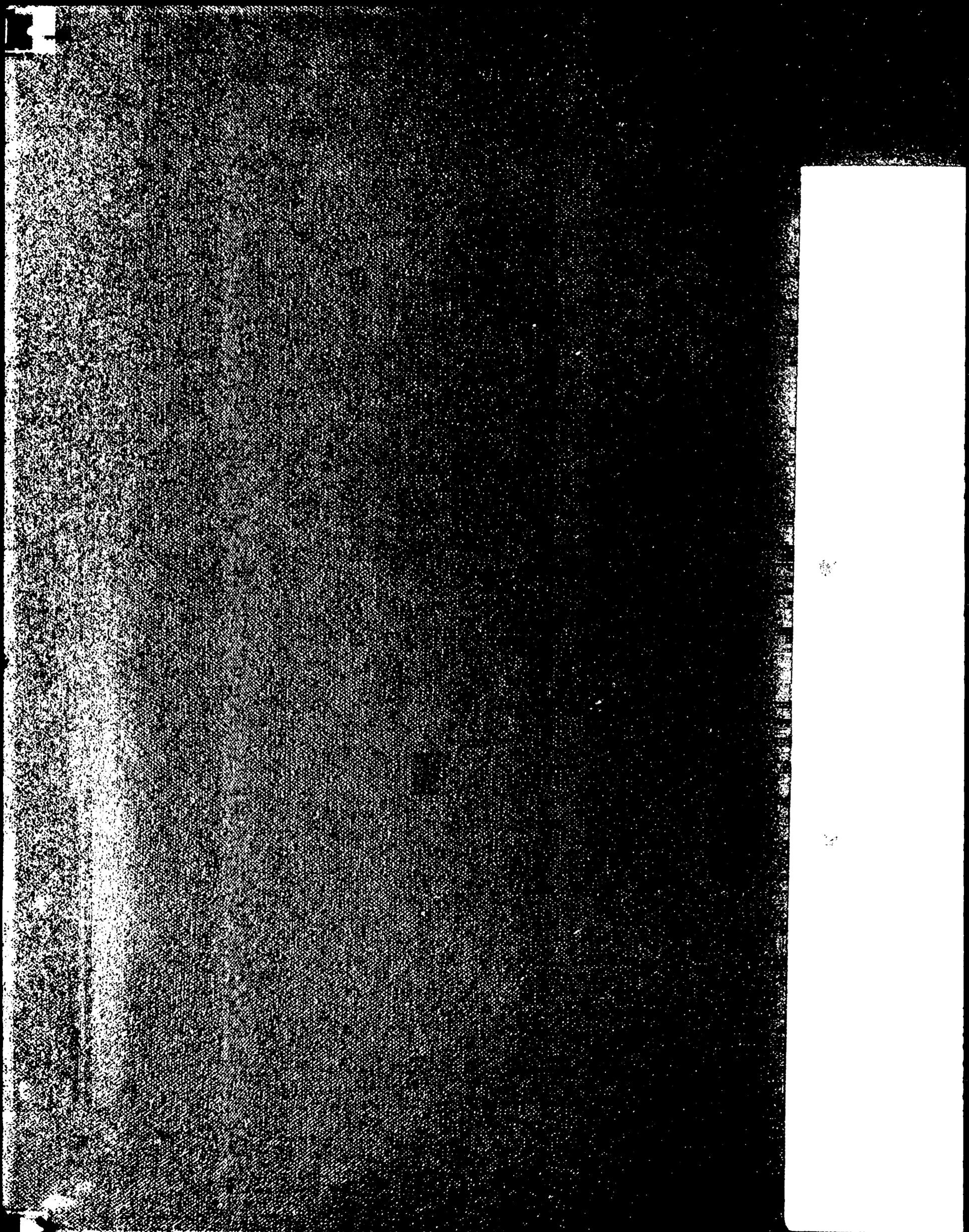
32680

32681 Strength was small and they fought against heavy odds and MATSUI's landing was delayed about two weeks. Owing to the spread of epidemics, they changed the whole Paoshanchen into a quarantine hospital. Though the epidemics were precided 12 Oct., fighting power sometimes showed a marked decrease and the battle was fought under great difficulty for lack of ammunition and provisions. * The witness thought these difficulties were due to the want of preparation and by the consequences of gradually using forces according to the principle of non-extension. The Expeditionary Force to Shanghai had sometimes requisitioned munitions in the occupied area according to the formalities established in Field Service Regulations. Requisition was always executed by the carrying money chest, a plan being mapped out by the battalion account officer, and a smaller unit or individual was strictly prohibited to do it without permission. It was a matter of course to pay compensation when the requisition was executed. They were embarrassed in doing this in occupied areas between Shanghai and Nanking where neither inhabitants nor administrative authorities remained with whom to negotiate. In these cases they had to use the commodities to be requisitioned without the possessors' personal consent, and they used to put up a poster showing the kind and amount of goods requisitioned so possessors might be informed and come to Headquarters to receive their compensation. * The witness actually

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Page saw such process being taken for the Wuhsi rice warehouses. Whenever owners or authorities remained in the occupied area, they negotiated with them and got the requisitioned commodities after paying compensation. Many times the witness acted in this way and remembered that at Painaokiang, the village head remained to take administrative responsibility. He negotiated with him and got provisions. As they paid reasonable compensation and took measures to protect the remaining inhabitants, the village had thanked them and gave them a cordial reception. At Chanshu there were similar cases.

32683

* Furthermore, the witness directed in many places, by means of autographed notice-boards, that the inhabitants be protected and looting prohibited. He took these measures in accordance with MATSUI's instructions. Since no one remained to take administrative responsibility in Nanking, personal negotiation was impossible. It was conjectured that the troops executed requisition according to the measures mentioned. As for requisition from the refugee quarter, he had never heard about it.

Both Chinese and Japanese troops practiced incendiarism in the front as a tactical operation. That of the Chinese troops prior to the retreat caused considerable damage which hindered the advance or the relief and pacification after occupation.

32684

There were fires before they occupied Nanking but no conflagration after. So far as he knew, only a small part of the city was burned. It was clear that the neighborhood of the Confucius Temple and other central places remained as before the battle. He * saw that the buildings of the Foreign Affairs Department and the Military and Navy Department were used as a hospital for the wounded and sick Chinese. Medical equipment was insufficient and the reception of patients seemed difficult. There could not have been any massacre there, and they gave them rice and medical supplies, but do what they might, they never recovered, died, as most of them were in serious condition.

32685

They scarcely captured POWs before the entry and he was told that the troops captured approximately 4000 in the Nanking vicinity, one-half of whom were sent to Shanghai and the rest detained. Though he saw several employed for common labor, he never maltreated them and dismissed them when their duties were over. * Decampment and theft were frequently committed by POWs and the witness supposed the latter crime was duly punished according to law, but the former crime he understood was not punished.

In official orders, "nominated to" means that the personnel nominated was installed in the fixed position within the full strength of officials but "appointed ... irregularly" meant that personnel

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Page appointed had no fixed post without the full strength of officials and he was an official without portfolio. In the curriculum vitae of MATSUI "appointed to attach the General Staff Office ..." meant he was installed in the General Staff Office as an official but he had no fixed post. He was then travelling through Europe.

32686 * The witness stated on further oral direct examination that about the time of Nanking's capture, about 10 Dec. 1947, MATSUI's Headquarters was in Soochow, about 140 miles east of Nanking. On 13 Dec. he was there, and on the 15th he advanced to the Tang-Shuichen area. On 17 Dec. he entered Nanking and on the 21st MATSUI went to Shanghai by destroyer. The witness was not with MATSUI when he was at this Soochow headquarters immediately before going to Nanking. MATSUI was not in Nanking when the city fell, but was in Soochow. The reason MATSUI * was not at Nanking when the city fell was because it was proper at the time to establish the headquarters at Soochow to command appropriately both the Shanghai Expeditionary Force and the 10th Army. Furthermore, on 13 Dec., when the city fell, MATSUI was sick and unable to be at the front.

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CROSS EXAMINATION BY BRIG. NOLAN

The witness stated that MATSUI was in Soochow on 13 Dec. and on 15 Dec. at Tangshuichen, about 25 miles from Nanking.

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* Exhibit 3402, photograph of a bulletin posted on the wall of the Chinchuan Temple by a staff officer of the Shanghai Expeditionary Force as ordered by Commander MATSUI, warned against setting fire or looting the temple and ordered protection to the priest. It was dated Dec. 1937.

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SHIMONAKA - Direct

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32689

* DIRECT EXAMINATION OF SHIMONAKA, Yasaburo
BY MR. ITO

The witness identified and verified Exhibit 3403 as his affidavit.

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* The affidavit stated that the witness established the Greater Asia Association with MATSUI in 1933 and was Chief Secretary of the Association's Director until its dissolution in 1941. MATSUI delivered an address at the conference of the establishment of the

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association which included the following account: * When MATSUI went to Geneva as delegate for the Disarmament Conference in 1931, the Chinese delegate, Wellington Koo, frequently attacked Japan and Japanese delegates replied. Notwithstanding that Japan and China had been brothers from olden times, they quarreled before the eyes of the white race. This was so painful that MATSUI could not keep his eyes open. For this reason, he wished to exert himself to bring about a better feeling between China and Japan after returning home.

32692

The witness organized separately a body of investigation called the Oriental Society for Research and Investigations, but when he listened to MATSUI's opinion, he agreed with him and that was why the witness resolved to establish the Greater Asia Association in cooperation with him. MATSUI attempted to establish it without resigning his post, but this was not welcomed by the military and some went so far as to propose that he check the establishment. * But MATSUI did not discontinue the work of the association, saying that he had been much interested in things concerning China and Japan, had made special studies, and had a firm belief for their reconciliation. The two War Ministers, ARAKI and HAYASHI, came to approve the undertaking on condition that the movement would act purely within the limit of an instruction: movement for thought, namely, no political movement would be started. Thus, its establishment was recognized and the association fulfilled the condition and never took political action but remained a body where genuine thought concerning Sino-Japanese questions were investigated and studied among the members.

32693

* The contents of the association's work were the opening of the meeting for investigation and research and issuing magazines. The contents of the meeting was that when noted persons returned home from various places in the world, a meeting would be held and the state of affairs of foreign countries would be heard. No special research organ was established to conduct systematic and positive investigation. When suitable persons did not come to lecture, the meetings were not held for three or four months. A private school

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Page for developing Asia was contemplated but not realized owing to want of funds. Expenditures depended upon private funds and there was never any government or public assistance. The expenditure for establishment came chiefly from 10,000 yen which was the remaining money saved by MATSUI from his travelling expenses to Geneva and it was started with contributions of interested members and persons.

32695 The Greater Asia Association had the object of carrying out Dr. Sun Yat-sen's Greater Asia Principle and was to instruct the people that China and Japan were brothers; Asia would be saved if they cooperated; Asia was the mother of world civilization; its moral civilization would be able to save the world; however, there were very few independent states in Asia, simply because the two countries struggled against each other. The magazine was issued monthly and about 2000 copies were distributed among members only and the people in general could not be instructed by them. The association's ordinary expenditures were from 20,000 to 25,000 * yen per annum, consisting of clerks' salaries and printing expenses. These were managed by subscriptions of members, sales of the magazines, and contributions of members or interested persons.

While and after MATSUI was Commander of the Formosan Army, the association could not be so active because of a shortage of funds and of the dislike of the military. Even after MATSUI became a cabinet member, no positive action could be undertaken. The system for the cabinet councillors aimed at the solution of the China Incident, but according to MATSUI's impression, it was only a conference of listening to the reports and was quite nonsensical as he was not asked to suggest a plan nor were his plans adopted even when suggestions were given to him. The witness remembered that MATSUI accordingly resigned his post before long.

32696 MATSUI visited North China in 1936 and discussed the Greater Asia Principle with interested Chinese there. With this conference as a turning point, the Chinese Greater Asia Association was established in Tientsin in Dec. 1936, by influential men in the political, business and literary circles in North China. Generals Sung Che-yuan, Hsu Fu-chu, and others supported it.* The Chinese Association was not a branch of the Japanese but independent and its object was to realize the Asia for the Asiatics by cooperation between China and Japan.

In his speech at the farewell meeting in his honor when he became Commander of the Expeditionary Forces in Shanghai, MATSUI said he was going to the front to pacify a brother, rather than fight an enemy. He knew China and had had many Chinese friends since his young days. At this time the military authorities had the non-aggravation policy also, and the General Staff gave MATSUI only two divisions.

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The witness heard that MATSUI demanded five divisions in order to conclude as quickly as possible, but this was not realized. Foreign magazines looked as if they had discovered Japan's weak-kneed policy, saying that MATSUI * proceeded to Shanghai with certain divisions of old soldiers.

In 1941 the government completely annexed a great number of research and investigation bodies for culture in general, such as oriental religion, morals, etc. and bodies for guiding public opinion concerning oriental questions. They made up one body named the Japanese Asia Development League and attempted to control the Asia Development Movement. The Greater Asia Association was amalgamated into the League. The Association was made to discontinue its publication, records were transferred to the League, and MATSUI was recommended for the staff of the League. Many members of the League and many undertakings were brought together by the League, but as they were a medley of good and bad, their perfect control was impossible. They did nothing but repeat the changes of system. They were unable to be engaged in any significant actions.

32698

* Not long after, MATSUI resigned his post, retired to Atami, where he was keeper of a temple, offering up prayers for the repose of all Chinese and Japanese killed in China. Sometimes, on request, he gave lectures there on the Greater Asia Principle, speaking chiefly to the effect that the key to the solution of the Incident lay in reflection by the Japanese. MATSUI loved China and the Chinese, and said that to serve Asia, China and Japan should rise up hand in hand with each other.

There was no cross-examination of the witness.

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* DIRECT EXAMINATION OF NAKATANI, Takeyo
BY MR. ITO

The witness identified and verified Exhibit 3404 as his affidavit.

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* The affidavit stated that he was a trustee of the Great Asiatic Society from March 1933 to June 1941 and was nominal editor and publisher of "Pan-Asianism", the organ magazine of the society. The annual bulletin of the Society published on April 25, 1940 was edited and published in the witness' name with materials collected by the society's business section. An article entitled "Prospectus for Foundation of the Great Asiatic Society" appearing in the bulletin was originally drafted by the Foundation Committee and published on 1 March 1933. The article entitled "Rules of the Great Asiatic Society" appearing in this bulletin was decided by the Foundation Committee in February 1933.

32706

* The article "General View of the Enterprises of the Greater Asiatic Society in China" appearing in this bulletin was the record made when MATSUI and the witness, during their North China trip, heard of Sung Cheh-yuan and Chin Te-chen's intention of founding the Greater Asiatic Society in China, and conferred with them on liaisoning with the one in Japan.

"The Proclamation of the Great Asiatic Society in China", part of this article, was originally written and published by the Chinese, was delivered to the Society in Japan and printed in the organ and annual bulletin of Pan-Asianism.

32707

* Asked what the attitude of MATSUI in the Society was toward the Three Peoples Principle, the witness replied that during the course of the China Incident, there was strong opposition to the principle in the government and among the people. Even in the Society, there were two opposing thoughts. The witness and a few other Society members, however, believed that the principle as advocated by Sun Yat-sen created a sort of thought system, and that

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unless the Society approved of the Three Peoples Principle, they would be inconsistent with advocating the Greater Asia Principle. If they were to approve it and make the Greater Asia Principle the basis of the Society, it followed they must also approve the Three Peoples Principle. This contention was supported by MATSUI.

32709

* With the establishment of the Nanking Regime under Wang Ching-wei about Feb. 1940, the Three Peoples Principle again arose as a question. At that time there was in the government in connection

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* with the settlement of the China Incident an advisory body

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Page called the East Asia Mission, of which MATSUI and the witness were members representing the civilian population or non-governmental groups. In connection with an inquiry addressed by the government to the Commission, pertaining to the ideological basis for settling the Incident, the Commission recommended the acknowledgment of the Three Peoples Principle. Within the government there was some opposition and Director-General of the China Affairs Board YANAGAWA was strongly opposed. The accused SUZUKI, Director of the Political Affairs Bureau of the China Affairs Board, strongly prevailed upon his superior, YANAGAWA, to accept the recommendation of the Commission and the recommendation of the Commission was adopted.

32711 * CROSS-EXAMINATION BY BRIGADIER NOLAN

The witness stated that he was a trustee of the Greater Asiatic Society from 1933 to 1941, and MATSUI was one of the founders. He recalled that MATSUI during 1933 to 1936 was one of a number of advisory councillors of the organization, and after that MATSUI became president. MATSUI resigned from the Society when it merged into the East Asia League, which was an auxiliary organization of the IRAA about August 1941. *

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The witness was only nominally, and not actually, editor of the Society's publication "Pan Asianism." Actual publication was by staff members, but he was responsible from 1933 to 1936. After this, he did not participate in the publication. * From time to time the witness contributed treatises or essays, but also wrote signed editorials which did not necessarily reflect the views of the association. There were cases in which only his personal views were expressed and other cases, the views of many members. Frequently the views published were contrary to those entertained by a majority of the members and were printed as personal views. In some cases articles were contributed by non-members.

32713

* When shown a document, the witness identified it as the Oct. 1940 issue of the magazine. * He acknowledged that the first editorial in the issue was written by him, himself. Exhibit 3405-A, the editorial from the magazine taken from the Oct. issue of Pan-Asianism stated that Imperial troops had advanced into FIC and Japanese residents in Shanghai where international tensions were complex were naturally more deeply impressed by this good news than those in the homeland. Both Chinese and Occidentals

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in the concession must have been shocked as they never before were * since the landing of military Japanese troops in Hang Chow Bay, when they saw the balloon stating that the troops had advanced into FIC. The advance not only opened a new phase in the Sino-Japanese Incident, but also marked a turning point in the situation

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Page of the whole of East Asia. It might be true that this was planned and executed to dispose of the China Incident but there was no knowing how great the significance and consequences of the advance into FIC might be. Four years had passed since the China Incident started but this was the first time that the Army had ever taken action outside China and had been able to hoist the glorious colors in a European colony. They could not but be extremely satisfied that the Sino-Japanese conflict as a war to emancipate Asia had now at last taken up the real issue.

32717

There was no need to comment on how the French governed in FIC and in what circumstances the poor Annamese were. They could not but be impressed by the greatness of Divine Might when they imagined the joy of the FIC natives, that they had been favored with the Emperor's virtues. The feeling of the FIC people immediately reflected that of the Burmese people. FIC and Burma were within hailing distance. Some day in October, the term of prohibiting aid to Chiang Kai-shek through Burma would expire. Rather than use the more prosaic term it was more elegant and truthful to say that within 50 or 60 days the Burma people would have the opportunity of basking in the august virtue of the Emperor. They felt pity when they considered the motive which drove England and America into trying all possible means to obstruct the advance into FIC. When they realized that the advance was executed in spite of the intrigue, hindrance and intimidation of Britain and America, the historical significance and political merits of the advance became doubly great. Britain displayed an attitude to threaten the southward advance by lending the Singapore Naval Base to America and forming a united military front including America, England and Australia. The fact that the Army triumphantly carried out the stationing of troops in FIC in spite of this had a tremendous psychological effect on the Chinese.

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The impression that although Japan could assert authority over China, she could not compete with Britain and especially America, had immeasurably fostered among the Chinese contempt for the Japanese, thus creating an obstacle in establishing the New Order. The Chinese interpreted the numerous disgraceful local events brought about in order not to arouse American nervousness as proof of Japan's inability to stand up against America. It could not be denied that the advance in the face of the objections and threats from America had contributed to straightening out the thinking of the Chinese and to some extent of the Japanese. To Chungking, this shock must have been greater than the loss suffered from the intercepting of transportation of materials. There were indirect influences caused by Imperial troops in FIC upon the movements into FIC, Burma and other countries. The advance meant a few steps more toward the war to liberate Asia.

32721 * Exhibit 3406-A, two excerpts from the book, "Annual Report by the Greater East Asiatic Association", published in April 1940, stated that the Manchurian Incident had caused an epoch-making change and turn in world political circles. The independence of Manchukuo was a great wonder in political history, and yet its appearance was nothing but a prelude to world historic changes to be occasioned successively.

32722 East Asian autonomy must be established next to the independence of Manchuria. The liberty and glory of Asia must be restored in quick succession. Formerly, * Manchuria served as the last defensive fortress in Asia against European conquest. Now Manchuria had been strengthened into one nation, and the construction work of Pan-Asiatic union and reorganization must be started. Asia was clearly one consolidated body with the same destiny from cultural, political, etc. standpoints. The peace, welfare, and development of the Asiatic races could be possible only upon realizing Asiatic unity. The opposition and struggle among the Asiatic nations afforded opportunities for outside interference and accelerated oppression. To root out opportunities for struggles among one another and exclude outside interference and separation, it was necessary to organize Asiatic races into a solid unity. Separation was not only a misfortune of East Asia herself, but of world peace, for they were apt to stimulate * European or American ambition or greed. The establishment of order through the independent endeavour of Asiatics was a prerequisite to the stabilization of world affairs.

32723 The grave responsibility for reconstruction and establishment of order was a task which must be borne by Japan. A quarter of a century before they staked national destiny and brought to naught invasion of Asia by the Russian Empire and saved all Asia from being overthrown and destroyed, thereby affording all colored races an opportunity to raise their heads. Now human history was just at a turning point after the settlement of the Manchurian Incident. It was time that Japan should make one more step toward the reconstruction and consolidation of Asia, enlarging the historical significance of the Russo-Japanese war and pouring all her cultural, political, economical and organizing power. This was the only way of sspreading the Empire's fundamental policy all over the Four Seas, * and improve the present international relations where Europe alone was the important character, with Japanese power leading the independence and consolidation of the Asiatic races and to establish a new world order based on human equality and equal possession of world resources.

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The forming of the Great East Asia union was a historical duty. Considered from the standpoint of development of international politics, the formation of the Great East Asia union was natural, and it was an inevitable consequence for human society that nations much alike with one another wished to form a political and economical union.

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It was unnatural and impossible to step over a racial state to world state, and it was inevitable that the League of Nations, which was organized at an opportune time without any maturity of historical factors, should be changed fundamentally by pan-continentalism and pan-racialism. In spite of efforts, the League was not only powerless to settle international complications, but the * efforts themselves to alleviate struggles gave a spur to them. The reason lay in the fact that there was something fundamentally wrong with the League that, neglecting the development of international politics, took its ground on idealistic cosmopolitanism. Present international politics and economy, and those in the future, were likely to be managed by intricate oppositions and antagonism among pan-continental and pan-racial state groups, such as a European Union, Asiatic Union, American Union, etc. The construction of the new world peace should be based on the condition of coexistence of such various groups.

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* Thus, the formation of the Great East Asia union was not only indispensable, but the best way to secure world peace. The reason why they thereby organized the association was that they believed it the best and absolute way to contribute to the progress of human culture and secure world peace. They would dash on undauntedly to materialize the union by serious efforts to investigate culture, politics, etc., and perfect friendly relations with other Asiatic states, and introduce and spread Japanese culture to other nations.

32727

The visit to North China in November 1935 by Councillor MATSUI and Secretary NAKATANI gave rise to the movement among Chinese in both official and civilian * circles toward establishing an association there. A preparatory commission was decided to be formed by influential members of the political, business and literary circles, and a meeting was held in Tientsin on December 1 the same year. Officers were elected and supporters were named, and a future line of policy, liaison with the Tokyo Greater Asiatic Association etc. were discussed on that occasion.

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32728 The declaration of the Chinese Association stated that in former times China defended herself by closing her doors to foreigners. Recently, with traffic and communication being opened, numberless countries had been founded, and their intercourse and communication was getting more intense. China could not remain closed to * the outer world any longer, considering her present power, and could not hope for isolated independence. China had hitherto been enabled to stay within her own boundaries, but hereafter she ranks among world powers. Circumstances had changed and there must follow altered national policy to cope with the changed situation. That is why China had recently heroically stood firm and rendered service as a member of the international organization. Nevertheless, during the past sixty years western powers had gradually shifted their influence eastward, bringing storm and stress to Asiatic nations.

32728 These nations were at a loss as to what to do, as they had been trying to help one another, but quarrelled, only to bitterly repent. * Why did they not unbosom themselves to one another and unite in common interest? The day had come when each should be awakened to the situation. Asia was Asia for the Asiatics, and all should pledge to be united for the establishment of a firm and concrete foundations, to stand up and exchange opinions in pursuit of common interests. That is why the Asiatics should at once set to work to study and investigate. Of all Asiatic nations, China was large and Japan was strong, and they bore heavy responsibilities. Progress on the part of China was lagging. Japan had already established the Greater Asiatic Association. Could China rest tranquil? With the sympathy and support of those interested, they had now established the Chinese Greater Association in Tientsin.

32730 * Exhibit 3407, excerpts from "Establishment of Manchuria for Manchurians", written by MATSUI, Iwane and published in the June 1932 issue of "The Great Asia Principle", stated that in MATSUI's opinion they could never hope for true collaboration between Japan and Manchukuo, unless they dealt with the latter with broad-

32731 * mindedness to accelerate the voluntary and independent development of Manchukuo. Unless true collaboration was soon realized, administration based on the Greater Asia Principle would come to naught. Collaboration did not mean for arbitrary interference by the Japanese, but meant for the two to cooperate for attaining the common aim with a mutual higher regard for its voluntary independence.

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The more they valued its independence, the more strongly united would the two be. The completion of administration, development of industry, etc., must be furthered and accelerated by Japanese people's effort for becoming true members of the new Manchukuo state itself. The means of promoting independent activities by narrowing or gradually removing administrative activities under Japanese direct control and the privileged positions of Japanese who have not become Manchurians, was to be * considered with the exception of military matters provided in the Japan-Manchukuo protocol.

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Deep considerations must be given by Japan in regard to strengthening and supporting the idea "Manchurians themselves". Needless to say, this did not mean Manchurians by the former Chinese. They did not point out by the word, Manchurians, only the Manchurian and Mongolian tribes who originally resided, but meant Manchurian subjects who included Japanese, Koreans, and Russians living in that country. The continental development of Japan could be put into effect only after Japanese residents there should devote themselves to Manchukuo as true subjects.

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* Exhibit 3408, a lecture delivered by MATSUI which appeared in "Great Asia Doctrine", the organ of the Great Asia Association and entitled "Our Greater Asia Principle", stated that the manuscript represented the gists of lectures MATSUI had made at meetings held at the end of May 1936.

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* In a lecture, he stated that on looking back, the present situation in Asia never was more urgent than adjusting problems with China, to see the establishment of the Asiatic union successfully realized. However, the state of affairs between China and Japan was very unfortunate, with repeated struggles and antagonism. The most urgent task for the Asiatic movement was to investigate these causes and carry out drastic improvement.

Because the Greater Asia Principle had often been misunderstood, he considered it necessary to clarify some points regarding their intentions. Westerners had often criticized their movements, saying they were based upon the so-called Oriental Monroe Doctrine, but on the contrary it was an entirely opposite advocacy. It was West and East brotherhood principle, or world co-existence principle.

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* Such words as "Japan-Manchukuo Economic Bloc" and "Sino-Japan-Manchukuo Bloc" had frequently been used. The principle had too often been misunderstood as if it were one of these bloc principles. This was never the object of the Greater Asia Principle.

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In the present situation, people went by economic bloc principles. In all the big powers, people were competing on the basis of these principles. To meet the present situation, they were obliged to take temporarily the means of bloc economy, but this is not what they aimed at, for the economic policy that they hoped for was the world co-operative economy, or free economy.

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The Greater Asia Principle did not necessarily mean the entire expulsion of Europeans and Americans from all places in Asia, and they did not wish for the destruction of their present political and economic state of affairs. All who understood the culture peculiar to Asia * and who would sincerely cooperate for the benefit of Asiatics were true friends. They required Europeans and Americans to gain this understanding, and strongly wished to urge the original Asiatics to bestir themselves and reconsider their resolution to the utmost of their power.

32737

There were some countries which were founded by power, and some by wealth, but this was not true with Japan, which had been in existence solely with justice since the beginning of its foundation. They were aware of the true value of power and wealth for attaining their just objects, and knew that the country founded by power fell of itself, and prosperity obtained by wealth would come to decay in due course. As for Japan, the Land of the Rising Sun ruled by the sun goddess, she constantly * keeps her principle unchanged, improves and prospers, and stands outside the prosperity and decline of the world. This was due to the brilliancy produced by justice.

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DIRECT EXAMINATION OF OKADA, Takasi.
by Mr. Mattice.

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* The witness identified and verified exhibit 3409 as his affidavit. * The affidavit stated that the witness was a student of Chinese language and history, and had many acquaintances among important Chinese. He had been well-acquainted with MATSUI since childhood. Prior to MATSUI's departure from Tokyo in August 1937, as Commander of the Shanghai Expeditionary Force, he called on the witness and told him he wanted to take him to Shanghai to assist him as a non-regular official attached to headquarters, and the witness consented.

32741

Concerning the witness' duty, MATSUI told him that he had been a faithful follower of the late General KAWAKAMI and of Dr. Sun Yat-sen, and had endeavored for the past few decades for the friendship and coalition of Japan and China for the emancipation and renovation of Asia. * Despite the earnest efforts of himself and friends the unhappy incident had taken place, and MATSUI was filled emotion at being appointed the Expeditionary Force Commander.

The reason for installing an old man like himself out of the reserve list into this important post seemed that instead of aiming at achieving glorious military feats, he, with his knowledge and love for China, hoped to settle the incident on a non-aggravation principle at the least possible sacrifice on either side. It was necessary to demand a responsible attitude from the Chinese authorities who had violated Japanese rights and interest and endangered Japanese lives and property in Shanghai by insolent acts. However, it was a concurrent result of long accumulated causes that had led up to the dispute, and both nations should be responsible. MATSUI was anxious to have his earnest desire thoroughly understood by both nations and open a way for reconciliation with the least possible fighting.

32742

He told the witness that when he landed at Shanghai it would be his first duty to get in touch with as many influential Chinese as possible, and tell them that MATSUI never wanted to fight China, that he would see to the safety of their lives and property during the fighting, and would endeavor for a prompt solution of the incident, with the hope they would render him cooperation and assistance.

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MATSUI said that if necessary they could defeat a large enemy with a smaller and more poorly equipped force by skillful tactics, but that would be only a military victory and the result would be disastrous, because forced fighting required great human sacrifice and hostile feelings. It was more desirable to win an immediate victory by sufficient numbers of well-equipped troops and avoid prolongation of fighting. This was the most effective way of making their non-aggravation principle really work for immediate peace.

32743

He had requested the government for at least five divisions, but the War Minister decided three would be sufficient. He regretted the War Minister's lack of knowledge of present Chinese conditions, and could not help feeling uneasy.

The witness landed in Shanghai at the end of August, when the Incident was at an initial stage. He looked for Chinese acquaintances in the Concessions, to communicate to them MATSUI's intention. He found opportunities to talk with Tang Shao-i, a friend and veteran Chinese statesman, and with Li Tse-i. They discussed and worked in concert for the elimination of the distressful relations.

32744

Accompanying the witness, MATSUI went to his Headquarters on 6 December. On his arrival at Soochow, MATSUI had a note advising the Chinese Army to surrender immediately, and had bills bearing this note scattered over Nanking from the air on December 9. His purpose was to capture the city without bloodshed and with the least possible destruction, and he took precautions against rash attacks by army units. He issued orders about December 9 for all his units to stop the general attack and stand in positions around the city until further orders. At the same time he instructed that they see to the safe preservation of Sun Yat-sen's tomb and various cultural establishments, as well as foreign rights and interests, and to maintain strict discipline.

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The witness was called late at night on December 8 and made to translate a note of the following purport. * The Chinese answer to the Japanese written advice for surrender would be waited for outside the Chungshan Gate at noon December 10. If the Chinese Army sent responsible persons to the appointed place, the Japanese were prepared to negotiate concerning taking over Nanking. If no answer was received, the troops would be compelled to attack.

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Page This note was dropped from the air on December 9. The witness started from Soochow by car that same morning with the Chief of Staff TSUKADA and two staff officers, reached the suburbs of Nanking, and passed the night at certain unit quarters. At 11 a. m. the next day all four went outside Chungshan Gate and waited for the arrival of Chinese representatives until 1 p. m., but they did not appear. The four Japanese left, and immediately after that the order for the attack was given.

32746 * When the witness entered Nanking with Colonel MURAKAMI soon after its fall on December 13, the city seemed rather peaceful, and what attracted their attention most was the enormous quantity of military uniforms and arms left by Chinese soldiers and scattered on the streets. He found people taking refuge, and he had some fifty of them taken to a hotel which was to be the Commander's residence, and had them help the soldiers sweep and clean its interior. Refugees and other peaceful citizens were made to work for the army, received payment, and were given the remnants of the soldiers' meals, so they worked willingly.

32747 After December 17 MATSUI lodged at the Metropolitan Hotel, and the witness was given a room near him. The * morning after a celebration banquet attended by MATSUI, the witness called on him and he looked extremely sad. The witness asked him what was worrying him, and he replied that he had visited Nanking many times before for the purpose of realizing peaceful relations with China, but he now realized that they had unknowingly wrought a most grievous effect on the city. When he considered the feelings of his many Chinese friends who had fled Nanking, and on the future of the two countries he could not but feel depressed, and could not rejoice at the victory.

32748 The witness sympathized with him, knowing that many leading officers had been interested in the study of affairs concerning Europe and America and were apt to despise the study of China, but MATSUI had almost singly devoted himself to Chinese questions since his youth. The * witness knew there was no other army man who had so many friends in China as MATSUI.

On New Year's Day, 1938, in Nanking, MATSUI composed a poem concerning his sadness at the time, and stated that through his travels in China he had ever prayed and worked for peace and the development of Asia, but on reflecting on what he actually had done he was aware of his limitations. His ardent hopes could not be overtaken by

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Page age, and he would forever strive to accomplish the purpose.
32749 * On December 19, for the purpose of inspecting battle-
fields, MATSUI visited Chingling Hill and Astronomical
Observatory and took a wide view of the city, expressing
joy at the perfect condition of Sun Yat-sen's tomb, and
said he was sorry for the interruption of Chiang's
endeavor for the unification of China. If Chiang had
been patient for a few years longer and avoided hostilities,
Japan would have understood the disadvantage of trying to
solve the issue by the use of arms, so there would not
have occurred this tragedy.

32750 On his way back, MATSUI surprised his staff
officers by visiting the conditions of the refugees. He
asked them about the dangers they had undergone, and he *
comforted them by saying that despite his strict orders
for the soldiers to be careful not to harm them, they
might sometimes find themselves in trouble because of the
soldiers' inability to understand their language, but that
the days of peace and prosperity would surely come soon.

32751 * MATSUI greatly feared the relaxation of
discipline following severe fighting, and warned his Chief
of Staff to see to the maintenance of discipline and
morale by strict orders and severe punishment. The
witness saw officers and soldiers being sent home from
Shanghai later as criminals under severe punishment.

32752 In mid-February, MATSUI was ordered home, and
told the witness that it was his great regret to be called
home in the middle of his tasks, which consisted in
stopping armed hostilities at the fall of Nanking and
concentrating efforts in reconciliation without extending
* fighting past Nanking.

32753 On December 21, MATSUI left Nanking and returned
on the 23rd to Army Headquarters in Shanghai, at which time
he told the witness that the war should not be allowed to
spread. In consequence of the anti-Japanese education in
China since the Manchurian Incident, anti-Japanese feeling
had been aggravated among military circles and among
students, endangering Japanese rights and interests and
lives. Japan had accordingly been obliged to appeal to
arms and had by force of circumstance come to this disaster
and been forced to capture Nanking, but the issue could,
* never be solved by the sword permanently.

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Page If they didn't clear misunderstandings by peaceful steps, the two would certainly fall into greater misfortunes. He was determined to endeavor for the establishment of permanent peace. His mission as Commander had been primarily the working out of peace, and not in the military operations that he had been engaged in so far. If military operations were the only aim, there would be no reason for picking an aged reservist.

32754 Since the two countries had gotten into a belligerent state, negotiations for peace by military authorities would be more difficult, and it was most desirable that they negotiate through economic or cultural representatives to work out peace. * The witness agreed, and they decided that the fittest Chinese to play this role was Sung Tsu-wen. The witness, on MATSUI's order, called on Li Tso-i in Shanghai and conveyed MATSUI's intention and asked his approval. In late January, Li met MATSUI and agreed that he would convey MATSUI's message to Sung. Disguised as a Chinese, the witness and Li left Shanghai on January 4 and arrived in Hong Kong about the 10th, and the witness stayed in Kowloon to await the results of Li's interview with Sung.

32755 On January 15, Li reported that through repeated interviews with Sung, it was ascertained that Sung was almost of the same opinion as they. He regarded the * unhappy incident as a misfortune not only of Japan and China, but of mankind. If MATSUI held to that view as representing the Japanese side, Sung was ready to act along those lines. The witness requested Li to go farther into the negotiations, but on the following February 16 the KONOYE Declaration that Japan ignored the existence of Chiang Kai-shek's Government was published by the Japanese Consulate General. The day after that the witness was notified that MATSUI was ordered transferred and this finished everything, and their endeavors were brought to naught.

32756 MATSUI left Shanghai on February 23, and a few days before told Li and the witness that it was to his great regret that he had lost his chance to stay on and accomplish peace negotiations, but after returning home * and being discharged of his post he would continue efforts for permanent peace. He said he had no ambition for honor or wealth or political activity, and his only desire was to become Ambassador to China and devote himself to the realization of peace. However, it was doubtful whether the government, especially the military, would wish his activity in that field.

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32757 As Commander, he felt responsible that tens of thousands of soldiers had fallen on both sides, but as soon as he got home he wanted to erect a statue to the goddess of mercy and offer prayers for their souls. In * compliance with MATSUI's request for the witness to get a handful of earth where the blood of both Chinese and Japanese had fallen at Tachangchen, the witness went there and obtained it and sent it to MATSUI, who used it in a statue of the goddess of mercy. He had a temple built for the statue, and dedicated it to Chinese and Japanese dead.

32758 MATSUI was a man with a strong sense of justice. When the witness was in Fuchow, a People's Revolutionary Government was organized in Fukien province in opposition to Chiang. At that time MATSUI was Formosan Army Commander. When MATSUI was informed of an attempt among Japanese to support the Revolutionary Government, he declared no Japanese should ever support a government which might hinder unification of China. MATSUI's determination was commun- * icated to Chiang Kai-shek.

Staff officer TSUCHIHASHI of the Formosan Army was sent to the Revolutionary Government in Fukien with MATSUI's advice that since civil war was most disastrous, Revolutionary troops should retreat from fighting the Nationalist Army. In compliance, the Revolutionary Army peacefully retreated to Canton and the Nationalist Army took over Fukien province without bloodshed.

32759 Regarding instances of MATSUI's humaneness. in January 1938, when he was in Shanghai soon after the close of battle, MATSUI presented ten thousand yen to a French missionary who had fought for the establishment of refugee * quarters and was supervising relief work. On another occasion he strictly warned a Japanese school teacher against having his students using phrases showing hatred toward the Chinese.

32760 * The witness corrected his affidavit with reference to the place where he spoke of MATSUI exhibiting a Chinese poem. Instead of the poem being shown to the witness in Nanking, it was shown to him in Shanghai.

32761 * When asked how he came to see the poem, he replied that on New Year's day, 1938, he made a courtesy call on MATSUI. It was customary for him to compose a poem every New Year's day, and so he showed him his poem.

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* When asked where MATSUI had his headquarters before the fighting at Nanking, the witness replied that MATSUI and he went to Soochow on 8 December and left Tangshuichen the same day. It was the 13th when the witness left there and returned to Nanking.

Asked about MATSUI's being able to attend his duties between the 8th and 13th, the witness replied that on the 8th MATSUI and he arrived at Soochow, and on the same day the witness proceeded alone to Tangshuichen. It appeared at this time that MATSUI was suffering from a slight cold. He did not know the details of MATSUI's disposition after he left Tangshuichen and went to Nanking on the 13th.

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* Exhibit 3410, a photostatic copy of an inauguration of Yannondo erected by MATSUI, was received in evidence to show that he enshrined both Japanese and Chinese killed in the incident, by holding memorial services for them without discrimination.

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* Exhibit 3411, a statement issued by MATSUI in Shanghai on 8 October, 1937, stated that, having received command, he, with heavy responsibilities, landed some time before south of the Yangtze River. Since then army influence had been increased, and bayonets were on the point of being unsheathed. The army mission was to fulfill its duties of protecting Japanese rights and interests and safeguarding Japanese residents and to chastise the Nanking Government and the outrageous Chinese and to have them throw away their anti-foreign and anti-Japanese policies influenced by communism. He deeply sympathized with the innocent people in the operation areas, although the army did not regard the people in general as its enemy, yet those who resisted or injured the army, irrespective of soldiers or civilians, would be punished without reserve. He could not help sympathizing with the * foreign officials and people exposed to war disasters. As for the rights and interests of the powers, they had been respected and protected and not in the slightest damaged. He believed firmly that all the forces would most certainly clear away all war clouds and establish the happy dawn of peace.

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32767 Exhibit 3412, a statement issued by MATSUI to the people of the Chinese Republic, declared that it was a matter of deep regret to the two nations that immediately after the outbreak of the North China Incident, feelings began to burst out. It seemed that a hundred year crisis was to be brought about in East Asia after the battle lines were finally expanded. At this juncture, for the good of the Chinese, he hoped that the Chinese officials and people * would meditate and reflect, recalling the principle of morality for East Asia.

32768 It meant the destruction of international morality and the disturbance of peace in the Orient that acts to undervalue Japan's real power or to endanger their existence because of over-readiness for communistic influence, and for the sake of executing peace restoration movements to utilize anti-Japanese and resistance principles, to unify national opinion and strengthen political power by emphasizing the necessity of advocating these principles. Even in case their principle of "Down with Japan" should by chance be realized, he wondered whether they would still consider that the five Chinese races would be able to lead a happy life by doing this. It was regrettable to MATSUI that the Chinese were placed in such a deplorable situation in which they could not speak out openly. * It must be recalled that Sun Chung-shan had always hoped for and tried to establish peace in the Orient, as well as for the restoration of China.

32769

* What Japan really hoped for was coalition between Japan and China, and he believed firmly that this was the principle which would bring about peace, but if the feelings of the Chinese Government and people toward Japan remained as they were, it would be necessary, to his regret, to uproot anti-Japanese and resistance movements and to eliminate the fundamental cause of the prevalent unhappy events. The sole object of the army rested on this point, and the army should not be easily mobilized, but it was their belief that if it rose in arms it was their real intention to annihilate the enemy completely to obtain the object.

The aim of the attack was solely toward the Nanking Government and its army, but they had no intention to aim at the people in general. The time had come for Chinese officials and people who had hitherto been busily engaged in the firm establishment of the Nanking Military Clan Regime to throw away their former illusions.

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32770 The Japanese Army would never hesitate to carry out the * work of constructing a Greater Asia with any country which would join with sincerity, but if there were some who would resist them he never refrained from chastising them.

He deeply sympathized with the innocent people who suffered from war disaster, and hoped they would keep away from all battlefields and not be misled by rumors. Farmers in operation areas were not taking advantage of ripened grains, and had left their safe houses at harvest time, which was regretted.

32771 Some troops had requisitioned grains left on the farms, but there was no one to deal with directly. Under such unavoidable circumstances, everything had been left unsolved until now. * For compensation, the army would be responsible for payment, and they were simply waiting for an opportunity.

The army entertained no enmity toward harmless people, and it had been MATSUI's constant desire to guarantee their safety and livelihood.

It was his advice to all the people in the rear of battlefield areas where the army was garrisoned that they would speedily return to their farms and continue their work, relying upon the Japanese Army.

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32803 * Exhibit 3413-A, certified to the death of NAKAMURA, Kotaro, on 29 August 1947.

32804 Exhibit 3413, the affidavit of NAKAMURA, Kotaro, stated that in 1931 the affiant worked under war minister MINAMI as chief of the personnel bureau. The WAKATSUKI cabinet at that time was taking up a retrenchment policy and trying to carry out readjustment to reduce the budget. In the latter part of July, finance minister INOUE presented a bill for * revising the pension law and demanded reduction and amendment to military pensions. The problem was carefully deliberated in the war ministry. Reduction of salaries was under the jurisdiction of the military affairs bureau and the accounts bureau, and not under the affiant's, but he heard it was reduced similar to civilian officials.

Expenses for renovation of army systems and materials, etc., could not be supplied by government finance and there was no alternative but to curtail expenses, and using sums for only urgent items. The WAKATSUKI cabinet was organized after the close of the Diet session and, although army reorganization had been planned within the budget of the ex-cabinet, the plan was suspended because of cabinet change. Army equipment was the same as that in the early stages of the first World War and, compared to other powers, was out of date and inferior.

32805 * The council of division commanders convened yearly in Tokyo, and took place on 4 August 1931 for the first time after MINAMI became war minister. In his address there MINAMI stated that as the situation in Manchuria and Mongolia was regrettably getting worse, those in military service should make increased efforts in military education and training. Some newspapers criticized this statement saying it inspired militarism or meant political intervention. However, it was only natural for the war minister to demand division commanders to understand the foreign situation and wish them to try their best in education and training of the army.

32806 The affiant could not help but think that the reason the address brought about great public reaction was that a plot was laid by some political party who, taking advantage of political instability, planned to overthrow the government * by tripping up a cabinet member.

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The news of the Mukden incident on 18 September 1931 and of the fighting between the Japanese and the Chinese was brought to the affiant at 8 the following morning. A vital element in combat was assignment of personnel. The fact that the affiant, as chief of the personnel bureau, did not know anything about personnel beforehand, and that there was no preparation, made it obvious that there was no previous plan. Moreover, as it was at a time when the army was taking a re-trenchment policy, and organization and equipment were imperfect, it was not likely Japan did take the initiative in bringing about trouble.

32807 Subsequently a gap took place between the cabinet policy of local settlement of the incident and army movements, and the war minister found himself in a difficult situation. This was because strategic * operations were under the control of the chief of staff and outside the war minister's authority.

32808 * Exhibit 3413, a certificate issued by the first demobilization bureau regarding the reduction in officers' salaries by ordinance dated 27 May 1931 was admitted into evidence but not read. (The attention of the tribunal was called to testimony at pages 19,776 and 19,777, and 32,206.)

32809 Exhibit 3415, the affidavit of SOGO, Shinji, stated that he was a director in the SMR from July 1930 to July 1934. About May 1931 UCHIDA, Yasuya, succeeded SENGOKU as president of the company. It was necessary when a change was made that the incoming president invite separately every minister and his staff, and this would be returned by the minister. The Asahi newspaper report on 1 July 1931 that war minister MINAMI invited UCHIDA and all SMR directors was nothing more than this customary return invitation (Exh. 2202-A).

32810 * Exhibit 3416, an excerpt from the secret diary of the Japanese War Ministry, a report regarding an address of instruction by a commander of the Tokyo MP on 19 August 1931
32811 to MINAMI stated that the attached address * was given by the commander of the MPs to guide young officers in respect to their activities of the present situation. The instruction stated that as the officers were aware, meetings of young officers with the objection of study and discussion of the Manchurian-Mongolian question, and other such problems,

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tended to overstep the scope of study and turn into concrete activities, which were about to be expressed politically by outsiders and might place the army in an awkward position. It was a breach of military discipline to make any proposition by forming horizontal combinations, and it would be a serious matter should this tendency infect NCOs and men, undermining the foundation of the military constitution. It seemed that the reason why this tendency absorbed the attention of young officers, * lies in the mistaken supposition that their activities were lead by higher army authorities.

32812

Not only was that not a fact, but the war minister was resolved to prohibit all of these activities, and they must cooperate with their superiors in the guidance of young officers and endeavor to stave off ill effects upon discipline and prevent outsiders from political exploitation.

32815

* Exhibits 3417 and 3418 certifying to the nonavailability of certain documents.

32816

* Exhibit 3419, certified to the sending of certain documents from the central intelligence group in Washington

32817

* and that the documents comprised all that agency could furnish.

32820

* DIRECT EXAMINATION OF TAKEDA, Hisashi
By Mr. Brooks

The witness identified and verified exhibit 3420 as his affidavit.

32822

* Exhibit 3420-A, a certificate on appointments of the witness, stated that he was appointed a member of the general staff and concurrently a member for compilation of the Manchurian incident on 1 August 1933, and was appointed an instructor of the army infantry school, and a member of its research department, and was thereby relieved on 1 March 1938 from his membership on the committee for compilation of the history.

32823

The affidavit of the witness, exhibit 3420, stated that from December 1930 to April 1932 he was a Kwantung army staff officer * and was well acquainted with telegraphic correspondence of confidential nature between the army and central authorities. After the Manchurian incident's outbreak, a document "The Manchurian Incident: The Relations of the Despatch and Withdrawal of the Army and Navy Forces (Summary and Particulars of Operations of the Kwantung Army)"

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prepared by Kwantung army headquarters on the basis of detailed reports which were drafted by the witness. The document was distributed in March 1932 and he could identify an IPS document as a reproduction of a part of the said document and could identify a defense document as an excerpt from the IPS document. He confirmed that the contents of four telegrams in the defense document were the same as the original text of the telegrams received by headquarters on September 18 and 19, 1931 from the Mukden special service organ and central army authorities.

32824 * Exhibit 3421-A, the defense document referred to in the affidavit, being an excerpt from "The Manchurian Incident," etc., concerning the relations of the dispatch and
32825 withdrawal of the army and navy forces, stated * that on 18 September at 11:46 p.m. the chief of staff of Kwantung army received a telegram from the Mukden Special Service Organ. This stated that a little after 10:00, 18 October, reports were received that Chinese troops destroyed SMR lines west of the north barracks north of Mukden, attacking the guards and clashing with garrison troops.

32826 The second infantry battalion was now on its way to the place of the clash. At 0:28 hours on the 19th, the chief of staff* received another telegram from the Organ which stated that Chinese troops at the north army barracks blew up the Manchurian railway and their forces were three or four companies of infantry. They had subsequently fled.

Since 11:00 o'clock the Hushipai company had been fighting against five or six hundred enemy troops and, although the Japanese had occupied a corner of the north barracks, the enemy was increasing their machine and infantry guns. At 6:00 p.m., 19 September 1931, a telegram was received from war minister MINAMI which stated that referring to the recent clash, the government decided to make every effort to avoid extension of the situation, even though Chinese troops must be blamed for producing its cause. The cabinet requested, therefore, that they act in accordance with this principle.

32827 * At that time another telegram was received from the chief of staff which stated that he believed that the resolutions and measures taken by the Kwantung army commander, since the night of 18 September were appropriate and had enhanced army prestige. In view of the Chinese attitude since

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the outbreak of the incident, the cabinet had decided not to go beyond what was necessary in dealing with it and the army should conform with this principle. (The attention of the court was called to testimony beginning at pages 18, 890, 18,897-18,901, 19,325-19, 327, 19,414, 19,779, and 32,217.)

32828 The affidavit continued and it stated that the witness from August 1933 to March 1937 was attached to the general staff. * During this period he was ordered to compile a history of the Manchurian incident and for such purpose he collected necessary materials and made copies of original telegrams. All copies of manuscripts thus prepared were under his name. The last manuscript was completed in March 1937 and submitted to the general staff. He heard it was printed but had not received a copy and believed that all prints and manuscripts of the history were burned at the time of the surrender.

32830 In the course of his work, the descriptive parts of the manuscripts were revised frequently on account of various personal opinions, while the text of the telegrams remained constant. Hence he used to cut out from the old draft the parts containing quotations and stuck them on a new draft (the quotations referred to were the telegrams read). Even after he was transferred from his post in the general staff he had in his possession a number of such copies of telegrams, * but all were destroyed or lost except sixteen he found recently.

He identified certain documents as copies of these sixteen telegrams prepared by him while he was chief compiler of the history. To the best of his knowledge and belief, these documents were the only existing authentic copies as regards secret telegraphic correspondence in the early stage of the Manchurian incident.

32830 After the reading of his affidavit, the witness was shown the copies of the telegrams referred to in his affidavit and he identified them.

32833 *Exhibit 3422-A, a telegram dated 19 September 1931 from the commander of the Korean army, stated that as the chief of staff compelled him to suspend dispatch of reinforcements, troops other than air force, were temporarily stopped on the outside of Shingishu awaiting further developments. (The attention of the court was called to testimony

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at pages 19,413, and 32,217-218.)

32834 * Exhibit 3423, a letter from the chief of the general staff to war minister MINAMI dated 22 September 1931 re delivery of order for dispatch of forces to Manchuria stating that notice was thereby given. Referring to the dispatch of forces to Manchuria, the attached order had been delivered to the authorities concerned. The order stated that certain named units from the Korean army should be dispatched to Manchuria, placed under the Kwantung army commander.

32835 * They should enter the command of the latter on their crossing of the Yalu River. (Attention of the court was called to the testimony at page 19,782.)

32836 Exhibit 3422-B, a telegram dated 20 September 1931 from the vice chief of general staff to the chief of staff of the Kwantung army stated that after taking the general situation into consideration, the general staff agreed to the policy decided at the cabinet meeting of the 19th as to how to dispose of the incident. The Kwantung army chief of staff was to understand that he was not restricted in taking necessary actions for accomplishing his proper duties or for self defense. Although his measures were believed fully appropriate, it was hoped that he would pay particular attention to army prestige by precluding Chinese troops and citizens from violating military orders and making Japanese officers and men observe strict discipline.

As some diplomatic and SMR officials in Manchuria were suspected of sending groundless reports about army actions, the Kwantung army chief of staff was to endeavor to investigate their source and eliminate them. The army should make a declaration of its grave resolution in case unpatriotic schemes were conducted. (The attention of the court was called to testimony at pages 18,934-935.)

32837 * Exhibit 3422-C, a telegram dated 22 September 1931 from war minister MINAMI to Kwantung army commander HONJO stated that in view of the situation, it was not proper for the army to carry out direct military administration itself. No time should be lost in letting Chinese autonomous agencies take charge. The army's task should be confined to negotiation and liaison with such agencies.

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- 32839 * Exhibit 3422-D, a telegram dated 22 September 1931 from the chief of general staff to the Kwantung army commander stated that he approved the actions of the Kwantung army up to then. As to further actions, however, he must maintain the present formation and keep a quiet watch with strict fairness, unless the situation took a sudden turn.
- Exhibit 3422-E, a telegram dated 23 September 1931 from the Kwantung army chief of staff to the war vice minister and vice chief of the general staff stated that the present incident had no connection with the Fushun case reported by consul general HAYASHI to the foreign minister (reference was made to testimony beginning at page 18,932-935, 22,140-22,142, and through 22,231-22,235).
- 32840 * Exhibit 3422-F, a telegram dated 23 September 1931 from the chief of the general staff to the Kwantung army commander stated that no dispatch of troops should be made to Harbin even in the event of sudden change in the situation.
- Exhibit 3422-G, a telegram from the war vice minister to the Kwantung army chief of staff dated 23 September 1931 stated that the cabinet had decided that no protection on the spot should be given to the Japanese residents in Harbin, and they should be evacuated if the situation made it inevitable.
- 32841 * Exhibit 3422-H, a telegram dated 24 September 1931 from war minister MINAMI to Kwantung army commander HONJO stated that even if the condition in Chientao became serious, force should not be used, but the aggravation of the situation ought to be avoided by relying on police power (reference was made to testimony beginning at page 18,813, 19,416, and 19,787).
- 32842 * Exhibit 3425, an excerpt from the Manchurian secret great diary, being an instruction given to major general HASHIMOTO by war minister MINAMI on 25 September 1931 and bearing the seal of department chief KOISO, stated that HASHIMOTO was to depart from Manchuria to take charge of liaison between central authorities and Kwantung army headquarters. Detailed instructions would be given by the war vice minister.
- 32843 * The instruction given by vice minister SUGIYAMA bearing the seal of the department chief KOISO and dated 24 September 1931 stated that taking the empire's policy into consideration, these are the actions of the Kwantung army, general HASHIMOTO should endeavor not to let the army act solely on its judgment of the situation, but make it apply for instructions

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from central authorities. He should make the army conform with their intention with regard to propoganda (reference was made to testimony at page 3091).

32844 * Exhibit 3422-I, a telegram dated 25 September 1931 from war minister MINAMI to Kwantung army commander HONJO stated that, by virtue of the recently proclaimed government declaration, the course of policy had become clear. At the cabinet meeting the 25th, all agreed to make every effort for executing the declaration. Now that the country was facing an emergency, it was necessary that both diplomatic and military authorities on the spot should renounce minor differences and do their duty by mutual cooperation. The foreign minister had instructed diplomatic organs to the same effect.

32845 Such a necessity was felt even more at this time when an end should be put to military action and diplomatic negotiations be commenced. * When handed a document, the witness identified it as the governmental declaration referred to in the telegram but it was rejected as evidence.

32851 * Exhibit 3342-J, a telegram dated 25 September 1931 from war minister MINAMI to Kwantung army commander HONJO stated that it was strictly prohibited to have any connection with the movement for supporting a new regime in Manchuria.

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MINAMI

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Asked if he had any recollection as to whether War Minister MINAMI sent a telegraphic instruction on 20 Sept. 1931, besides the ones sent Sept. 25, prohibiting participation in the establishment of a new regime, he replied that the telegram sent the 25th of Sept. was the only one.

32859

* Exhibit 3422-K, a telegram dated 29 Sept. 1931, from the Vice Minister of War to the Kwantung Army Chief of Staff, stated that rumor circulated among the Cabinet that the Kwantung Army Commander was connected with the movement for the restoration of Pu-Yi, the Army should be warned to have nothing to do therewith.

(Reference was made to testimony at P. 18974, 19783 and 19785.)

32860

* Exhibit 3428, a telegram dated 1 Oct. 1931 from the Vice Minister to the Kwantung Army Chief of Staff, stated that although it was reported that the Army might intend to enforce municipal administration in Changchung, he was ordered to avoid taking such a step by the Army in compliance with policy.

32861

* Exhibit 3429, a telegram from the Vice Minister to the Chief of Staff, dated 11 Nov. 1931 (Excerpt from Exhibit 3038-G) stated that after hearing that DOIHARA was presumably carrying on activities in Tientsin, they wanted to know what kind of duties he had been assigned and the arrangements between the Kwantung Army Chief of Staff and China Garrison Headquarters with regard to the scope of his work. By way of precaution, they were trusting the Garrison to conduct necessary business in North China from a standpoint of moral cooperation based on mutual respect of duties among arm'ees. They were to be fully informed as to the duties * of any person thereafter sent to North China on important business.

32862

(Reference was made to Exhibit and 299)

Exhibit 3422-L, a telegram from the Chief of the General Staff to the Kwantung Army Commander, dated 16 Nov. 1931, stated that in case the offensive of Ma Chan-shan's army compelled the outbreak of fighting, the Kwantung Army should try to destroy the enemy, even * though they would have to advance temporarily north of Tsitsihar.

32863

In view of the general situation, however, the army should not make use of the CBR and actions east and west along the railway should be limited to the number necessary for self-defense. Although it might be unavoidable to enter Tsitsihar temporarily, the army was not permitted to occupy it to control North Manchuria, but the main force should be concentrated as soon as possible east of Cheag-chiatun.

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MIYAMOTO

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Page Exhibit 3422-M, telegram dated 24 Nov. 1931 from the Chief of the General Staff to the Kwantung Army Commander, ordered him to take steps immediately to withdraw division headquarters and the main force to the area previously ordered, leaving in and around Tsitsihar only a unit of one infantry regiment in line with established policy. *
32864 The unit left behind must also be withdrawn within about two weeks.

Exhibit 3422-N, a telegram dated 27 Nov. 1931 from the Chief of Staff to the Kwantung Army Commander, ordered that unless a new duty was assigned, his army should not take operational action at their own discretion west of the Liao River, the south of Chenghiatun vicinity and south of Chengchiatun-Tungliao Railway for reinforcement of the China Garrison.

(Reference was made to testimony beginning at 19351 to 417, 19788, 32219 and Exhibit 57.)

32865 * Exhibit 3422-O, a telegram dated 27 Jan. 1932 from Kwantung Army Commander to War Minister ARAKI and the Chief of Staff, stated that following the northern expedition of the Kirin Army, the former Ting Chao Army looted Fuchiatun and fighting broke out around Harbin and an air officer was shot. Harbin was becoming disorderly. Taking these circumstances into consideration, the Kwantung Army wished to protect their residents by sending a unit of not more than 2 battalions as hostilities were likely to extend to Harbin. It was asked that approval be given in advance.

Exhibit 3422-P, dated 28 Jan. 1932, from the Chief of the General Staff to the Kwantung Army Commander, replied to the above telegram and stated that in view of the rampancy of armed bandits in North Manchuria, and to reinforce the forces there, the Chief of Staff approved the dispatch of troops to Harbin.

32866 * (Reference was made to testimony beginning at 18994, 19422 and 32320.)

There was no cross-examination of the witness.

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32867

* DIRECT EXAMINATION OF KATAKURA, Tadashi
BY MR. BROOKS

The witness identified and verified Exhibit 3430 as his affidavit.

32868

* The affidavit stated that the witness was attached to Kwantung Army Headquarters from Aug. 1930 to Aug. 1932, connected especially with the handling of secret telegrams. The copies of telegrams attached were the same as the telegrams handled by him at that time. Incoming telegrams addressed to Commander HONJU or C/S MIYAKO were first handed to the witness by the Code Section and then submitted to the superior after the witness read aloud to him * the gist. Outgoing telegrams from the Commander or C/S to Central authorities were first drafted by him and after the superior approved the draft, it was incoded and then dispatched. When shown Exhibits 3422-A to P, the witness identified them as the ones mentioned in his affidavit.

32869

There was no cross-examination of the witness.

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KODAMA - Direct

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32870

* DIRECT EXAMINATION OF KODAMA, Tomoo
BY MR. BROOKS

The witness identified and verified Exhibit 3431 as his affidavit.

32874

* The affidavit stated that from Dec. 1930 to Aug. 1933 he was Korean Army C/S. On the night of 18 Sept. 1931, as soon as the Korean Army received an urgent request for reinforcement from the Kwantung Army, HAYASHI, the Korean Army Commander, organized a combined brigade under KIMURA and ordered him to proceed * to the Korea-Manchurian border, thereafter reporting the step taken to the Chief of the General Staff and the Kwantung Army.

32875

On 19 Sept. about noon, a telegraphic order was received from the Chief of General Staff that the unit should not cross the border without Imperial sanction. In conformity, HAYASHI had the KIMURA Brigade stop within the border south of Shingishu. This measure was cabled to the Kwantung Army Commander. At that time wireless service of the Korean Army was out of order. Except this communication, no news was received from the General Staff through the State Cable Service and the Korean Army found itself isolated from central authorities.

32876

When shown Exhibit 3422-A, the witness was asked if the contents of the copy of the telegram in the Exhibit was the same as the contents of the telegram of the Korean Army referred to in his affidavit as being sent by the Korean Army reporting that the army unit had stopped short of the border. He stated that the telegrams were identical. The affidavit continued and stated that on 21 Sept., about 10:00 a.m., another telegram was received from the Kwantung Army urging the Korean Army to send reinforcements as not a single soldier remained in Mukden following the dispatch of the second division to Kirin. * HAYASHI judged that the Kwantung Army being so small might have been pressed into a desperate situation and that the lives and properties of Japanese residents might be at stake. He was convinced that reinforcements from Korea were absolutely necessary, making up his mind to carry out crossing the border on his own responsibility.

32877

He ordered the Combined Brigade to proceed to Mukden on the afternoon of 21 Sept., although the act without his superior's approval was based upon his judgment of circumstances and was ratified by Imperial sanction on 22 Sept., it was also true he exceeded his authority. Hence, both HAYASHI and the witness submitted formal inquiries as to whether they should resign. A decision was later

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Page made toward HAYASHI and a written notice delivered to him which HAYASHI showed the witness. He found it to be an Imperial Reprimand. The witness, however, received no punishment.

32878 * As the result of the Mukden Incident, there were disturbances in the Chientao District adjacent to North Korea. About 24 Sept. 1931 a telegram was received from War Minister MINAMI that no dispatch of troops should be made there but that peace and order be maintained by the consular police. Toward the end of October, central authorities took notice of the difficult situation and the Chief of the General Staff issued an order dispatching a unit to Kyokushigai in Chientao. After several months it was withdrawn when peace and order were restored.

32879 * When shown Exhibit 3422-H, the witness identified the contents of this telegram as the same as the contents of the telegram of the War Minister referred to in his affidavit.

CROSS-EXAMINATION BY MR. WOOLWORTH

32880 Exhibit 3422-A was handed the witness and he was asked what became of the air force referred to in that telegram. * He replied that it did not go into Manchuria directly. When the air force arrived at Shingishu there was inclement weather and a breakdown and the air force withdrew to Shingishu and other bases in the rear. They advanced to Manchuria two or three days later by Imperial sanction; this was after the 22nd of Sept.

32881 * Exhibit 3432 certified that the witness SHIDEHARA, Kijuro was ill. (SHIDEHARA's affidavit was offered in evidence but it was decided that it not be read until cross-examination was taken by Commission.

32885 * Exhibit 3433, the affidavit of Patrick J. Hurley, stated that the affiant was U.S. Secretary of War in 1931 and was in the Far East at the time of the Manchurian Incident. He had read the statement of the accused MINAMI, T. 19884 to 87.

32886- (MINAMI's statement appearing in the record, Pages 19884
888 to 87, was re-read into the transcript.)

32889 * In regard to this statement, the affiant recalled meeting MINAMI in mid-October 1931 and addressing him on these points, and received in reply substantially those answers. MINAMI advised him that the policy of the WAKATSUKI Cabinet was to remain within the principles of the Nine Power Pact, limiting the effect of the Mukden Incident, and maintaining friendly relations with the League of Nations.

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KAWABE - Direct

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32890

* DIRECT EXAMINATION OF KAWABE, Torashiro
BY MR. BROOKS

The witness identified and verified Exhibit 2588 as his affidavit.

32892

* The affidavit stated that the witness was the senior member of the Second Section (in charge of operations) of the General Staff from Apr. 1929 to Jan. 1932. Referring to the series of telegram copies contained in Exhibits 3422-A to P, he affirmed that B, D, F, L, M and N were correct copies drafted by his section and sent to the Kwantung Army Commander or his C/S under the name of the Chief of General Staff or Vice Chief. The telegram in "E" was received by the General Staff from the Kwantung Army and he

32893

remembered reading it at the time. * Although C, G, H, I, J and K dealt with matters not under the jurisdiction of the General Staff, he was acquainted with the fact that they were sent from the War Ministry to the Kwantung Army because of the business contact between the Ministry and General Staff.

When shown Exhibit 3422-A to P, he identified them as true copies of the ones mentioned in his affidavit.

32894

* The affidavit continued and stated that the witness was a staff officer of the Kwantung Army from Aug. 1934 to March 1936 and Chief of the Second Section in charge of Intelligence from Aug. 1935 within that period. Lt. Col. TANAKA, Ryukichi was his subordinate as a staff officer attached to the Second Section.

32895

In Dec. 1934 MINAMI arrived as Commander of the Kwantung Army and Ambassador plenipotentiary to Manchukuo, and gave frequent instructions, the majority of which were dictated by the witness. The two ideas which consistently ran through these instructions were respect for and assistance to independent Manchukuo, and self-reflection and elimination of the vain feeling of Japanese superiority. The witness remembered that whenever these two were contained in the draft of an instruction, he could obtain MINAMI's signature without hitch. * Not only was that the sentiment of MINAMI but all working under him that Manchukuo would secure her international status as an independent country. At that time the Kwantung Army held maintenance of peace and order within Manchukuo as the primary duty under the protocol. Troops were put in extremely dispersed positions and were inadequate for defense against danger from outside Manchukuo and even more inadequate for an offensive against the USSR or China.

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32896 In May 1935, War Minister HAYASHI came to Manchuria to inspect army conditions. About that time the UMEZU-Ho Yin-Chin Agreement was concluded in North China. The newspaper reports on these events were full of falsehood. Regarding Exhibit 2206-A, the article to the effect that War Minister HAYASHI reiterated in Mukden that the North China problem * was to be handled by the Kwantung Army, was entirely fabrication. In view of the state systems of command and duties of the Kwantung and North China Armies, HAYASHI would never have made such a statement. The article that MINAMI issued secret instructions to the Kwantung Army to hold themselves ready to pour into China was also false. Such instructions could not be given without a Supreme Command Directive which would surely have been brought to the witness' notice. The article that the Kwantung Army moved 5000 troops from Mukden to Shanhaikwan was also false. That army was in such condition that it was inconceivable to concentrate so many troops at one spot.

32897 The article that the army requested Prince Toh of Inner Mongolia to move his capital to a place 180 miles north of Pailing-miao * was also false.

Besides these items and with regard to matters not directly connected with the Kwantung Army, he found many canards which were totally beyond his experience and knowledge of the Japanese army. While he was a Kwantung Army staff officer, that army never issued anything like an ultimatum to China or brought similar pressure to bear.

32898 Referring to TANAKA's testimony that during MINAMI's tenure as Kwantung Army Commander, two brigades were sent to the demilitarized zone south of the Great Wall (T. 20118 to 119), there was no such fact. As to his testimony that two battalions of cavalry were sent to Chahar (T. 20118) he had no recollection of such a case. * The only incidents he remembered was a small unit moving into the demilitarized zone in the beginning of the summer of 1935. About one or two companies of the 7th Division operating against a strong bandit force near the Jehol frontier crossed into the zone in pursuit but immediately withdrew.

CROSS-EXAMINATION BY MR. WOOLWORTH

32899 The witness stated that in 1935 the main strength of the Kwantung Army was composed of one mixed and one mechanized brigade with a total strength of about 30,000 * under Lt. General KAWAGISHI. The witness did not recall if in May 1935 KAWAGISHI moved a part of the brigade consisting of one infantry regiment and one artillery

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Page company beyond the Great Wall, and he did not believe such a thing happened and was in a position to know what was going on.

32900 * He did not recall if in early June 1935 the mixed brigade was mobilized at the Great Wall. He knew of a place called Kupeikou but did not recall if the brigade was mobilized there. Asked when they were mobilized if not in June, he replied that he did not recall that the brigade was ever mobilized by the order of the Kwantung Army or if it was ever concentrated there.

32901 * He knew General KAWAGISHI and considered him honest. Asked if KAWAGISHI stated that his brigade was concentrated at Kupeikou in June 1935 on Kwantung Army orders, if he would believe him, he replied that if convincing proof of such orders were given, he would believe it but he presently did not recall such orders ever having been issued.

32903 Reference was made to the statement in the affidavit regarding the newspaper article that HAYASHI stated that the North China Army was to be handled by the Kwantung Army as an entire fabrication. The witness was asked if North China Army were substituted for Kwantung Army, if it would still be a fabrication * and he stated that even if "North China" were substituted it would not be right. He had never heard of instructions given by Japanese Army Commanders without a directive from central supreme command. He knew that the Korean Army was moved into Manchuria without orders from the Supreme Command. He was not mistaken when he stated that articles to the effect that MINAMI issued instructions to the Kwantung Army were false because they could not be given without a directive from the Supreme Command.

32904 * Asked if it were not true that there had been cases of troops being moved without such authority, he stated that the measure taken by the Korean Army Commander at the time of the outbreak of the Manchurian Incident was extremely extraordinary and could be called an exception. The witness believed MINAMI was familiar with the general figures and general disposition of the Kwantung Army troops. If MINAMI stated that there were 60,000 troops in the Army between 1934 and 1936, the witness would believe his statement.

32905 Asked if he read MINAMI's statement that there were 60,000 troops there while he was on his staff, if he would admit he was mistaken when he said 30,000, he replied that when the question was asked in regard to Kwantung Army numerical strength, * he spoke of the number of divisions and other units and the approximate numerical strength such as a number of divisions would represent, speaking from memory; but besides the units mentioned, there were technical units, communication units, etc. and other special units, and if these were counted, it was quite true that the total number would come to more than 30,000.

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* The witness was quoted a part of exhibit 2207, the interrogation of MINAMI (T.15785), in which MINAMI stated that he took command of the Kwantung Army in 1934, remaining in command one year and three months, and having about sixty thousand troops under him. * The witness was asked if there were sixty thousand troops in Manchuria, as MINAMI had stated, and if it was not so that the Kwantung Army was not in such condition at the time as it was inconceivable to concentrate so many troops at one spot. The witness explained that when, in his affidavit, he spoke of the difficulty of making any troop concentration, he was not making any comparison of numerical strength. Even though the number of troops under the Kwantung Army commander at that time was sixty thousand, it was under * the circumstances extremely difficult even to concentrate combat troops to the extent of 5,000.

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In pursuance of MINAMI's strong desire, troops were dispersed in North and Central Manchuria, and in the light of the circumstances a numerical strength of 5,000, about half a division, was difficult to concentrate quickly in one spot. It was not impossible if a commander made a decisive decision and took unreasonable measures to bring about such a concentration. The Kwantung Army commander could not have done it unless he abandoned the policy he had set forth.

32911

The witness stated he thought the accused UMEZU was in command of the North China garrison during 1935, but toward the end of the year he thought there was a change to General TADA. Asked if he knew what representations UMEZU made to the Chinese authorities prior to the UMEZU-Ho Agreement, he replied he did not know. He had stated that MINAMI gave instructions to his officers and men, particularly in respect to assistance to independent Manchukuo.

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* He had testified that MINAMI was against going beyond the Great Wall and gaining further territory in China. Asked if he was familiar with MINAMI's career after he left command of the Kwantung Army and became Governor-General of Korea, he replied only in bare outline, but could not speak with confidence. After MINAMI left the Kwantung Army and the witness was transferred from the Kwantung Army, MINAMI and he lost contact, and his knowledge of MINAMI's activities since were only through newspaper reports, etc.

(The attention of the Tribunal was called to exhibit 2437).

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DIRECT EXAMINATION OF ONO Rokuichiro,
by Mr. Brooks.

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* The witness identified exhibit 3435 as his affidavit and verified it. * The affidavit stated that on 5 August 1936, he was appointed Director-General for Political Affairs of the Government-General of Korea, holding the post until 29 May 1942, and during his tenure the Governor-General was MINAMI.

The governor-general was merely a civilian, and not entitled to deal with military affairs, which were within the competence of the Commander of the Korea Army, who was directly under the Emperor's control and not under the jurisdiction of the governor-general. POW matters were under the army's jurisdiction, and the government-general never concerned itself with them.

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In exhibit 1973, there were words to the effect that the government-general and the army were both strongly desirous of interning POWs in Korea, but there was no such case on the part of the government-general. All the witness remembered was that the Korean Army requested them to find some accommodation for POWs if they were brought to Korea. The government-general had no concern with the purpose of this. * Soon after, in May 1942, MINAMI and the witness resigned and returned to Tokyo, and he did not know whether POWs were interned in Korea or the condition of their treatment.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

32922

Exhibit 3436, the affidavit of MITARAI, Tatsuo, stated * that the affiant had long been connected with various newspapers, especially as a critic of Japanese political circles. He had known MINAMI intimately for twenty years, and was called into constant consultation with him in early March 1945, when he was asked to become President of the Japan Political Society. After his appointment, the witness became his secretary.

The creation of the society was promoted by a committee of influential citizens, who pressed upon MINAMI and the witness the urgent need of its creation. They said that although the IRAA made its appearance advocating a new political structure, its character had been so frequently changed that it became a mere administrative organ of the government.

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* The IRAA mainly consisted of members of both houses, and was crippled as a political party because it ignored the method of being in touch with the public. This situation, coupled with unfavorable aspects of the war, brought severe discontent and grave misgivings among people and political circles. Immediate attention had to be given to creating a political party which would act for and be managed by the people. This was the outline of policy which governed the society after MINAMI accepted the presidency.

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The distinct features of the Japan Political Society as different from IRAA or IRAPA were that the society never had connection with the government, as it did not cater to the wishes of bureaucrats and militarists and encountered interference from such quarters. In accordance with this policy, the society put its main strength to direct contact with the people. Within three * months after its creation chapters were established in 35 prefectures, with more than 3500 members. The society received no financial aid from the government, all expenses being defrayed by members and contributions. Contrary to the initial plan for the head office to subsidize chapters, not only every one of them dispensed with the proposition, but many offered donations to the head office.

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Under these circumstances, it might seem curious that a retired general should be installed as president. However, committee members who approached MINAMI with the offer of the presidency thought the purpose of the society could be carried out only by one whose popularity and ability would enable him to take a clear stand vis-a-vis the government and military authorities. MINAMI, because of his record, was thought the very man. On the other hand, the witness knew MINAMI's pet theory, that no military man should participate in politics, and knew that he declined * the recommendation to the presidency of IRAPA the previous year.

In the case of the Japan Political Society, the committee took every means to persuade MINAMI, notwithstanding his repeated refusals, and they finally succeeded in obtaining his agreement on the strength of the good offices of Privy Council President SUZUKI, Kantaro. Thus, he was nominated president on 30 March, 1945. Four months later, on August 9, MINAMI met SUZUKI, who was then Premier, and advised him to accept the terms of the Potsdam Declaration, and henceforth MINAMI and the Society strove to unite public opinion, and upon the surrender he resigned and the Society dissolved.

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DIRECT EXAMINATION OF MURATA, Yachiho,
by Mr. Brooks.

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* The witness identified and verified exhibit 3437 as his affidavit. * The affidavit stated that the witness was Chief of the Investigation Section of the Board of Decorations. When he was shown the record of offices held by MINAMI (Exhibit 117), he noted that MINAMI was appointed Councillor (Zitaikan) (Cabinet). By comparing with the Japanese original, the corresponding Japanese word in parenthesis should be "Gijokan", meaning that kind of councillor of the Board of Decorations.

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The duty of a Gijokan is to confer and agree on the propriety of investiture or divestiture of orders of merit, decorations, etc., in accordance with regulations. The council was conducted under the supervision of the President of the Board of Decorations, by circulating a writing among the councillors whenever a case arose for investing or divesting decorations. * It was therefore outside the scope of their duty to participate in political or military affairs, and they had nothing whatever to do with them. This kind of councillor was appointed by the Emperor, and was entirely different from a "Cabinet Councillor".

When he had been shown IPS Document 0001, he found it said that on 9 February, 1933, MINAMI became a Cabinet Councillor and remained so until 10 December 1934. It seemed that such statements were mistaken, because the records of his Board registers that MINAMI served as a Gijokan from 9 February 1934 to the beginning of 1936. This document also describes MINAMI as having been decorated on 29 April, 1940, for services in China Affairs, but according to the records of his Board no decoration was awarded him on that date, except a pair of silver sake cups.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

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OPENING STATEMENT BY MR. COLE.

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* Exhibit 3438, the affidavit of Major-General F. S. G. Piggott, stated * that the affiant first met the accused MUTO in Shanghai in 1938, where he had been sent from Tokyo at the request of the British Ambassador to China, and with the concurrence of Japan he settled certain questions prejudicing good relations between British and Japanese authorities in Shanghai. MUTO was then on the staff of the accused HATA, the C-in-C, and was instrumental under HATA's orders in effecting noticeable improvement in relations.

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In the summer of 1939, MUTO headed the Japanese Army delegation from North China which came to Tokyo for the conference to discuss and settle the Tientsin crisis. Although military authorities had been overruled by Premier HIRANUMA in their desire to hold the conference in Tientsin, they accepted the situation and did their best to make the conference a success. MUTO frequently explained to the affiant that the army's business was the security of their troops, and that economic questions at the conference concerned their security. He was anxious to return to his military duties and desired to see a speedy and successful outcome. The affiant reported his attitude to the British Ambassador, and an account of the affiant's farewell interview with MUTO in which he expressed good wishes for the conference's success appeared in the London Times.

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Page DIRECT EXAMINATION OF NISHIURA, Susumu,
by Mr. Cole.

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* The witness identified and verified exhibit 3439 as his affidavit. * The affidavit stated that the witness, after his graduation from the Military College in 1930, was in the Military Administration Section of the Military Affairs Bureau, except for about three years from October 1931, immediately after the outbreak of the Manchurian Incident to December 1944, and was officer in charge of estimate and organization affairs, Senior Section Adjutant and chief of the section. While in service he was engaged in the study of revisions of the War Ministry Organization. During his tenure, no director of the MAB ever deviated from the authorized limits of that position.

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The main provisions of the MAB * were the Military Administration Section and the Military Affairs Section, and in addition there was the Press Section. Originally there were six bureaus in the War Ministry, Personnel Affairs, Military Affairs, Ordinance, Intendance, Medical Affairs, and Judicial Affairs, but in 1926 the Equipment Bureau was established. In 1936 the Military Service Bureau was established and made separate. Only the business formerly handled by the Administration Section remained under the MAB, and was divided into the Military Administration Section and the Military Affairs Section. Other matters were transferred to the Military Service Bureau, such as Morale and Discipline, MP duties, etc. These matters were entirely apart from the MAB from that time on.

32949

In 1937 also the Intelligence Division was united with the Information Section under the Supreme Command. As the Bureau of Intelligence of the Cabinet was strengthened, it took over most of the remaining matters * that had formerly been announced by the Ministry; and information matters announced through the latter became very few.

Through these changes the activities of the MAB became smaller. Prior, it had been customary to ask the opinion of the Director of the MAB on personnel matters, but after TOJO became War Minister the practice was discontinued. Under the general rule of the ordinance relating to the organization of ministries, the director of the MAB had the same authority as all other bureau directors.

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Directors were not authorized generally to decide principal matters on their own opinion, but their duty was to administer under the minister's direction, and all had equal responsibility. It was completely wrong to say that the director of the MAB had any special authority.

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* The verb "rentai-suru" or "to give rental" meant only approving a decision by a competent bureau by affixing one's seal on the understanding that one had no objection so far as matters within his bureau or section's jurisdiction was concerned. It did not mean that one who gave "rental" to a certain plan undertook joint responsibility for its contents beyond his authority as defined in the official organization.

The War Minister and Vice-Minister asked each director's opinion on pertinent matters, and no more importance was attached to the opinion of the director of the MAB than to others. It was not rare when the opinion of that director was disregarded and the opinions of others adopted. It was an army rule that once a superior decided a matter, subordinates must be absolutely obedient. The soldier's demanding release from office if he disagreed with his superior's orders could never be approved in the system and organization of the army.

32951

* The War Minister, Chief of the General Staff, and Inspector-General took over portions of the central business upon themselves. Each bureau took over a share of matters under the control of the War Minister. Those matters under any one bureau were strictly limited and could not extend beyond the Minister's authority, although "organization" was mentioned as a function of the Military Administration Section, which did not mean that army organization could be decided by that section alone. In reality, the right to draft organization plans originally belonged to the General Staff, and as a practical matter the General Staff made plans regarding organization, merely asking for the Minister's counsel.

32952

Most matters mentioned as the War Ministry's responsibility arose from demands of the Chief of Staff. During the China Incident and during the Pacific War these * demands were varied and more numerous, including requests on current problems from the standpoint of home affairs or foreign relations. These requests were first received by the MAB and transmitted to the proper bureau for consideration, and afterwards reply was made by the War Minister's order. Some matters did not go through the MAB at all.

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There were frequent disagreements between the War Ministry and the General Staff, and often it was necessary to repeat consultations and negotiations. There were many demands from the General Staff which concerned ministries other than the War Ministry, and in such matters the ministry negotiated with the ministries concerned. For instance, it negotiated with the Finance Ministry through the Intendance Bureau; for materials, with the Planning Board or Munitions Ministry through the Equipment Bureau; and as for foreign affairs, with the Foreign Ministry through the MAB.

32953

As a minister of state, the War Minister was compelled to be aware of political and diplomatic activity * and as an official concerned with army matters he had also to be completely a soldier, but since the Chief of Staff had the highest responsibility concerning the army, it was his highest duty to give consideration to winning victory in war. Thus there was often sharp conflict between the Chief of Staff and the War Minister. It was the duty of the Chief of the MAB to negotiate with the General Staff in such disputes and represent the General Staff in dealing with other agencies in some matters.

32954

Many War Ministry officers also held concurrent offices in connection with Imperial Headquarters. It was decided also that the War Minister, with some of his subordinates, should participate in Imperial Headquarters Conferences, as occasion demanded. However, in reality there was no change in their true relationship. Directors of the MAB and the Personnel Affairs Bureau who did not hold concurrent posts with Imperial Headquarters were simply ordered to be "attendants" of the War Minister at the conferences. Most officials confined themselves to * the work of their own offices in the Ministry, and attended Headquarters Conferences only in urgent circumstances. Though the Director of the MAB, as well as the Vice-Minister and Director of the Personnel Affairs Bureau were attendants of the War Minister, he did not participate in such conferences in any degree, but merely made preliminary arrangements for the Minister and attended to detail work after such conferences as the War Minister attended. With regard to operations, attendants such as the Director of the MAB were given only such information by Headquarters Staff officers as applied to their particular offices.

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* Under the Military Administration Section were matters concerning main lines of national defense. It had no power to decide main policies, but rather to harmonize and coordinate matters handled by various bureaus and sections. When consultation between the latter resulted in disagreement, the section had no power to settle the dispute, but merely to arbitrate and counsel. Matters of national defense tactics were the exclusive concern of the Chiefs of the General Staffs, and this was also true in other routine affairs. If plans involved appropriations and material, consultation was had with the War and Navy Ministers. In the case of an agreed plan, each bureau went about its own particular business.

32956

One matter under the charge of the Military Affairs Section was "matters concerning the national defense policy in general". This might be understood to mean that that bureau had authority to make final decision on matters of defense policy, but the contrary was true. Each bureau * transacted its business in accordance with the policies of the Chief of Staff and War Minister. This business often involved matters originally under offices other than the War Minister. If such matters were taken up independently with bureaus concerned, confusion would result and it was thus necessary to have some one office coordinate. This was the business of the Military Affairs Section.

32957

The Military Administration Section had duties in connection with budget matters. It was the duty of the Prymaster's Section of the Intendance Bureau to collect data on the requirements of bureaus and sections to formulate an over-all budget and apportion allowed sums. The duty of the Administration Section was to do its best to adjust the organization and application of budget business of other bureaus and sections to the requirements of national defense as set by the General Staff.

* Failure to handle the appropriation properly within the War Ministry often resulted in failure to meet General Staff demands. The section, however, could never intentionally interrupt a General Staff plan, for the latter was thoroughly familiar with the amount and distribution of appropriations. In such case, decisive power was in the Minister, and never in the Chief of the MAB.

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The Chief of the MAB automatically held other posts ex-officio, one such being Chief Secretary of the Supreme War Council. His duties were only secretarial in nature. He had no voice in discussions, nor the right to vote. He did nothing more than keeping minutes.

32958

Another concurrent duty was to act as secretary of Joint Headquarters Government Liaison Conferences. It was agreed that the Chiefs of the MAB in the War and Navy Ministries * and the Cabinet Secretary should act as secretaries. Their only duty was to distribute the necessary papers and deal with documents acted upon. They had no right to participate in discussions. The same situation existed in the case of conferences before the Throne.

The Chief of the MAB also held posts as a member of Cabinet Committees or in committees of other ministries, but this was true of all bureau chiefs and done to bring about close coordination. Resolutions of such committees were not binding on the ministry involved, and as a practical matter those named to the committees were rarely present, and usually represented by proxy.

There was no direct connection between the Privy Council and the MAB. When the War Minister was required to attend, the chief of the MAB or one of his subordinates attended, solely for explaining, if called upon, specific and technical details.

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* With regard to attending Diet sessions, usually representatives from all ministries concerned were there. Not only the Parliamentary Vice-Minister and Councillor, but also the Vice-Minister, Chief of the MAB, Chief of the Accounting and Supply Bureau, and sometimes other bureau chiefs were appointed "commissioners" and charged with explaining or answering questions about matters before the Diet. Such duties were not policy-making.

DIRECT EXAMINATION BY Mr. Freeman,
Counsel for SATO.

32960

The witness acknowledged that he had stated in his affidavit he was in the Administrative Section of the MAB continuously with the exception of three years from October 1931 to December 1934. * The witness was reminded that the witness TANAKA, Ryukichi, testified, (T.14287), that protests received from Allied powers by the Foreign Office relative to the treatment of POWs were routed directly to the MAB. The witness stated that such matters were not handled in his section.

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The witness was told that TANAKA also testified that the MAB prepared all replies to such protests. The witness stated that neither he nor his section ever prepared a reply to such protests. The witness was told that TANAKA also testified (T.29051) that there were junior officers in the Military Administration Section of the MAB who held extreme views relative to the execution of the Doolittle fliers. The witness stated there were no members of his section who wished the execution of any or all of the fliers.

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* The witness was reminded that when asked by the prosecution to name subordinates within the ministry who favored execution, TANAKA named Colonel OTSUKI of the Administration Section, who, he said, came to him several times urging severe punishment. Asked if there was any such colonel by the name of OTSUKI in his section during 1942, he replied there was no officer by that name in the section during that year. An officer by the name of OTSUKI, Akira, at one time served in the Administration Section, but just prior to the outbreak of the Pacific War he was transferred outside Japan, and the witness did not think he served in any post in Japan during the course of the war. He thought OTSUKI was transferred to Saigon.

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The witness was reminded that in his affidavit he had stated that many officers in the ministry concurrently held offices in connection with Imperial Headquarters, and that directors of the MAB and the Personnel Affairs Bureau * attended Imperial Conferences only as attendants of the minister and did not participate in them, but only made preliminary arrangements for the minister. The witness stated that by this he meant to state that the attendants had no voice in decisions reached at Headquarters, and actually the two directors attended only in an advisory capacity to the minister.

Policies and regulations relative to the treatment of POWs were drafted by the POW Administration Bureau.

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* (The attention of the Tribunal was called to Transcript page 16966).

CROSS-EXAMINATION BY MR. LOPEZ.

The witness stated that throughout his long connection with the MAB he never attended a meeting of the Supreme War Council. He did attend a meeting of the Chief Secretary of the Privy Council to explain matters on the agenda.

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* He was not able to attend any meeting of Imperial Headquarters. These meetings were held at times within the Palace, and at times at Headquarters. The Privy Council met within the Palace, as did the Supreme War Council. He had been in the room where the latter were held when the conference was not in session. He

32965

* had never attended liaison conferences, but knew they were held in a certain room in the Palace.

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* Exhibit 3440, an article in the "Japan Times and Mail" re speech made by MUTO at a session of the committee of accounts of the House of Representatives on 19 March, 1940, showed that in the speech MUTO stated he supported the opinion of committeeman HAMAJI. It was the attitude for the Japanese to take in surmounting the emergency. He was of the opinion that they must have the spirit of leadership commonly needed for attaining its purpose. * It was, as already stated by War Minister TERAUCHI in the Diet, essential to oust individualism and liberalism which would attach too much importance to personal interests. Looking over the present international situation, all nations were attaching importance to a national standard. They were carrying on economic transactions with one another with nations as the unit. This had progressed to a "bloc" economy. Each attached importance to the nation as a unit in competition rather than personal gains in an economic race.

32967

MUTO stated he was firmly convinced that it was impossible to unite and give full swing to Japan's strength to see her through the emergency so long as greater importance was attached to personal interests. Regarding totalitarianism, TERAUCHI once stated that they must depend thoroughly on totalitarianism, attaching importance to * patriotism. MUTO wondered if the principle of Japanese national policy would not be satisfactory for this.

32968

It was his firm conviction that if all would unite, based on the nation more than the individual, total strength would be unified and give full swing. Should political parties be neglectful of national affairs and cling to their own interests, this would not be allowable. If government officials should swing to self-complacency, they should reflect and reform. As for the armed forces, should there be any points that should be criticized, they should be amended.

Page He firmly believed that the Japanese should fully
32969 realize a sense of nationalism and act in concert with one
another. * If political parties, government officials,
military authorities, and all others would reflect and
amend themselves, closely cooperating with each other and
realizing national policy, he was hopeful of the future and
believed the emergency would be seen through. If there
should still be political parties clinging to their own
interests, they ought to reflect. If they refused, he
believed legal measures should be taken to have them
dissolved.

32970 It had been mentioned that for close cooperation
the military were too powerful, but it could not be said
that the military was too strong for fighting an enemy. It
was probably kept in mind that the army was too high-handed
in uniting and cooperating, but in this connection MUTO
* believed that there was much discussion that the military
interfered in politics, but perfect understanding must be
reached by both the military and politicians to bring the
war to a successful conclusion. In the case of one who was
a general and politician at the same time, things would be
in agreement; but under the present national structure
politicians take charge of politics, generals lead military
forces, and were quite separate. If politicians should
understand the military in every respect, the latter would
be able to devote itself to its own affairs.

This, however, was impossible, so for the military
to say they would like to have certain things done to see
a successful prosecution of the war was only natural. MUTO
was convinced that if they would read but one page of the
science of war, the committee would be in complete agreement
with him and not ask further questions, particularly so in
modern war, where they were forced to concentrate all-out
national energy.

32971 The army held a keen interest on even a trifling
matter, for if there should occur a rice shortage it would
threaten stabilization and have far-reaching effects in
the leadership of the war. The same would be true in the
case of the sabotage of a single laborer. Consequently, the
army hoped the committee would fully understand that they
had to ask for certain things to be done, and took a keen
interest in every particular of both politics and economics.

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* MUTO did not believe this was interference in politics. To work cooperatively, he believed one should speak out his opinion. If the will or indication of the military were to be mistaken as too strong, political parties or government officials should frankly give their opinions without hesitation.

He wondered if the case was not that the military was too strong but that political parties were too weak. He did express his views, but the point was that they should fully realize the mission of Imperial Japan, take full cognizance of the emergency and exchange frank opinions to arrive at an agreement.

32973 He quite agreed to the suggestion of committeeman HAMAJI in which he had stressed that the military should * always act in close concert with political parties.

As to HAMAJI's advice to the army about relations between the militarists and merchants, the other day, the War Minister simultaneously with the budget decision of the Cabinet, informed all forces that every single penny or item should be used with care. Everything was being handled with this attitude, and MUTO was hopeful of there not being any mistakes.

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32979 * Exhibit 3441, the affidavit of James Edward Walsh, stated that the affiant was a Catholic Bishop affiliated with the Catholic Foreign Mission Society and at the time of the occurrences related in the affidavit he was Superior General of the society.

32980 In late November, 1940, Father Drought and the affiant were in Japan and were asked by foreign minister MATSUOKA if they would take a message to Washington to the effect that Japan wished to negotiate a peace agreement. MATSUOKA was not very definite about the terms, * but they were told by other government officials that Japan proposed as basic terms to guarantee to nullify participation in the Axis Pact, if not public repudiation, at least in some definite manner that would be effective and said guarantee to recall all military forces from China and restore China's geographical and political integrity.

Other conditions were to be explored and agreed upon and these economic in nature. These were discussed also by MATSUOKA to some extent, but at greater length by other government representatives among whom was IKAWA, the unofficial representative of the then premier KONOYE.

32981 * Father Drought and the affiant agreed to take the message provided that some assurance would be forthcoming from army and navy representatives regarding Japanese unanimity in reaching an agreement and carrying it out. The affiant's diary recorded that Drought and he were introduced to the accused MUTO by IKAWA on 27 December 1940. MUTO was

32982 then chief of the bureau of military affairs. * MUTO at the interview did not appear to speak English and accordingly IKAWA translated for him. The affiant made no record of the conversation at the time but recalled distinctly that the substance of what MUTO said was that he and his army associates were in accord with the efforts to reach a peace agreement, and that he would do all in his power to further and assist such efforts.

32983 From the interview Drought and the affiant received the impression that MUTO was pledging himself to concurrence in the proposed undertaking. The affiant did not recall that the actual terms of the proposed agreement being discussed with MUTO, although they may have been. The interview lasted for less than one-half hour. The conversation was leisurely, but he possessed * no distinct recollection

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as to whether the terms were discussed. The affiant seemed to recall that Drought had seen some navy representative a few days previously and had a similar assurance on the navy's behalf. It had been represented, chiefly by IKAWA and others, that the peace proposals had not only the concurrence of KONOYE but were largely of his initiation. They were told that they would be taken to see KONOYE before leaving.

32984

* The evening before their ship was to sail on 28 December 1940, they were taken to the premier's office, but he was out at the time and they didn't see him. Drought and the affiant, on arriving in New York, got in touch with secretary of state Hull to arrange for their explaining the proposals to Roosevelt and on 23 January 1941 they explained the matter to the president, Hull, and postmaster general Walker. After the meeting Roosevelt and Hull thanked them and said they would take the matter under advisement.

32985

The affiant believed that shortly after the United States entered into conversations with Japanese representatives relative to the matter. * In June, 1941, the witness went again to Japan for a visitation of Maryknoll missionaries in Japan and Korea. He arrived on June 19, completed visitations in Japan and Korea and wished to proceed to Manchuria, but was informed in Korea he would not be allowed to proceed and no reason was given by the local police.

He returned to Japan where he was sought out by IKAWA, who had been sent to Washington to take part in the peace conversations. IKAWA informed the affiant that the peace proposals had encountered difficulties but there was still some hope. He asked the affiant if he would lend his assistance particularly in trying to get messages to and from the State Department in Washington and the American Embassy in Tokyo. The affiant replied he would do so if the embassy approved.

32987

* This was in late August 1941. On consulting chargé d'affaires Eugene Dooman at the American Embassy he was advised his cooperation might prove useful and understood Dooman had consulted Grew and had obtained his approval. IKAWA and the affiant spent two months in facilitating the exchange of information and messages between Japan and the United States. The many messages for the State Department forwarded through the affiant were sent by him by cablegram under his own name and in plain English, but concealed under missionary phraseology to Father Drought in New York for transmission to State Department officials. All messages for the embassy were taken

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32987 there personally by the affiant and given to Dooman orally.
* IKAWA awakened the affiant early one morning at his hotel and said it would be safer if they would change their place of residence, explaining that some extremist elements might make trouble. The affiant understood him to refer to militaristic and pro-Nazi elements in the government and army. The affiant distinctly recalled IKAWA's statement that MUTO was protecting their activities and would continue to do so to the best of his ability. However, IKAWA said it was not possible to safeguard them against every eventuality, and so they removed from Miyashita to Kamakura, where he continued for another month to transmit messages.

32988 He never saw MUTO during this period nor again at any time. On 14 October 1941 the affiant was asked by IKAWA if he would take another message from premier KONOYE to Roosevelt. * The affiant referred the matter to Dooman, who later advised him that after consulting Grew the embassy approved. KONOYE recited the message to the affiant in Japanese and it was translated by cabinet secretary ITO. The message was a short statement reaffirming the desire of the Japanese to conclude the peace agreement. Its real intent, as he was given to understand by IKAWA and ITO, was to intimate that the pressure of events on the Japanese government was such that it would not be able to negotiate much longer but would have to reach an agreement very soon or not at all.

32989 The affiant tried to make this clear in his memorandum to Hull. IKAWA then gave the affiant a ticket on a Japanese plane that was to leave for Canton, China, the next day, telling him it had been secured by MUTO. He also gave the affiant a safe-conduct letter from MUTO signed by him.
* The affiant was also given a code name for MUTO to be used if it should become necessary to refer to him in later messages. There was no doubt that the safe-conduct letter of MUTO enabled the affiant to proceed successfully from Tokyo to Hongkong, preparatory to reaching Washington with his message.

32990 He left Tokyo on 15 October 1941 and when the plane arrived in Fukuoka, officials appeared bent on making him turn back, until he produced MUTO's letter. The same thing happened later in Canton. While in Canton he learned that KONOYE had resigned. He cabled IKAWA in Tokyo, asking if there had been any change in policy or attitude that would affect the validity of the message. * IKAWA replied that

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MUTO gave assurance there had been no change. The affiant proceeded to Washington and delivered KONOYE's message to Hull about 15 November 1941.

32992 * Exhibit 3441A, the letter of safe conduct for Bishop Walsh dated 14 October 1941 to all military and civil authorities concerned, stated that Mr. Walsh, who bore the letter, was making the trip to Canton with a special message and any courtesy shown him would be greatly appreciated. It was signed by MUTO.

32992 * DIRECT EXAMINATION OF IWAKURO, Hideo
By Mr. Cole

32993 The witness identified and verified exhibit 3442 as his affidavit. *The affidavit stated that the witness, among other posts, served as chief of the military administration section in February 1939; was appointed colonel in March the same year; and went to Am. as the officer attached to the military affairs bureau to assist Ambassador NOMURA. After returning to Japan in August he served first as regimental commander and then chief of the IWAKURO Organ. * His tenure

32994 in the military administration section was from August 1938 to March 1941. So he had a knowledge of diplomacy since external affairs affecting national defense were studied there.

The army's opinion on foreign policy came from the national defense plan, of which the general staff was in charge. The general staff had the duty of collecting and examining military and diplomatic information and supervised military attaches. Army's opinion on diplomatic policy used to be initiated by the general staff. The military affairs bureau was to report matters transferred from the general staff to the war minister and negotiation with the foreign minister, according to the war minister's intention. When any matter was proposed by the foreign minister to the MAB it, after transferring the matter to the general staff for its opinion, obtained the minister's decision and replied to the foreign office.

Only a few officers therefore served at the military affairs section of the MAB in considering diplomatic affairs affecting international defense.

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32995 * On 22 January 1947 TANAKA, Ryukichi, testified that the MAB sustained a consistent policy aiming at the conclusion of the tripartite pact and of the construction of the Greater East Asia Co-Prosperity Sphere from the time of the ABE cabinet. Regarding the army's attitude toward the pact, it was remarkably different from TANAKA's description and it was groundless to say that the military authorities had established a policy as to the construction of the Greater East Asia Co-Prosperity Sphere.

32996 About the middle of October, 1939, MUTO became director of the MAB. The witness never heard from MUTO of the proposed tripartite alliance. MUTO did give his views frequently about the settlement of the China incident. As he had been on the China front for two years, he was well aware of the difficulty of settling it. He believed it urgent to settle it and they should not only deal direct with Chiang Kai-shek * instead of taking the attitude of having nothing to do with him, but also make concessions in the terms of negotiations to bring about peace. He further insisted in avoiding a dispute with any third power.

When Germany won a victory over the British in May, 1940, the affiant discussed it with MUTO, who said that generally many people overestimated Germany's strength. The German army, however, would never be able to invade Britain across the Straits of Dover. The English were sure to rally through America's assistance. It was to be anticipated that the war would be protracted.

32997 * The witness went to America in March, 1941, as an assistant to Ambassador NOMURA. Because NOMURA asked vice war minister ANAMI and chief of the general staff SUGIYAMA to send an assistant, and not on MUTO's recommendation was the witness sent. His main duty was to assist NOMURA at large. Prior to going to America he made arrangements with IKAWA, Tadao, with a view to restoring diplomatic relations promptly with America. They proceeded with private negotiations with Bishop Walsh, Father Drought, and others in America. The witness, accordingly, prepared a program of formalizing the negotiations.

KONOYE also expressed himself in favor of the negotiations. IKAWA and the witness, after going to America, reported this plan to NOMURA, who readily agreed. From then on negotiations were entered into in line with this plan.

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32998 * On 15 April 1941 the tentative plan "Draft of the Understanding between Japan and America" was unofficially taken up by NOMURA and Hull and was reported to the foreign minister. At that time the witness wired war minister TOJO urging to give his support. MUTO was delighted and sent the witness a telegram of thanks.

In August 1941 the witness was ordered to Japan and after returning home was informed by director of the MAB MUTO that some of the foreign minister staff were criticizing the presence of outsiders in connection with foreign office affairs. Accordingly, war minister TOJO ordered the witness home to get rid of a possible obstacle to further negotiations. The witness reported to top war minister officials and found his efforts were appreciated, and MUTO especially asked him in various ways about the prospects.

32999 * The witness answered that according to his impression when he talked with Hull and Walker there was a full possibility of bringing the negotiations to a success, MUTO was very delighted.

After the witness left the war ministry, his acquaintances in the MAB and general staff informed him that MUTO had made an effort to the last to conclude the negotiations.

* CROSS EXAMINATION BY MR. LOPEZ

33000 The witness stated he was attached by the MAB on NOMURA's staff in Washington to represent the army's viewpoint. * The navy side was fully represented by the navy attache, Captain YOKOYAMA. The witness went to the United States in active military status in uniform and his orders were to assist NOMURA generally. He did not know whether the United States State Department knew him as "Special Military Adviser" to NOMURA, but knew that such United States representatives as Ballantine, Hamilton, and Hull placed great importance in him.

33001 * The witness was not a spokesman of the government but one of several responsible for the initiation of negotiations. The witness was the actual author of the draft plan for an understanding. When negotiations were brought up to the Hull-NOMURA level, the witness accompanied NOMURA in the negotiations on several occasions, and was given the opportunity to express his opinion freely. He did not know whether at one time NOMURA

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33002 requested undersecretary Wells whether the witness could see Roosevelt personally. However postmaster general Walker * said that the witness and IKAWA should meet Roosevelt. He did not know if NOMURA made this request when the witness was about to leave for Japan in July, 1941. The witness stated that he was conscious that he was engaged in a very important work but did not recall expressing the desire to Ballantine that he wanted to see the president.

33003 The views the witness expressed on the issues pending negotiations were in accord with the general army policy, but his own personal views were also included. * Asked if he was being cued up from Tokyo what to do in Washington, he replied not necessarily on minor matters. He did not receive army directions with respect to any particular matters. He knew that the official government viewpoints were wired by the foreign ministry and in those reports were included the army's views. He did not recall receiving direct instructions from the army and never received any instructions from military affairs bureau chief MUTO.

The witness knew that if reports were sent to the foreign office they would be referred to the army, but he sent no direct report to MUTO.

33004 * The witness recalled a conference with Hull, WAKASUGI, IKAWA, MATSUDAIRA, Hamilton, and Ballentine, but did not know whether it was on the 4th of June, 1941. This was probably held at the Wardman Park Hotel at 3 p.m. The witness was asked if it was not a fact that at that conference he explained that it was entirely incorrect to assume that the purpose of the understanding was to enable Japan to drift away from the tripartite pact and that if the United States became involved in the European war, and the circumstances called for Japan to act under its interpretation of its obligations, Japan would feel obliged to discharge them, much as she would regret taking up arms against the United States. The witness replied that he thought he explained probably in such a manner.

33005 * Asked if he was pulled out from Washington after the entry of Japanese troops into FIC in July, 1941, he replied he did not know the reason, but because negotiations became difficult he wired that he would like to report the details. In reply he was called back, but did not know the

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33006 the reason. Asked if it was not true that weeks previous of the entry into FIC, United States representatives made representations to him and NOMURA that the United States had received reports of Japanese intention to penetrate FIC, he replied he thought there were representations but he had no clear * recollection of them. Asked if he and NOMURA were told by Hull and Wells that the move into FIC was a demonstration on Japan's part of lack of sincerity in really entering into peace negotiations, he answered that that may have been so but he had no recollection.

He understood that because of the entry into FIC the United States president issued the freezing order. Negotiations met with more difficulty because of that entry.

33007 * When shown a document, the witness identified the
 33008 seal on it * as being top secret. After reading from the
 33009 document, the witness was asked * if the IWAKURO mentioned
 33010 in it was not himself, and he replied it was. * The chief of the military affairs bureau that sent the cable was the accused MUTO.

33011 * Exhibit 3443, the telegram so sent by MUTO to the witness, IWAKURO, and dated 2 June 1941, stated that according to information reportedly given by Roosevelt, his aim in adopting a new conciliatory policy towards Japan was the transfer of the Pacific fleet to the Atlantic Ocean. According to this explanation, the United States seemed possessed of a specially strong wishful thinking that Japan would refuse to perform her duty of attacking the United States under the tripartite alliance even in case of the United States entering into the war.

33012 In his "fireside chats", Roosevelt concluded that the European war had already developed into a world war and openly stated that patrolling by the United States had been greatly strengthened and every possible effort should be made to insure that goods to England left here safely. He expressed praise regarding Chiang Kai-shek for his continued resistance * against Japan and stated that he was convinced of furtherance of Chiang's resisting power. All the above was against Japan's wishes and this attitude should be carefully watched.

Furthermore, IWAKURO was presumably aware of foreign minister MATSUOKA inquiring of NOMURA regarding the report of Halifax to Eden that Roosevelt insinuated that in regard to the negotiations, different views prevailed within the

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Page Japanese government (which was quite contrary to facts). IWAKURO was to furnish MUTO promptly for his own personal reference his frank opinion on the negotiations, as well as his forecast for the future.

33013 . * REDIRECT EXAMINATION BY MR. COLE

Asked if it were strictly correct to say that he was a representative of the MAB, he replied the MAB had no authority to send anyone abroad, and was in no position to send any official representative outside of Japan. In the strict sense the witness was not a representative.

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Page * DIRECT EXAMINATION OF YAMAMOTO, Kumachi
By Mr. Cole

33014 The witness identified and verified exhibit 3444 as
33016 his affidavit. * The affidavit stated that the witness was
chief of the far eastern bureau of foreign office since
September, 1940, and concurrently was chief of the American
affairs bureau after October, 1941. He kept in close touch
with chiefs of the army and navy military affairs bureaus,
MUTO and OKA, who had been deeply concerned with negotiations
between Japan and America. He also had many chances through
the liason conferences between the government and imperial
headquarters to meet the two who were both secretaries of
the conference, to which the witness usually presented him-
self as a sort of foreign office liason secretary.

33017 * The secretary for the liason conference took charge
of conference clerical work, i.e., the preparation, explana-
tion, and adjustment of the draft and collection of materials,
etc. By preparation of the draft, he meant the preparation
for submitting it which had been studied and prepared by
others on matters deemed necessary to be submitted. The
draft was written by proper authorities in the government or
headquarters. The draft on military matters was done by the
army or ministry on the supreme command, and that on diplo-
matic matters by the foreign office and those concerned with
the resources and productions by the planning board.

33018 The adjustment of the draft meant to adjust it after
various amendments following exchange of opinions in the con-
ference in the decision of the conference was not made by a
simple majority. Discussion continued until all views were
completely agreed, and after that the members signed the
draft decided upon. The secretary did not attend as a con-
ference member but as a clerical official, so neither the
accused HOSHINO, MUTO, nor OKA had any right to express
their opinions, to vote, or sign the document.

TOJO declared at the conference, opened after the
formation of his cabinet, that the new cabinet would consider
Japan-American negotiations on a clean slate, freed from the
decision on September 6. After that careful studies were
continued and in the meantime MUTO always wished for the
negotiations' satisfactory agreement and he had considerable
anxiety in adjusting and softening the strong opinion of
some groups which were too prone to be involved in the war.

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33019 In November, 1941, on the preparation of the A and B drafts submitted to America from Japan, a strong opinion was expressed from a certain group of the Supreme Command. The witness heard from MUTO, however, that he succeeded with * difficulty in bringing about a modification of these opinions. In routine functions, MUTO, as well as OKA, had to get the Supreme Command's approval in addition to the consent of their senior officers.

The Japanese draft of November 5 was deemed most fair under the political, economic, and military situation in Japan, and in Japan's view it conceded the utmost, so they expected and heartily wished that peace would be brought by understanding and compromise on America's part.

33020 In the middle of November when it was reported by NOMURA that Roosevelt proposed his good offices between Japan & China, they recognized a ray of hope and the witness, together with MUTO, and OKA, was busily engaged in the making of preparations in the event of the agreement's being concluded. At the time there was a clear understanding * that if the negotiations should be concluded, the emergency taken would be canceled and the situation restored to normal. The witness remembered that in the middle of November both MUTO and OKA told him that although instruction had already been issued to the dispatched troops, simultaneously with the conclusion of the negotiations, all emergency measures should be immediately stopped. They were making their best efforts in avoiding any fault in this respect, as this was a very difficult work.

* CROSS EXAMINATION BY MR. LOPEZ

33021 The witness stated that he was the same YAMAMOTO, chief of the American bureau of the foreign office, who had constant telephone conversations with KURUSU at Washington and himself in Tokyo in October, November, and December of 1941. * When code was used in a telephone conversation, it was after the latter part of November.

33022 * Instructions to KURUSU and NOMURA by secret cable were not sent by the witness but by the foreign minister TOGO. The witness was asked if on 28 November 1941 he sent a secret cable to NOMURA and KURUSU which said that the United States had gone ahead and presented this humiliating proposal.

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Page This was unexpected and regrettable and Japan could be no means use it as a basis for negotiations. With a report of the views of the Japanese on the proposal, which would be sent NOMURA and KURUSU in two or three days, the negotiations would be de facto ruptured. This was inevitable. However, he did not wish them to give the impression that negotiations were broken, but should merely say that they were awaiting instructions and that, although the opinions of their government were not clear, to their own way of thinking, Japan had always made just claims and borne great sacrifices for the sake of peace in the Pacific.

The witness stated he recalled that a telegram to the above effect was sent out at the end of November.

33023

* Reference was made to the affidavit of the witness where it was stated that in middle November 1941, he was heartened by Roosevelt's proposal to mediate between China and Japan and MUTO, OKA and himself prepared plans about what Japan would do if the agreements were concluded successfully. The witness was asked if OKA submitted or prepared any plans to him in that eventuality. He replied he had no positive recollection whether any concrete plan was submitted by chief of naval affairs bureau OKA at that time. However, he received information that various considerations were given to the rescinding of emergency measures in the event such an outcome was realized at that time.

33024

With regard to military matters, MUTO was speaking of the same things as OKA. It was his recollection that he was constantly talking about the necessity for the preparation of the withdrawing of troops from China in the event of an agreement with the United States. * The witness was asked if it could be said that after the receipt of the news of Roosevelt's proposal of mediation if there was perfect harmony of views between himself, OKA, and MUTO. He replied that he could not say there was perfect agreement with regard to concrete measures. By the offer of mediation there were prospects of a successful outcome of the negotiations and there was perfect agreement among the three with regard to the necessity of making preparations with such prospects in view.

Asked if during that time MUTO expressed his views about the stationing and withdrawal of troops in China, he replied it was felt that immediately upon the successful consummation of the negotiations, the question of withdrawal of troops from China would arise and there was perfect agreement in connection with the necessity of making concrete preparation for this.

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33025 * MUTO expressed his views to the witness orally. Asked if MUTO expressed his views about the question of oil in writing or verbally, he replied there were various discussions from MUTO in connection with the problem of petroleum after the submission of proposition B to the United States. In addition to what MUTO told him orally his recollection was that about mid November he submitted in writing what he said were the views of the general staff regarding the question. Asked if that proposal called for demanding six million tons of oil from the United States, he replied it was considered necessary

33026 to get six million tons of oil per annum and in his recollection * was to secure this amount upon consummation of proposal B.

33027 * Asked if foreign minister TOGO considered this proposal as exorbitant and above the usual imports from the United States, he replied that MUTO's plan was presented not as reflecting the views of the army but as representing views of a section of the general staff at that time. The witness said that such an exorbitant amount was out of the question but he accepted the document for reference.

Asked if the proposal stated that if the United States did not give that amount that Japan would commence military operations against her, he replied that he didn't recall the exact words used but as far as he remembered rather strong terms seeking to persuade the United States as much as possible to accept the requests were used. When the witness showed this plan to TOGO he expressed anger and said it was preposterous to receive such a plan and the witness was reprimanded for receiving it.

33028 * Asked if it was not true that the MUTO proposal called for military operations against the United States even in the eventuality the United States should agree to it, but if the United States would not deliver six million tons of oil in equal amounts monthly seven days after the conclusion of the agreement, Japan should undertake operations against her, he replied that the plan was not submitted as a proposal of MUTO and he gave it to the witness as a reference saying there was a section in the general staff which held such views.

33029 Asked again whether there was such a demand on the United States as was said in the previous question, he replied that as far as the United States was concerned, the demand included in the plan was not submitted as it was. Later after consideration, instructions * were sent to request four

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YAMAMOTO - Cross

Page million tons of oil, which figure was arrived at as a result of aggregating the average import volume in the past, the instructions being that this request should be submitted after acceptance of proposal B. Asked if it was not also true that MUTO demanded from the United States that she ask NEI for four million tons of oil and if NEI did not comply with its delivery, troops would be sent there, he replied that he thought there was something to the effect that the next step would be necessary in the event this demand was not accepted.

33030 Asked if proposals A and B contained demands for oil from the United States and the Netherlands, he replied whether with respect to proposal A or B, if one of the two were accepted by the United States, Japan sought to have the United States export to her the required amount of raw materials, including petroleum, to the extent which would restore the situation to where it * existed prior to the freezing order. The concrete amount of raw material, including oil, was not stipulated in either proposal A or B. It was Japan's intention to determine the amount of oil to be imported through negotiation following acceptance by the United States of proposal A or B.

Asked what would happen if the United States did not give the full amount demanded, he replied that at the time they did not entertain any ideas of returning again to the situation prevailing prior to the consummation of negotiation when they considered the question of nonacceptance of the concrete particulars of the Japanese demand.

33031 * Asked again what under the MUTO plan would happen if the United States did not accept the demand for four million tons of oil, he replied it was his recollection that if the point sought in the proposal handed over to the witness by MUTO was not accepted, then they were to return to the situation prevailing prior to the consummation of the negotiations. The witness was asked what in plain language that meant. He replied that this did not mean in his understanding an attack on the United States by military operations. He did not recall the phraseology used but it was his understanding that there would be no war breaking out merely because six million tons of oil were refused.

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* The witness stated that he recalled that in the plan submitted to him by MUTO, fairly strong language was used in regard to what would happen if after the successful conclusion of the negotiations the provisions of the final agreement were not carried out by the U.S. In the plan, language was used to the effect that if activities aiding the Chiang regime were not brought to a definite stop, hostilities would be commenced. On the whole this was the purport of the plan.

33036

* When shown a document, the witness acknowledged that a pencilled note on it giving the date 18 November 1941 and from MUTO, Chief of the Military Affairs Bureau, and with the signature YAMAMOTO written in his own handwriting. MUTO referred to was the accused in the dock and he scribbled it when he received the document from him on 18 Nov. 1941. The seal on the cover was a state secret seal, the highest and most secret seal of the government.

33037

* Exhibit 3445, the document identified by the witness being a plan regarding future steps in negotiations between Japan and the U.S., stated that necessary steps in case the treaty was concluded on the "A" Draft was to have the U.S. admit that she shall not take measures obstructing Japan's efforts regarding the solution of the China Incident. At the end of the first item of the article, referring to measures for establishing peace between Japan and China of the draft of 25 Sept., this meant the U.S. was to avoid and abstain from any kind of action helping Chiang as specified at the end of the instructions given NOMURA on Sept. 13.

33038

* The U.S. was to admit the following as its understanding of Article IV (Trade between Japan and USA) of the draft of Sept. 25: Both governments within 3 days of agreeing to the understanding shall reciprocally abolish property freezing measures, and the U.S. shall supply Japan with 6,000,000 tons of mineral oil yearly, including a million and a half tons of aviation gasoline, equal amounts being supplied each month.

Regarding Article V (Economic Problems in the Pacific) of the draft of Sept. 25, the first item shall be revised that both governments reciprocally pledge that their economic activities in the Pacific Area shall be carried on peacefully and that if the principle of non-discrimination in international trade was applied to the whole world, it shall also be applied to the Pacific Areas, including China. (Note: If U.S. avoids the condition regarding the principle of non-discrimination being applied to the whole world, then the original draft of Sept. 25 shall be revised.)

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* They were to have the U.S. admit the following as its understanding of the second and third items: The U.S. shall take steps to make NEI accept within 3 days of the agreement Japanese demands presented through Ambassador YOSHIZAWA to the NEI on trade, traffic and communication between Japan and NEI and freedom of enterprise, entry, residence and business of Japanese subjects in NEI, but Japan shall for the time being be supplied yearly with 4 million tons of mineral oil, equal amounts being supplied each month.

They were to have the U.S. admit the following before the conclusion of the A Draft: The U.S. shall take measures to have Britain within 3 days of the conclusion of the agreement on the A draft restore Anglo-Japanese trade relations and avoid and refrain from helping Chiang, such as closing the Burma Road, etc.

33040

* If avoidance and abstinence from actions helping Chiang, lifting of the property freezing measures by U.S. and Britain, and measures restoring trade with Japan by NEI were not actually carried out after one week had passed since the conclusion of the agreement on the A Draft, Japan shall open hostilities against the U.S., Britain and Netherlands, and if NEI did not follow the lead of the U.S. and Britain when they took appropriate steps, Japan shall send necessary units to NEI for security. For this reason, Japan shall unilaterally make the necessary manifestation of her intentions to the U.S. when the A Draft was signed.

33041

Regarding the necessary steps in case a treaty was concluded on the B Draft, they were to have the U.S. consent to the following as her understanding of the second item: The U.S. shall take measures to have NEI accept within 3 days of the agreement Japanese demands presented through * Ambass of YOSHIZAWA to NEI on trade, traffic and communication between Japan and NEI and freedom of enterprise, entry, residence and business of Japanese there, but Japan shall for the time being be supplied yearly with 4 million tons of mineral oil in equal amounts monthly. They were to have the U.S. admit the following as its understanding of the third item: Both governments within 3 days of the agreement to this understanding shall reciprocally abolish property freezing measures and the U.S. shall supply Japan with 6 million tons of mineral oil a year including a million and a half tons of aviation gasoline in equal amounts monthly. They were to have the U.S. admit the following as to understanding of the fourth item: The meaning of the fourth item was that the U.S. shall avoid and abstain from actions helping Chiang and both governments promise to declare this point to the world when they sign the B draft.

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* They were to have the U.S. admit the following before the conclusion of the B Draft: The U.S. shall take measures to make Britain within 3 days of the conclusion of the agreement on the B Draft restore Anglo-Japanese trade and avoid and refrain from action helping Chiang. In case the avoidance and abstinence from actions helping Chiang, abolition of property freezing measures by U.S. and Britain, and measures to recover trade with Japan on the part of NEI were not actually carried out after one week had passed since the conclusion of an agreement on the B Draft, Japan shall open hostilities against the U.S., Britain and Netherlands, and in case NEI would not follow the U.S. and Britain's lead when they took appropriate steps, Japan shall send necessary units to NEI for security. For this reason, Japan shall unilaterally make the necessary manifestation of her intentions to the U.S. when the B Draft was signed.

33043

* REDIRECT EXAMINATION BY MR. COLE

Referring to the plan regarding the 6 million tons of oil, the witness was asked whether this proposal received from MUTO was MUTO's plan or proposal. The witness answered that when MUTO gave him the plan, he added the words that the plan was presented to him by the General Staff in very strong terms. MUTO said he himself had not yet recognized it as a plan representing the Army as a whole but because the General Staff insisted so strongly that the plan be presented, he was handing it to the witness for his reference.

33044

When the witness received the plan, he glanced through it and then immediately told MUTO that no one could accept such a foolish plan and refused to accept it, but since MUTO again asked him to accept it merely as reference material, he did so. He recalled that MUTO * later told him in private a story concerning MUTO's extraordinary efforts in trying to see the successful consummation of plans "A" and "B". Foreign Minister TOGO staked his position on the success of plans "A" and "B" and worked untiringly for their success. Since the contents of the plan included withdrawal from southern FIC, the General Staff vigorously opposed it. Thereupon, MUTO employed all his powers of persuasion and finally got the General Staff to accept TOGO's plan. The General Staff, after accepting TOGO's plan with great reluctance, immediately presented its own plan through MUTO. MUTO told the witness he was very dismayed at the General Staff's attitude. The plan submitted by the General Staff was Exhibit 3445.

33045

* Asked if the proposal for a demand of 6 million tons of oil was ever carried out, he replied that the circumstances of

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Page acceptance were as he had before stated and the plan was not even discussed at the Liaison Conference. They completely disregarded the proposal regarding the import of 6 million tons of oil and after negotiations with the authorities concerned, decided that 4 million tons would be a fair figure and instructed NOMURA to that effect. The demand for 6 million tons was never sent to America. When he said that after a discussion between the officials a new plan was made, he recalled that these were officials of War and Navy Ministers and the Planning Board. His recollection was that this figure of 4 million tons was the average of normal imports of * oil from America over a span of several years.

33046

Regarding Exhibit 3445, where it stated that upon the failure of meeting certain conditions, hostilities would be commenced, he was asked if he knew whether MUTO personally was the author of that plan. He replied that he understood by the question that he was asked whether the plan specified that if certain conditions were not met, hostilities would be commenced. His understanding was that if after the conclusion of negotiations, the provisions of the agreement were not carried out, then hostilities would be commenced. As for MUTO, he made it perfectly clear that he felt himself that the plan was outrageous, that it was not even worth taking up, that it was not the result of his own ideas, and that he had not drafted it.

33047

* Asked what official had the job of acting as liaison between the Foreign Office and Imperial Headquarters or General Staff, he replied that the official charged with liaison between the Foreign Minister and Army, or in matters pertaining to the Liaison Conference, was the witness himself as far as the Foreign Ministry was concerned. As for the Army, the Chief of the Military Affairs Bureau was the liaison man for all other offices outside the Army. As one of the secretaries in the Liaison Conferences between Imperial Headquarters and the Government, MUTO often had to act as liaison in matters pertaining to the General Staff. Regarding the proposals in Exhibit 3445, referring to matters to be taken up upon the acceptance of either the A or B plan, the Government never adopted these proposals.

33048

* EXAMINATION BY THE TRIBUNAL

When asked if there was any writing or memorandum which would show that MUTO personally disapproved of this plan, he replied he did not receive any special writing from MUTO on the matter but only heard of it from him orally. Asked again if there was any writing or memorandum anywhere which would show that MUTO personally disapproved of the plan, he replied no, there was no such writing. Asked if there was anything in the document showing the plan came

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Page from the General Staff besides his memory, he replied he was testifying only from memory.

33050 * Exhibit 3446, an excerpt from the Report of the Congressional Committee on the Investigation of the Pearl Harbor Attack, being a portion of the KONOYE Memoirs, dated 14 Oct. 1941, stated that War Minister TOJO's remarks were so sudden that the other Cabinet members were somewhat taken aback and no one would open his mouth to answer. The Cabinet Meeting, after settling other subjects, made no reference to the problem of continuing negotiations and adjourned.

On the afternoon of the same day, the Chief of the MAB, MUTO, came to the Cabinet of the Chief Secretary and said that somehow or other it seemed that the reason the Premier could not make up his mind was because the Navy could not make up its mind. If the Navy really does not wish war, the Army also must think about it. The Navy did not say anything openly to the Army, but only that it would leave it entirely up to the Premier. Just to say it would be up to the Premier would not be enough to control the inner circles of the Army, but if the Navy would come openly and say that at this time it did not wish war, then the Army could easily control its command. MUTO wondered if it could not be managed so that the Navy would come and say something along this line. Thereupon, the Chief Secretary spoke to the Chief of the Naval Affairs Bureau OKA concerning the matter, but all the latter would say was that as far as the Navy was concerned, no matter what anyone might think, for it to say it did not wish war was something it could not do formally. What the Navy could say was that it was entirely up to the Premier.

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MIKI - Direct

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33053

* DIRECT EXAMINATION OF MIKI, Hoshihide
BY MR. COLE

The witness identified and verified Exhibit 3447 as his affidavit.

33055

* The affidavit stated that in 1941 the witness was Chief of the Medical Bureau of the War Ministry. To the best of his recollection, at a meeting of bureau chiefs about 27 Nov. 1941, Chief of the MAB, MUTO, had not read a document "Principal Reasons Alleged for the Commencement of Hostilities Against USA and Britain". (Exhibit 1175) As far as he remembered, it was not true that when the US reply, dated 25 Nov. 1941, arrived, MUTO at the meeting of bureau chiefs on the 29th, said that if Japan accepted the proposal, not only the firm establishment of the East Asia Co-Prosperity Sphere would come to naught, but Japan would go out of existence. To prevent this and firmly establish the Co-Prosperity Sphere, they would have to fight by all means.

33056

* To the best of the witness' recollection it was not true as alleged in Exhibit 1175 that at noon 9 Dec. 1941, at a party of bureau chiefs, MUTO said that, in short, the dispatches of Ambassador KURUSU and S.S. "TATSUTA-MARU" and so forth were no more than measures for camouflaging the way leading to the commencement of hostilities. The witness stated it was not true that MUTO made his appearance at the War Ministry Dining - on every day to take lunch. On the contrary, he did not appear there on most of those days. The witness did not recollect that at noon on 9 Dec., the day after the outbreak of war, all bureau chiefs gathered at the dining room, for on that day they were all too busy.

There was no cross-examination of the witness.

33060

* Exhibit 3448, Regulations for Enforcement of the Army Officers' Service Ordinance dated 3 Nov. 1937, and Exhibit 3449, Regulations Concerning Personal Matters of Army Officers, dated 3 March 1941, were received into evidence but not read.

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* DIRECT EXAMINATION OF OHIRA, Hideo
BY MR. COLE

The witness identified and verified Exhibit 3450 as his affidavit.

33062

* The affidavit stated that from 14 Apr. 1943 to 1 Apr. 1944, the witness was C/S of the Second Imperial Guard Division in Sumatra under the accused MUTO and from then until immediately before the end of the war was a staff officer of the 25th Army. While MUTO was in that position, the Garrison Area under the Guard Division (after 1 June 1943 called the Second Imperial Guard Division) was gradually reduced from the outbreak of war to April 1943. It included the West Coast Province of Sumatra, Rio Province, Tapanori Province, Eastern Coast Province and Acjie Province.

33063

* From May 1943 it included only the last three provinces and after Jan. 1944 only the last two. The Commander of the Guard Division had nothing to do with military administration in the Garrison Area, but was authorized only to give necessary instructions as to defense and only when the garrison might be attacked. With regard to the treatment of POWs in Sumatra, the witness heard that early in the war, a temporary POW Camp was established by the Division. In the meantime, however, administration of POWs was taken over by personnel dispatched directly by the 25th Army Commander at Singapore. About July 1942, the Camp was built according to an order from Tokyo. MUTO arrived at Medan to take command about 11 May 1942. At that time the administration of the camp was not in the hands of the Commander of the Division. From that

33064

time on, the camp was administered as a branch of the * Malay POW Camp at Singapore under Headquarters of the Army of the South. The Division Commander had nothing to do with administration.

With regard to the administration of the civilian internees' camps, the Province Governor and official of the Military Government was in charge of them. The military government was also responsible for the guarding of these internees' camps. However, when a request was made for help owing to a personnel shortage, the Division Commander made it a rule to comply. From 1 April 1944, the 25th Army Headquarters directly administered these internee camps. At the same time the Division was under obligation to assist Headquarters in construction of the camps as to supplies, but the Division had not been responsible at all for administration.

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* Originally the Division's principal duties were to guard the Imperial Palace and escort the Emperor, and it was composed of excellent men. Statistics regarding crime indicated that the 25th Army was one whose discipline was the most strict and of all units in the 25th Army, the Division gave the best showing. The witness had no recollection of any complaint brought to him by the military government or from natives regarding misconduct of the Division.

There was no cross-examination of the witness.

33069

* Exhibit 3451, the affidavit of KUMEGAWA, Yoshiharu, stated that on 22 Dec. 1944 he arrived at his post in the Philippines as a staff officer to 14th Area Army Commander YAMASHITA. He was appointed Senior Staff Officer, in charge of the Tactical Affairs Section. * From then until the surrender, he was in the Headquarters of this Army and was nearly all the time in the same place as YAMASHITA and C/S MUTO with whom he was closely connected.

33070

When the witness arrived at Manila, YAMASHITA's Headquarters was at Fort McKinley. At that time a part of the U.S. Army had already landed at San Jose, about 250 kilometers south of Manila. Lines of operations on Luzon Island were decided and every unit was successively moving to each allotted position. YAMASHITA, in consideration of future operations, moved his Headquarters to equal 30 kilometers northeast of Manila on Dec. 26th. As a result, YAMASHITA and MUTO never stayed in Manila. At that time the Army in Luzon was small, poorly equipped, short of * maneuvering power, and lacking in air force. The U.S. Army was absolutely predominant in the air and superior in fighting power and equipment and had great maneuvering power. The U.S. forces could land at any point at their own choice and the Japanese Army Commander was at great pains to infer their landing points.

33071

In view of the difference in strength and equipment between their army and the enemy, the Commander intended to evade decisive battles on the plains and carry out persistent struggle in the mountains. When the Japanese had been concentrated in the Manila vicinity, if the U.S. Army should have their main force put ashore in the Bay of Lingaen, the Japanese forces would be forced to fight in the plains, for which their equipment was unfit, and put in danger of being destroyed. The Commander's program was that Manila should be abandoned and the main force located in northern Luzon, that the Japanese forces in the vicinity of Manila should occupy the mountainous region on the east of Manila, that only forces necessary to carry and escort war supplies and keep guard would be left in Manila and the city should be evacuated

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Page prior to the U.S. entry. In moving Headquarters from Ft. McKinley to Ipo on 26 Dec. 1944, YAMASHITA meant to inform his men by his personal action of his idea of abandoning Manila and hasten the exodus of forces and munitions from there. Manila was the most important Far East Base for the U.S. In Manila were a great number of inflammable wooden houses, the city was technically of little value and besides the million citizens were suffering extremely. It appeared impossible to defend the region, including the city. Besides, it was always in YAMASHITA's mind that it was wrong to reduce the sole civilized city in the Philippines to ashes. * MUTO also insisted on abandonment.

Neither Imperial Headquarters nor the Southern General Army ordered Manila to be defended to the last. Luzon operations were wholly left to YAMASHITA's strategy.

33074 * YAMASHITA named the Japanese forces which were to occupy the mountainous region east of Manila the Ghimbu Group under the command of YOKOYAMA, and dispatched one unit to Batangas Peninsula, ordering it to check the enemy's rush to Manila. Then YAMASHITA removed Headquarters to Baguio on 4 Jan. 1945. YAMASHITA was rigid in commanding the Army but communication facilities in the Philippine campaign were incomparably inferior to those of the U.S. Express delivery prior to the opening of operations was found difficult owing to lowered ability of operators, intricacy of ciphers and the fact that there existed only one wireless available in the principal direction. After operations opened, the difficulty increased extremely and only important commands or reports could be barely communicated.

The naval forces were independent until the termination of the war but naval units in Manila and other districts were subjected to the Army Commanders in the districts concerned with the opening of hostilities so far as land fighting was concerned.

33075 * The naval unit in Manila was placed under General YOKOYAMA on 5 Jan. 1945. The fact was that YOKOYAMA was not acquainted with the condition of the naval forces in detail during the campaign. Air forces were not under his command until 1 Jan. 1945.

No report was made to Army Headquarters of any Japanese killing Filipinos or ill-treating POWs and YAMASHITA and MUTO were utterly ignorant of such fact. YAMASHITA was rigid as to military discipline and if he had been informed he would have severely punished anyone concerned. He never ordered murder or ill-treatment.

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33076

YAMASHITA and MUTO were always at the same place except when the latter went to inspect the front. At Ft. McKinley the office of the C/S was next to the Commander. At Baguio the two were in the same room, and later in the same air raid shelter. After moving to Banban the end of April, they used one desk in common. Such being the case, MUTO was well aware of YAMASHITA's plans, but when he found anything uncertain in the intention of the Commander, he made it a rule either to ask YAMASHITA about it or reserve decision and give instructions later. The C/S was not invested with authority to decide principal matters and MUTO was faithful to this rule. There were some routine matters within the C/S's confidence and in these YAMASHITA often gave his views.

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* Exhibit 3452, an excerpt from the book "The Winning of the War in the Pacific and Europe", General Marshall's report, stated that in the six days of naval action, Japan's position in the Philippines became critical. Most of its servicable elements in the navy had been committed to battle, with disastrous results. The strike miscarried, and MacArthur's land wedge was firmly implanted in the vulnerable flank of the enemy. TERAUCHI no longer had an effective fleet to cover his forces or communications. 260,000 Japanese troops were scattered over the Philippines, but most might as well have been on the other * side of the world so far as the enemy's ability to shift them to meet American thrusts was concerned. MacArthur succeeded in establishing himself in the Visayas where he could stage, exploit, and spread, and nothing could prevent him from overrunning the Philippines.

33079

Exhibit 3453, another excerpt from the book, stated that no opportunity was overlooked to conceal this bold plan from the Japanese. While the assault force proceeded up the west coast of Luzon, planes and guerrillas concentrated on destroying roads, etc., to prevent YAMASHITA from shifting forces. Guerrillas in southern Luzon diverted Japanese attention to the south. Mine sweepers swept the bays on the south coast. Landing ships and merchantmen approached the beaches until they drew fire, and then withdrew. Transport planes dropped dummies. The Tokyo radio reported that U. S. troops were trying to land on Luzon, but had been driven off. Japanese forces, * harassed by guerrillas and by air, drove in all directions in confusion, and generally dissipated what chance they might have had to repel the landing force.

On 7 January, the U. S. 6th Army hit the beaches in Lingayen Gulf, and by nightfall 60,000 troops were ashore and in control of a 15 mile beachhead. The landing caught every major hostile combat unit in motion except the 23rd Division to the southeast of the beachhead and its supporting brigade. YAMASHITA's inability to cope with MacArthur's swift moves, his reaction to the deceptive measures, guerrillas and aircraft, placed the Japanese in an impossible situation. The enemy was forced into a piece-meal commitment of his troops. The Japanese 10th and 105th Divisions in the Manila area, which were to secure Highway No. 5 on the eastern edge of the central Luzon plain, failed to arrive in time. The brunt of defending this withdrawal road to the north fell to the division which should have defended the road to Clark Field.

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Page DIRECT EXAMINATION OF MUTO, Akira,
by Mr. Cole.

33080 * The accused identified and verified exhibit
39081 3454 as his affidavit. * The affidavit stated that the
accused, from 1922. was in the office of the Inspector-
General, engaged in revising drill manuals, etc., in
accordance with changes in tactics. His service there
continued until 1929, when he became ill. In December,
1929, he entered the Staff Collage as a post-graduate
student to study higher strategy and tactics for one year.
33082 * He learned of the incident in which Chang Tso-lin was
killed by a bomb at Mukden only through newspapers.

* In November, 1930, he was attached to the
General Staff and served in the 2nd Section, which cor-
responded to G-2 in the U. S. Army. In August, 1931, he
was transferred to the 1st Section to do work in commun-
ications matters. The Chief of Staff ordered him to
revise regulations concerning line of communications
matters. The so-called Manchurian Incident broke out in
September the same year, and there was tension in the
General Staff. However, strength ordered to move was only
one brigade from Korea to reinforce the Kwantung Army, so
those in the line of communications branch were not
especially busy and the accused continued his compilation
until March 1932. On completion, he served in the 2nd
Section again.

33083 * He learned that a society called "Sakurakai"
existed at the time, but he was not a member nor had
anything to do with it. In March, 1934, he was transferred
to the 1st Infantry Regiment. Prior, in August 1933, he
was promoted to lieutenant colonel. As it was provided a
regimental commander should be a colonel, he acted there
33084 as an assistant. * Next, he was transferred to the
Military Administration Section of the MAB in March 1935,
and was there until June 1936, during which he concurrently
taught in the Army College. During this period he rememb-
ered the February 26 Incident in which young officers
murdered several senior statesmen and occupied government
buildings. At that time he worked day and night as a
member of the War Ministry Staff, for suppressing riot and
dealing with its aftermath. He learned his name was listed
in the second assassination list, because he had hitherto
opposed the young officers' movement.

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In June 1936, he was appointed a Kwantung Army staff officer in charge of information as Chief of the 2nd Section, the operations department. His service there continued up to March 1937. TANAKA, Ryukichi, who had appeared as a witness, was then his subordinate.

33085

* In March, 1937, he was transferred to the General Staff in charge of operation, organization, etc. as Chief of the 2nd Section under the 1st Division. He had not arrived until mid-March, and the operation plan for 1937 had already been drawn up, so he made a study of the following year's plan.

33086

In regard to the operations plan concerning China at the time, his answer in his interrogation was incorrectly understood in that he was supposed to have answered as if there was at the time a unified plan for an over-all war against China. The operational plan was for a partial dispatch of forces to China for protection of Japanese residents in north or central China. When an incident broke out in north China in July 1937, this plan could not be put into practice. The General Staff had planned only for reinforcement to protect Japanese residents * in and around Peking and Tientsin. However, the situation was completely different, and another study had to be made and he took these tasks on his director's orders.

In the latter part of October, 1937, he was ordered by the Chief of Staff to Shanghai to observe the military situation there. While there, about November 4, the 10th Army under YANAGAWA, landed at Hangchow Bay, according to the General Staff's plan, and Central China Area Army Headquarters was established, and the accused MATSUI, C-in-C of the Shanghai Expeditionary Army, came to hold simultaneously the post of C-in-C of the Central China Army and to command concurrently the Expeditionary and 10th Armies. The accused was appointed MATSUI's Assistant Chief of Staff, and did not return to Tokyo.

33087

MATSU's operations duties were to protect the lives and property of Japanese residents by driving back the Chinese around Shanghai. His duties were accomplished about 23 or 24 November. By that time, MATSUI had not yet * been given the function of occupying Nanking, and orders for this did not come until 1 December from Imperial Headquarters. MATSUI then ordered the Expeditionary and 10th Army to proceed to attack Nanking. MATSUI's headquarters were in the suburbs of Shanghai, and went to Soochow about 5 December.

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33088 About 7 December, the new C-in-C took over, and MATSUI was relieved as C-in-C of the Expeditionary Army, and acted solely as C-in-C of the Central Army. Receiving about 8 December the report that vanguards had advanced and were approaching Nanking, MATSUI ordered that the first line shall remain three or four kilometers outside Nanking; to advise Nanking guards to surrender, leaflets would be scattered by airplane. If the Chinese surrendered, the Expeditionary and 10th Armies shall select two or three * battalions to enter Nanking and preserve public peace, with the main forces remaining outside the city. Foreign rights and interests shall be protected.

If the Chinese should not surrender by noon of 10 December, Nanking shall be attacked; provided, that in such case the units entering the city shall act in accordance with the preceding items, maintain strict military discipline and morale, and secure public peace. These orders were delivered to headquarters of both armies by Chief of Staff TSUKADA personally.

33089 As the Chinese did not surrender, the attack started from noon of the 10th, and forces advanced over the castle wall on the 13th. MATSUI was ill when he went forward to Shanghai from Foochow, so the accused arranged to remain at Foochow to take care of him. However, he had to participate, as Army Supreme Commander, with the Navy * Supreme Commander in the formal entry to be held on 17 December. After the formal entry on that date, MATSUI heard for the first time from Chief of Staff TSUKADA that most units entered the city against the Commander's order, and that following the entry plunder and rape occurred.

Concerning this in his interrogation it was stated to MUTO that MATSUI had been blamed by his staff for these cases, but this was a misinterpretation. MUTO meant that MATSUI got very angry.

33090 MUTO ordered both commanders to withdraw promptly, except for forces necessary for guarding Nanking to maintain discipline and morale. The accused understood both commanders executed the order. However, withdrawal was delayed a little because Chinese forces were burning buildings, and * there was little water to drink.

The office of the accused was Assistant Chief of Staff of the Central China Area Army. He was to assist the chief and act as intermediary, coordinating the work of their organs, replacement of personnel, supply, etc. The assistant chief was only a partial assistant for the chief, and had no power to make decisions, and his duties were not to maintain military discipline and morale.

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While in Nanking, MUTO, on the Chief of Staff's orders, investigated the camping capacity outside Nanking and engaged in withdrawing of soldiers from the city. As for MATSUI, after he stayed at Nanking for four or five days.--it was MUTO's wrong recollection that he answered in his interrogation that MATSUI stayed there for a week--followed by his staff officers. MATSUI * returned to Shanghai Headquarters about December 21, and MUTO went with him, because MATSUI had another duty of reducing Hangchow.

33091

After the formal entry at Nanking, 10th Army Commander YANAGAWA forwarded his army to Hangchow, along with the 101st Division, which had remained near Shanghai. Therefore MATSUI returned to Shanghai to command these forces. Chinese at Hangchow retreated, and it was captured without bloodshed about December 24.

In early February, 1938, Imperial Headquarters reduced the strength of forces in Central China to about six divisions and abolished the Central China, 10th, and Expeditionary Army, and left only the Expeditionary Army in Central China. Then MATSUI, Prince ARIMA, YANAGAWA, and most staff officers returned home, and the accused HATA became the new C-in-C. with MUTO remaining as Assistant Chief of Staff for him.

33092

Early in July, 1938, MUTO was transferred to Vice Chief of Staff of the North China Area Army, and moved to Peiping, remaining there until October 1939. Count 46 of the Indictment charged MUTO on account of the attack on Canton on October 21, 1938, but the attack was carried out by a unit having no relation to the North China Area Army, and he had no connection with it. The same was true of the attack on Hankow about 27 October, 1938. (Count 47). The "Khalkin-Gol" River case in the summer of 1939, (Count 26), he had no connection with, as he was then still attached to the North China Army in Peiping, and it was carried out by a unit which had no connection with that army.

In October, 1939, he became Chief of the MAB and was appointed Chief Secretary of the Supreme War Council and secretaries or councillors of about ten kinds, but these were concurrent posts automatically following the position of Chief of the MAB and had no special implications.

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He was Chief of the MAB from October 1939 to April 1942, * but no changes were seen in the duties during that time, but in July, 1940, after the second KONOYE Cabinet was formed, the authority of the Cabinet Information Board was strengthened, and such things as censorship of matters connected with the army hitherto carried out by the Intelligence Division of the War Ministry were transferred to the new board.

32095

* Even when he became Chief of the MAB he knew nothing of political or diplomatic problems, but as he had served in China for about two years he had some opinions concerning Chinese affairs. It was his tentative opinion that among the five hundred million people in China was rising racial consciousness and the China Incident was assuming the form of racial war, with its nucleus as Chiang Kai-shek. Chinese questions would not be solved with old views regarding China. The longer the incident continued the harder the settlement would be, and they should work out a solution to deal with the Chiang Regime, breaking the impasse and harmonize relations between Japan, U. S. and Britain.

33096

The accused had no special connections with the * National Policy Institute. From what his predecessor told him, he regarded it as a middle-of-the-road organization of intellectuals, beneficial because it permitted knowledge of the opinions of civilian circles. Although Chief Secretary of the Society YATSUGI testified that MUTO addressed the institute a few times, this was erroneous, for never did he show up there for an address. He was asked time and again to address the group after he returned from China, but refused. He did attend a luncheon in February or March 1940, when he was invited by leaders of the group, but after it, upon request, he stated his personal opinions concerning China for about ten minutes. This was the only time he ever visited the institute.

33097

Though he did not remember the date clearly, Baron OKURA visited him in the autumn of 1941, and after explaining the financial difficulties of the Institute, requested subsidies from the War and Navy Ministries. In accordance with procedure, MUTO told the Vice-Minister * about it, he approved, and subsidies amounting to ¥20,000 were granted. MUTO did not know for what purpose the money was used, nor anything about research documents on the Greater East Asia Co-Prosperity Sphere prepared by the institute, and had never seen them. They must have been prepared after he left Tokyo in April 1942.

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The purpose of the Liaison Conference was to promote understanding between the government and supreme command, and MUTO attended in the capacity of a secretary. His duties were to prepare and arrange for conference topics for discussions chosen by his superiors, and if necessary prepare explanatory notes or bring persons to explain. In the conference, when opinions were unanimous they were to sign the decisions, but the secretary had no capacity to do so. He attended the Imperial Conferences also in the capacity of secretary, and had even less business here than in connection with the Liaison Conference, and the secretary's duties were merely to distribute documents prepared by organs in charge.

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He attended the Inquiry Commission Conference of the Privy Council as an explainer. Primarily, policy was to be explained by the minister. but if it went into details the explainer explained on the minister's behalf. As a matter of fact, MUTO never made an explanation there. He attended the above conferences automatically, without any special intent. If reasons were sought, the only one would be that he was Chief of the MAB.

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* Exhibit 2243 was an excerpt from articles reporting MUTO's address in the Committee of Accounts of the Diet on 20 March 1940, but this was quite different from what he said. The Committee of Accounts consisted of ten members, and the Chief of the Accountant's Bureau customarily took charge of its explanation, but one of the members called for the minister's attendance. When informed he had just attended another committee, it was said it would be enough if the Chief of the MAB would attend in his stead, and for this reason he attended.

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As HATAJI had delivered an eloquent address, MUTO replied. The prosecution had charged that his answer showed disapproval of political parties, denial of liberalism and insistence on totalitarianism. As could be seen from the shorthand records of proceedings, (Exhibit 3440), political parties, officials, and * professional officers should go shoulder to shoulder to tide over the national crisis. Instead of opposing them, he earnestly hoped for political parties' sound development.

HATAJI had said they should adopt totalitarianism, but MUTO replied that while totalitarianism prevailed over Europe, the Japanese should be based on the idea of national polity proper to the country. He stated that the principle of Japanese national constitution or national polity as principle held good in Japan.

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33101 In regard to the denial of liberalism, MUTO had replied that inasmuch as erroneous liberalism based on selfish individualism should be done away with when the nation was confronted with a crisis, they should strive not for their own interests as much as for the country's advantage. Though HAMAJI had bluntly criticized officials of the military and political parties, MUTO had replied * that the army wished them to speak out whatever fault the army might have. HAMAJI expressed gratitude, stating he was delighted to find these plain opinions on the army's part.

33102 Under the War Minister's instruction, MUTO engaged himself on routine work in the Japanese-U. S. negotiations. He deemed it necessary to lead the negotiations to a successful conclusion, for he never thought the Japanese, who had been called upon to lighten their belts ever since the Manchurian Incident, were anything but fed up with the China Incident. Japan was impatient for a speedy winding up of the Incident, but to their regret found the assistance given by the U. S. and Britain to the Chungking regime prevented them from doing so. If matters were left to take their own course, she had no other way but to be faced with a grave crisis. If the negotiations should be successfully concluded, relations with Britain and the U. S. * would not only be adjusted, but still better the China Incident would come to a settlement.

The possibility of successful conclusion of negotiations changed for better or worse, but they cherished a gleam of hope until the end of November 1941. The army's opinion regarding the negotiations was framed by mutual agreement between the War Minister and Chief of Staff, and the decision was not solely the former's, because of the peculiarity of army structure. When the army disclosed its views on foreign policies, it did so from the angle of national defense and military tactics. The General Staff studied and made plans on the basis of information collected by them, but the War Minister, having no such intelligence organs, made arguments chiefly from the angles of home politics, budget, and materials. Only when the views of both were in agreement was the opinion regarded as the army's foreign policy.

33103 Concerning problems during the course of the negotiations, the General Staff and War Minister often * disagreed. Liaison between the War Ministry and Foreign Office was through the Chief of the EAB and the Chief of the American Section of the Foreign Office. On that occasion, if the War Ministry's opinion was at divergence with that of the Foreign Office and Naval Ministry, they

Page studied the opinion of the army again from the beginning. Not a few times MUTO made concessions at conference with the Naval Ministry and Foreign Office. Especially, about August 1941, when Japan made concessions to America, MUTO thought he made them. War Minister TOJO never reprimanded him for these compromises, but did on other matters, and the General Staff protested to MUTO. Not rarely he was summoned to the General Staff and required to explain. During the reverses and vicissitudes of the U. S.-Japan negotiations, public opinion became strong, and some, including himself, were in danger of assassination, and he was given a special military guard.

33104 * On 12 October 1941, at KONOYE's residence in Ogikubo, a discussion was held concerning the prospect of the Japan-American Conference by the Premier, War, Navy, and Foreign Minister, etc. When the problem was again discussed at the Cabinet Conference on 14 October, TOJO contended he would make no concessions concerning the problem of military occupation of China in the conference, and the decision of September 6 could not be altered. This caused a collision between TOJO, KONOYE, and Foreign Minister TOYODA, and the resignation of the Cabinet was said to be probable. MUTO also learned that Navy Minister OIKAWA expressed his desire to leave all matters in the Premier's hands.

MUTO queried the General Staff as to OIKAWA's proposal of leaving matters in the Premier's hands and if this might be interpreted as the Naval Ministry's evasion of opening hostilities, having altered the September 6 decision. Whether the army should also have to alter its attitude, considering the part to be played by
33105 * the navy in the war against America, the General Staff's answer was that it would not change its attitude, as the Naval Staff was not inclined to change the September 6 decision.

At this, MUTO guessed the issue was the divergence of opinion between the Government and the Supreme Command, and thus the question would remain unsettled even if the KONOYE Cabinet resigned. KONOYE should assume the responsibility of solving the problem rather than resigning, and to this end it was necessary for OIKAWA to disclose his real intention. Thus, TOJO would be able to obtain the General Staff's understanding. MUTO called on Chief Secretary TOMITA on the 14th and desired his tactful handling of the matter, but the attempt to get the Navy to express their wish against war proved unsuccessful. This was reported to TOJO immediately.

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* According to the testimony of TANAKA, Shinichi, the operations plan mapped out by the General Staff could not be determined without the War Minister's consent. This was really not so, but the operations plan was the most important duty of the General Staff, and the War Minister could not interfere. If the War Minister could not guarantee the execution of their request to provide personnel, materials, and money for the plan, the General Staff made new plans so the War Minister could give his assurance. The operations plan was naturally apt to be idealistic, and it was usual that the personnel and materials required should be so big that the War Minister could not meet them.

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TANAKA, Shinichi, testified that the War and Vice-Minister and Bureau Directors signed the Chief of Staff's order to the front line units to be prepared for war. The Chief of Staff had the authority to give the order, but * from the viewpoint of diplomacy and supply, it was necessary to inform the War Ministry. To speed up procedure, it was the rule to send a draft of telegram to the Ministry to obtain signatures, but whether the signature and seal of the Chief of the MAB was on it was of no decisive meaning.

The Conference of Bureau Directors was a meeting at which each reported to the Minister and Vice Minister the state of business. To get the Minister's sanction, it was the general rule that a Bureau Director should first obtain the Vice-Minister's approval and then present the matters to the Minister, but there were some cases where the Minister orally passed decision at the conference and documents were submitted afterwards for formal sanction.

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* After August, 1941, MUTO sometimes reported the progress of Japanese-American negotiations at the conference, but only reported what was determined in the Liaison or Imperial Conference, and never stated his own opinion. TANAKA, Ryukichi, testified that at the Directors' Conference about 29 November 1941, MUTO expressed his opinion about the interruption of the negotiations after the receipt of the Hull note of 26 November, but MUTO denied it absolutely.

TANAKA had testified that the control of the press was a function of the Information Section of the MAB, but this was incorrect. This section belonged to Imperial Headquarters, and the MAB merely took charge of editing the Army weekly and supervising pamphlets.

Page The Information Section was created after Imperial Headquarters was established in December 1937, and was made to belong to the latter and not under the Chief of the MAB. In the War Ministry, however, a reduced Intelligence Division was still left. The fact that the Information * Section of Imperial Headquarters and the Intelligence Division of the War Ministry were located in the War Ministry Building perhaps misled TANAKA. Soon after the Second KONOYE Cabinet was organized, censorship relating to the army came to be administered in the Cabinet Bureau of Intelligence. Announcement of the war situation and enemy propaganda were functions of the Information Section of Imperial Headquarters.

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The Chief of the latter section was not controlled by the Chief of the MAB, but was under the Chief of the MAB as to editing their army weekly, compiling pamphlets, and explaining current topics for military education.

33110 * Former Chief of the Military Service Bureau, TANAKA, Ryukichi, had testified that when MUTO sat with him at a luncheon he talked with him about international problems, but at such a meeting the accused was never inclined to take up a serious question; much less did he say that Japan, under the Tripartite Alliance, must establish a new order in East Asia in concert with the attempt of Germany and Italy to build up a new order in Europe. While TANAKA admitted he did not hear this from MUTO, he had testified that in the MAB there was a consistent view favoring the Tripartite Alliance since the ABE Cabinet. MUTO entirely denied this. It was in the middle of October 1939, at the time of the ABE Cabinet, when he became Chief of the MAB, and he learned then that at the time of the preceding HIRANUMA Cabinet, the army hoped for the conclusion * of the Tripartite Alliance, and made an effort to materialize it but failed, owing to the German-Soviet non-Aggression Pact. MUTO was one of those who felt at the time that Japan had been deceived by Germany, and Hitler and Mussolini could not be trusted.

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33112 * His opinion regarding Germany and Italy was that their national strength was not so strong as propagated, and believed that once Hitler and Mussolini failed they would spoil the glory of Japan's national polity, and it was dangerous to conclude an alliance with them. War broke out between Britain and Germany in September, 1939. In the latter part of May 1940, Germany won the victory at Dunkirk, and it was generally believed among the Japanese that Germany would have final victory.

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Some people again advocated the Tripartite Alliance, * but MUTO predicted the war would prove protracted and doubted Germany would win finally. For the German air force was not as sufficient as propagated, she could not cross the Strait, and her naval force was inferior to Britain's. The overwhelming superiority of Britain's navy, the calm attitude of the British, and Churchill's statement that the U. S. would help Britain, were factors in favor of the latter. MUTO concluded that in the long run HITLER would fail to conquer Britain.

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* TANAKA, Ryukichi, testified that the resignation of the YONAI Cabinet was due to the accused HATA, the War Minister, offering a proposal regarding the conclusion of the Tripartite Pact, which TANAKA said was supported by the MAB, but it did not come to a unanimous agreement, and HATA resigned. This was wrong. There was no request during HATA's tenure that the government conclude the Alliance. The YONAI Cabinet's policy was not to intervene in the European war, and HATA supported it. Regarding HATA's resignation at that time, the General Staff was eager to settle the China Affair and proposed to have Germany intervene, and urged the War Minister to solidify the national structure. To these demands of the General Staff the YONAI Cabinet did not return any earnest response. KONOYE resigned as President of the Privy Council, and started a new party movement to improve internal affairs.

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* The YONAI Cabinet became more unpopular with the public. For about ten days between the latter part of June, 1940, and the beginning of July, MUTO was away from the War Ministry, serving on a reception committee for the Manchukuo Emperor. When he returned to the War Ministry he saw official correspondence to the War Minister from the Chief of the General Staff, that a proper step should be taken to tide over the emergency. It was an expression of a very strong intention.

HATA was very anxious to solve this matter, but it did not go as expected and he was placed in a delicate position between the General Staff and the Government, and was obliged to resign. This was not at all due to disagreement regarding the Tripartite Alliance, as far as MUTO knew.

Interviews with foreign military attaches was a duty of the MAB, and MUTO frequently received calls from them. Exhibit 523, he supposed, was what he talked about when he received a call from the German attache. The date showed it was in the latter part of June, 1940, the time

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Page when there was an opinion that Japan should ask Germany to intervene in settling the China Affair, so he assumed the talk must have referred to that matter. The words "Japan has interests in FIC problems" appearing in the exhibit probably concerned the fact that both Japan and France had a mutual understanding regarding a ban on transportation of materials to the Chungking Regime and that the Inspection Corps under NISHIHARA started for FIC. This was not MUTO's personal opinion, but a description of what was then going on.

33117 When TOJO entered the KONOYE Cabinet as Premier, the army felt that the main object of diplomacy should be settling the China Affair. As for other problems, elastic constructive diplomacy should be carried on to attain that object, as was shown in the political program of the KONOYE Cabinet. * The diplomatic policy was not so limited as to require concluding the Tripartite Alliance. The fact that the alliance was rapidly concluded in September, shortly after the KONOYE Cabinet had been formed, was due to Foreign Minister MATSUOKA's taking such an active part. MATSUOKA carried out a drastic reform in his ministry without giving ear to any other's opinion, and it was due to his sole activity that the alliance was rapidly concluded.

33118 MUTO had no knowledge of the Pact's significance until he heard the Chief of the Treaty Bureau explain the Pact's text. In this court he first learned that he had been suggested for an order by Ambassador Ott because he endeavored for good relations with Germany. The telegram from Ott regarding the decoration was in mid-May, 1942, after he had left the position as Chief of the MAB. According to international usage, this kind of affair was * practiced by a mutual exchange of proposals. Germany, he believed, was informed of his name by the War Ministry, because he at the time was Chief of the MAB. He had never seen the decoration.

From October 1939 to April 1942 he was Chief of the MAB. From July 1940 to April 1942 he was under War Minister TOJO. In response to a prosecution inquiry, he was interpreted as if he had answered that TOJO came to his office to seek his opinion, but this was a misinterpretation, for a minister never came to a director's office. MUTO could express his opinion to TOJO as War Minister, but not in his capacity as Premier. As far as the function of Premier was concerned, TOJO adopted no opinion of the War Ministry staff.

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33119 The prosecution seemed to contend that in case of disagreeing with the War Minister, MUTO could resign his * position, but this was prohibited, and only in case of illness were the Japanese military permitted to do so. TANAKA, Ryukichi, testified that he knew someone who had resigned as Chief of the MAB for such a reason, but MUTO did not know whom he referred to. There was an instance in which someone did not follow the War Minister's order and the authorities transferred him. This was the worst instance, and as a matter of discipline it was not to be excused. As for transfer, while MUTO was Chief of the MAB, soon after TOJO became War Minister, MUTO frequently asked the Chief of the Personnel Bureau to transfer him. After the TOJO Cabinet was formed, he expressed his desire for transfer at a meeting attended by the War Minister, Vice-Minister, and Chief of the Personnel Bureau, but every time it was not adopted.

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* TANAKA, Ryukichi, had spoken of MUTO as a statesman, but this was sarcasm. TANAKA had once rebuked him, saying he was too business-like. His personal history showed he had never made a study of politics or diplomacy and had no experience in those affairs until he became Chief of the MAB. After receiving this position, as a matter of duty he studied these problems. His views were sometimes adopted by the Minister and sometimes not.

TANAKA testified that TOJO had scarcely any sense of politics and diplomacy and no experience, so he adopted MUTO's opinions. This was contrary to the fact. TANAKA had once been Chief of the Military Intelligence Organ in China, and over-estimated his experience in politics and diplomacy, and MUTO was disgusted to hear him speaking from such a viewpoint of TOJO, for he was quite wrong in his criticism of him. Needless to say, TOJO, being a military man, had no political experience, but he was a hard worker and studied anything concerning politics and formed his opinion about it. He was not a person who would blindly obey an opinion of MUTO's. This could be seen from the fact that for more than two years after MUTO was transferred, TOJO steered through difficult positions as Premier. It was at the busiest time after the outbreak of the war that MUTO was transferred.

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33121 * TANAKA also testified that he was opposed to the political intervention of military men, especially of the MAB. He added this was prohibited by constitution. TANAKA was wrong that it was prescribed in the constitution, for there was no such provision. The legal basis was that military men in active service had no franchise; military criminal law restricted freedom of political speech and association; the imperial rescript of 1882 admonishes that military men should perform their duties without intervening in politics.

33122 * However the war minister could and must take part in politics because he could attend the cabinet conference as a state minister, however the war minister must carry out the decisions of the cabinet and it was necessary to have political machinery. The MAB was this machinery and its function was to carry out political affairs but not in politics itself. If the bureau were not allowed to carry them out, the war minister as a politician would be functionless. The organization of the war ministry (exhibit 74) indicates clearly that liaison with the Diet was a duty of the military affairs section of the MAB.

33123 On this point, chief of the military service bureau TANAKA never protested to MUTO and MUTO was quite surprised to hear him make this self-righteous statement * for MUTO remembered him making speeches and taking actions regarding politics which did not belong to his duties, and MUTO had to advise him to abstain, but this advice was given in vain and soon after a rumour prevailed that MUTO and TANAKA had had a quarrel. It was true that in 1941 MUTO objected to TANAKA attending a Diet session as a government commissioner, for in the war ministry explanations and replies in the Diet were prepared beforehand and approved by the war minister so there might not be any inconsistency or misunderstanding.

This was the same in every ministry but TANAKA made a bold utterance of his own accord and the MAB was annoyed by facing a protest from other ministries and the general staff.

33124 On 8 December 1941 when the war broke out, TOJO * delivered an address to the war ministry staff. Just before the address TANAKA told MUTO that with this war TOJO had become a hero. MUTO replied that if Japan should be defeated her national polity would be changed and consequently, far from

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being called hero, TOJO might be blamed for high treason. MUTO remembered he regreted he told TANAKA that national de-
ity might be changed if Japan was defeated. MUTO remembered
that TOMINAGA, chief of the personnel bureau, told him what
a man TANAKA, to say that TOJO would become a hero, and TOMINAGA
said he accused TANAKA of his imprudence. TANAKA had testi-
fied that MUTO had stated this and MUTO could not understand
his motive. TANAKA testified that about 9 December 1941,
when MUTO talked with bureau chiefs at a luncheon about the
progress of negotiations with America, MUTO said that KURUSU's
33125 visit to America * and the sending of the Tatsuta Maru had
been a sort of camouflage. MUTO said that he absolutely had
not said that.

As for the visit of KURUSU to America, MUTO had heard
it suggested as a sincere step taken by TOGO, at NOMURA's re-
quest and had been decided after consultation with TOJO. MUTO
had no connection with *ending * the Tatsuta Maru. After
the war broke out there were mysterious stories and he be-
lieved matters regarding KURUSU and the Tatsuta Maru might
have been among them.

Exhibit 2240 indicated that MUTO answered he had made
a draft of the imperial rescript regarding the declaration of
war together with the accused HOSHINO, chief secretary, and
the accused OKA, chief of the naval affairs bureau, but this
was a mistake. MUTO and OKA only offered reference material
33126 for the rescript * to HOSHINO. A rescript was prepared in the
cabinet, which made a draft of it.

In the government, the general control of POWs was under
the war minister's charge, and collateral matters, such as the
mail service, etc., were under the charge of the ministers con-
cerned. This did not mean that POWs (be under the war minist-
ter as soon as they were delivered to the army. First, the
army or navy commander who took the POWs at the front examined
them, made a list of them, and reported to headquarters which
would report to the war minister, who would indicate the loca-
tion and capacity of the proper camp. Headquarters would ar-
range for their transport to this camp and when this was com-
pleted, they would be under the war minister's charge for the
first time.

In previous wars the war minister had the POW inter-
33127 ligence bureau and the POW * camps as organs for controlling
them. In the last war, however, the POW administration depart-
ment was organized. Because, while in previous wars the bus-
iness concerning POWs was comparatively simple, in the Pacific

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Page 33128 war it became complicated. * The organization of the POW intelligence bureau and the POW camp ordinance were promulgated toward the end of December, 1941, but the POW control department was established by the war minister's order toward the end of March, 1942. These regulations were drawn up by the MAB, to which the accused was attached. However, the order establishing the control department was issued during the absence of MUTO and he was informed of it later. When he left the MAB as director in April, 1942, no plan for taking POWs had yet been laid because there was no authentic report from headquarters.

33129 The questions whether it was right to transport POWs taken in the tropics to the north in a cold season; whether there were suitable buildings, etc., were being investigated and were not decided. At Shanghai and Zenzuji camps were urgently set up, as POWs taken by the navy were transported by boats. As for POW labor, no study had * been made at the time. He had no recollection of any protest regarding the treatment of POWs from any foreign countries during his tenure as director.

. Exhibit 2246 stated there were explanations of the international situation at the informal meeting of the war councillors in July, 1941. But MUTO was absent from the meeting because of illness. He had never read the report of investigation made by the provost marshal concerning the air men who made the raid on Japan on 18 April 1942 (exhibit 2245). At that time he was no longer chief of the MAB, also not in Tokyo, and it was impossible for him to read the report.

Regarding exhibit 2247, MUTO was in Sumatra when the ceremony of awarding decorations was held in the German Embassy on 1 October 1942, and he never received decorations from the German Ambassador.

33130 Exhibit 476 included a secret diary of imperial headquarters concerning the Singapore incident from February to March, 1942, but he had never seen it. * An attendant of the war minister was not given a seat at imperial headquarters, nor was the secret diary to be seen by an intendant. Regarding the treatment of war representatives in China, the prosecution produced his interrogation as evidence and the contents were true.

In October, 1939, when he took charge as director of the MAB, it was two years and three months after the outbreak of hostilities with China. During this time, captives were not treated as POWs. Even the POW intelligence bureau was not in existence. The Chinese operated on the same basis as the

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Page Japanese did in regard to captives. Even after that time Japan never declared war and the treatment of captives was carried on as before. Accordingly they were never within the jurisdiction of the war minister and the director of the MAB had nothing to do with them, and MUTO was never ordered to make a study of this matter.

33131 * He was ordered by the war minister to go to the southern area of operations to observe affairs there for three weeks from about 20 March 1942. He returned on 12 April and when he arrived at the war ministry, director of personnel TOMINAGA told him that he was transferred to the command of the imperial guard division at Sumatra. He was actually appointed to this post on 20 April and until the date of his departure did no work as director of the MAB. He arrived at Medan on 11 May and in thirty years as a soldier this is the first time he ever had a responsible post and this period ended when he was relieved in 1944.

33132 His duty in Sumatra was to take charge of the the defense of northern Sumatra in accordance with the 25th army commander's orders. MUTO took command of the guard division of which one infantry division, among three, had been * detached in Malaya as under the command of the 25th army commander. As regards the military administration in the district, the organ under the direct control of the commander at every province of Sumatra was in charge of it. Between military administration and defense a clear line was drawn. As for the control of the POWs and internees, it had been handed over to the commander when he arrived and was under the charge of an officer dispatched by the commander. Ordinary enemy aliens were interned by the military administration and it was no part of MUTO's duty to superintend affairs concerning POWs and internees.

The growing activity of British forces on the Indian Ocean reduced the area of his defense after April, 1943, into Patanori, East Coast, and Achie Provinces in the northern end of Sumatra and afterwards into Achie and East Coast Provinces from the beginning of 1944.

33133 While he was in office in Sumatra, there were no hostilities and no POWs taken. He never employed them for labor. Within his area, however, * there were many forces beyond his command and certain corps among them were employing POWs. It was not MUTO's duty to defend the camps of either POWs or internees. As for trouble with natives, although he received reports on the punishment of soldiers, all these related to cases inside the army and he learned only one case having anything to do with natives. After arriving at his

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post, MUTO ordered everyone to put a mark on the left breast so the natives could recognize anyone of the guard division. Even with such identification he heard of no complaint from the military administration or the natives about his division.

33134 * Having been appointed chief of staff of the 14th area army, MUTO left Medan for the Philippines on 12 October 1944, and arrived at Port McKinley the night of 20 October 1944. As regards conditions in the Philippines at that time, the U.S. army landed at Leyte on 18 October before YAMASHITA, who had arrived in early October, became well acquainted with the state of the islands. The 16th division defending the island was routed at a stroke, and reported nothing about the situation and the whole Philippine Islands were plunged into chaos. The alleged atrocities during this time in the Philippines occurred in this chaotic situation.

33135 YAMASHITA's duty was to defend the Philippines in accordance with C-in-C TERAUCHI's command. For that purpose, expecting the United States to invade the Southern Philippines, he was to make preparations for decisive battles * and cooperate with air and naval forces in carrying out operations. TERAUCHI was then at Manila and later removed to Saigon on 17 November 1944.

33136 This duty of YAMASHITA was suddenly altered, due to the order from Southern General Army Headquarters given about 12 or 13 which said the 14th area army shall destroy the enemy invading Leyte Island with the maximum strength of the army forces, in cooperation with the naval and air forces. Up to that time the operation plan was that if the United States invaded the southern Philippines only the 35th army should participate in the battles to be fought by the army and air forces. As nothing had been prepared for transporting army forces from Luzon Island, they hastily set to arrangements. After the air and naval forces were frustrated in the battles about October 24 or 25, command of the air and sea in the Southern Philippines fell to the enemy. * No more than 50,000 men were sent about seven times up to early December, most of their ships were sunk. Thus, early in December YAMASHITA could only acknowledge that for all his efforts he had completely failed in the battle of Leyte.

33137 * As for the Luzon campaign, alterations were also made as to YAMASHITA's duty, the later operations having called for Luzon forces, emptied the latter island of its defence and completely spoiled the defence plan. Reinforcements were sent from Japan, but one-half or one-third was

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Page lost to enemy action, and barely the remnants arrived. They had no maneuvering power and TERAUCHI ordered YAMASHITA to evade decisive battles and assume the defensive. Thereupon YAMASHITA decided on evading decisive battle in the plan to restrict the enemy to Luzon as long as possible, taking advantage of mountainous regions and delaying the attack against Japan proper.

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He took steps to establish three main positions in the mountainous regions east of Manila, in the mountains west of Clark Field, and in the mountainous region in the vicinity of Baguio and Paletapas. As to Manila City, they were to disable the harbour * facilities and carry munitions out of the city and then declare the city open. They were to defend against the landing of the United States army by disposing a unit in the vicinity of Apari in northern Luzon, and to detach one unit to the Batangas Peninsula to delay the U.S. army's rush toward the Manila district. It was just after the U.S. force landed at San Jose in Mindoro Island on 15 December that this plan was shown.

The U.S. 6th army landed at Lingayen Bay on 9 January 1945, followed by the 8th army, which landed on the southern part of Luzon. At one time the Japanese army had not completed their disposition. The United States landing contrasted with the Japanese expectation and the cooperation of the air, naval, and army forces were complete and their army on Luzon displayed great power of maneuver and power.

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* The Japanese forces found their command system instantly destroyed and were made to fight independently, but YAMASHITA was defeated after all. The communication functions of the army in the Philippine campaign were extremely poor. Communications with the southern Philippines' commander, SUZUKI, Sosaku, became of the worst after the United States landed on Leyte. After the U.S. occupied Ormoc in early December, communication was interrupted except for occasional short dispatches.

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Traffic between YAMASHITA's headquarters at Baguio and YOKOYAMA's headquarters east of Manila was suspended about 13 January after the United States landing at Lingayen. Wireless was barely available until about May or June and no telegram, other than really * important ones for operations was dispatched. As for communication between YAMASHITA's headquarters and headquarters west of Clark Field, wireless and land traffic was interrupted and knowledge of the state of the district became uncertain. Communication with forces in the vicinity of Paletapas was also inadequate due to the breakdown of instruments.

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Page Communication breakdowns were due to the fact that equipment was originally inferior to that of the United States and many instruments had been soaked in the sea. In addition, most persistent bombarding by the U.S. destroyed the instruments and under these circumstances YAMASHITA's commanding organizations were destroyed. * YAMASHITA never ordered Manila to be defended to the last. As his chief of staff, MUTO was well acquainted with YAMASHITA's intention for he was always with him except when MUTO went to the front, and even then he saw YAMASHITA's orders later.

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MUTO once studied on YAMASHITA's order on how to make Manila open. Realizing, however, that the matter was beyond the scope of YAMASHITA's authority and could not be put into practice, he was at last resolved to place Manila outside the battlefield. However, hostilities and violent accidents broke out practically within the city and on 3 January 1945, YAMASHITA ordered YOKOYAMA 8th division commander to take command of the forces in the vicinity of Manila and, in order to command operations in the district of Lingayen Bay, removed to Baguio.

On January 5 the commander of the naval forces moved there also, after investing YOKOYAMA with command over naval forces in the * Manila vicinity concerning land fighting alone. About February 10, YAMASHITA informed of hostilities being continued within Manila, urged YOKOYAMA to withdraw immediately into the mountains east. However, rear admiral IWABUCHI, supreme commander of the forces in Manila, did not observe this.

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There were many guerrilla forces in the Philippines, and it was reported, after the termination of the war, that they amounted to some 500,000. There were so many that every native seemed to be a guerrilla after the U.S. landing. About November, 1944, YAMASHITA ordered his men to attack armed guerrillas in view of the increased activity. However, by no means * ordered any guerrilla or any collaborator to be sentenced to death without trial. The staff, including YAMASHITA, were utterly ignorant at the time that, about February or March of 1945, residents were ordered in the Batangas district.

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YAMASHITA received no report on this or other atrocities in the Philippines. There was only one case of violence in April, 1945, and Tokyo's order, YAMASHITA ordered YOKOYAMA to investigate it but this was not successful owing to the total destruction of Japanese forces in Manila the end of February.

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33144 * POWs and internees in the Philippines were under YAMASHITA's control when MUTO arrived at his post there. Specifically speaking, however, the chief of the POW camp at Manila was dealing with them under the command of the assistant commissary general and no significant alternation was made after MUTO arrived at his post. The food ration, after being inquired into by the chief of the paymaster's department, assistant commissary general, etc., was successively decreased to that for Japanese troops and the ration was reduced from 400 to 300 grams toward the middle of November.

33145 The reason was that the Philippines had imported rice from FIC and Siam even in ordinary times, importation became difficult since United States submarines suspended the * traffic on the China Sea. 10,000 tons came in early November, but one-third was used for the Leyte operations. The reserved rice was released in early December and arrivals after then were only 1,800 tons. To cope with the food situation, they purchased rice in the Central Philippines in cooperation with the Philippine government. One reason YAMASHITA disposed of the main force to Northern Luzon was that the Kagan Valley had overproduced rice. However, only a part of this plan was put into practice after the United States landed, and consequently they could not use the rice accumulated.

33146 The procedure for transporting POWs to Japan was that on the receipt of an order by the commander, who controlled the POWs, from the war minister that they should be sent to such and such place, ships would be appointed by the chief of the general staff, and the shipping commander notified. Then the commander would make preparations for transportation. * They were out of the commander's control after they got aboard the ships. MUTO was informed for the first time that the Oryoku Maru transported them in December, 1944, when she was air-raided and took refuge in Or about December 15.

The said order for transporting the POW was issued prior to his arrival, and he heard they were made to gather at Manila. As the ships were appointed about December 12 or 13, the assistant commissary general and the chief of the POW camp let them take ships in accordance with order already received, so it did not come to MUTO's knowledge. On being informed of the Oryoku Maru's accident, YAMASHITA ordered the chief of the POW camp to rescue them. MUTO cooperated with the latter by YAMASHITA's order as to arrangement for transportation, food, etc. The U.S. army had landed near Manila and YAMASHITA was very busy but nevertheless did his best.

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33147 * In laying the plan for Luzon operations, consideration was given to the question of how to deal with POWs. YAMASHITA decided on liberating the POWs and internees through the state representing Japan's rights and interests, in case the United States landed on Luzon and reported to TERAUCHI to that effect. But TERAUCHI advised it was too early yet to do so. However, the previous regulation of the commander was that POWs might be released if the war situation necessitated it. It was considered practically impossible to remove prisoners and internees into the mountains. Therefore YAMASHITA decided to put it into practice and about mid December ordered the chief of POW camp to that effect, and he immediately made preparations for releasing internees of Baguio and Port McKinley camps.

33148 * The accused learned for the first time after the war was over that the camp's chief, having mistaken that the state representing the rights and interests meant the state representing the U.S.A., namely, Switzerland, whose agency was absent from Manila, dealt not through the representing state, but had taken steps for releasing them without causing hostilities.

33149 * For the sake of obtaining information of the enemy they decided they desired to take POWs during hostilities but this proved too difficult in defensive fighting. In accordance with headquarters command, MUTO surrendered together with YAMASHITA on 3 September 1945. YAMASHITA at no time released command of the army nor was he ever absent during the Philippine operations from duty. MUTO was always with him and heard any report with him and was fully acquainted with YAMASHITA's intentions. *YAMASHITA never issued orders against international law nor against humanity, nor permitted nor connived at the misconduct of his subordinates when he knew of them. YAMASHITA, under difficult conditions, took all possible precautions to prevent atrocities.

33150 MUTO attended the trial of YAMASHITA as a witness and was often examined as a war criminal suspect. Toward the end of March, 1946, he was told that he was clear of the crime and told to the same effect by a member of the war crimes' investigation committee.

33151 * On further oral examination the accused was shown exhibit 3445 and he stated he had seen it before but did not draw it up himself. It was drawn up by the general staff and sent to the military affairs section of the MAB from whom he received it. In turn he sent it to YAMAMOTO in the foreign

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33152 office. *The document was prepared on decisions * reached at the imperial conference of 5 November 1941 when the so-called A and B plans were decided upon. The document was prepared on this decision and had in view, following the conclusion of negotiations, that it was still necessary to go into detailed discussions. With this in mind, it was drawn up by the general staff.

33153 Asked if he knew why the language in the document was strong, he replied that at that time the general staff was opposed to the adoption of the A or B plans. They were especially opposed to the B plan. With regard to the drafting of the B plan, MUTO expressed his views to the chief of staff and succeeded in having him agree to the views of MUTO. In view of this, the general staff were not only opposed to the A and B plans but also strongly opposed to MUTO himself, and a very strong argument developed * on it. In view of this atmosphere, the general staff agreed to the plans and submitted an additional plan saying it would be carried out.

33154 * After sending the document to YAMAMOTO, he remembered later YAMAMOTO called him and said it was an insensible document and asked the reason for it in an admonishing manner. MUTO told him that as long as it was the general staff plan, he wanted to show it to him, but would do everything to have it revised and MUTO should not place too much importance in it. The document was left as it was, but was abandoned and officers representing the army foreign office, navy, and planning board studied the question and the results were submitted to the liason conference. Accordingly the document

33155 was not seen by the war minister. *The original plan received from headquarters was destroyed and abandoned.

DIRECT EXAMINATION BY MR BRANNON
Counsel for SHIMADA

33156 The accused stated it was correct that he attended the liason conferences held the latter part of 1941, and listened to matters discussed there attentively but had forgotten many things. Asked if he had at any time at any liason conference ever heard any navy member advocating an attack on the United States without notice beforehand, he replied he did not remember that at all. This was an important matter and if it occurred he thought he would remember it. Asked if testimony was given that chief of the naval general staff ITO, at a liason conference on 2 December 1941, if

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33157 he did not remember hearing ITO advocate * an attack against the United States without warning, he replied he did not recall.

DIRECT EXAMINATION BY MR. FUJII
Counsel for HOSHINO

33158 The accused stated that during the TOJO cabinet, chief secretary HOSHINO attended all the liason conferences which he attended as a secretary. * While MUTO was negotiating with YAMAMOTO at those liason conferences on the question of the Japanese-American negotiations, HOSHINO did not join in the discussions. HOSHINO did not have the authority either to participate in the discussions or sign any such documents for he had no such power as a conference secretary.

33159 * DIRECT EXAMINATION BY MR. FREEMAN
Counsel for SATO

The accused stated he was director of the MAB when TOJO became premier. Reminded that TANAKA testified that certain members of the MUTO staff were active on behalf of TOJO becoming premier, the accused was asked if anyone within the MAB ever discussed with him the possibility of TOJO becoming premier and he replied absolutely not nor was it suggested by anyone in the war ministry. His becoming premier came as a complete surprise to them and at first they did not believe it. (Attention of the tribunal was called to P. 15,872.)

33160 * The accused stated he was director of the MAB at the time the POW information bureau was set up at the end of December, 1941. Regarding the purpose for its establishment, there was a provision that immediately following the outbreak of hostilities, according to international treaties, such an organ should be set up and its duties were clearly stipulated.

33161 * The accused was told that exhibits 1467 through 1473, and 1490 through 1496 were copies of communications between the Japanese foreign office and the allied powers relative to the treatment of POWs from December 1941 through March 1942. Asked if recalled the MAB receiving any of these communications direct from the foreign office, the witness stated he didn't remember. When shown exhibit 1175, he was asked to note that the title of it was "Principal Reasons Alleged For The Commencement of Hostilities Against U.S.A. and Britain" and there was an affidavit of TANAKA accompanying it in which he said MUTO read the document at the liason conference of bureau chiefs.

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33162 * MUTO stated he did not read the document. The attention of the accused was called to another paragraph of that affidavit in which TANAKA said that he believed the accused SATO prepared the document or that it was prepared under his direction. Asked if SATO ever discussed this document with him on any matter relating to its drawing up, he replied no, there was no such occasion.

DIRECT EXAMINATION BY MR. HOZUMI
Counsel for KIDO

33163 Reference was made to the affidavit where it was stated MUTO called on chief cabinet secretary TOMITA on 14 October 1941 telling him his views in regard to the navy attitude toward the waging of war. Asked to give in detail the contents of the conversation, the accused replied that he could not tell exactly word for word what he said but the general purpose was * that although the navy agreed to the decisions reached at the 6 September conference, at present it seemed that although the navy attitude on the surface was not necessarily opposed to the decision of the 6 September conference, they were not in agreement with it.

As the navy did not want war, the army would have to change its attitude. But the navy took the view, without making it clear, that their attitude was they would leave matters in the hands of the premier. In such a case it would be impossible for the war minister to surpress those advocating a strong policy within the ministry, and so MUTO asked the chief secretary to use his good offices or do what he could to get the navy to clarify its attitude for then the war minister would be able to restrain the extremist elements in the war ministry and the general staff.

33164 * He made this proposal to TOMITA confident that if the navy did take a different attitude against war, he would be able to restrain the army. In a war in the Pacific, the navy would have to play the dominate roll, no matter how strong an attitude the army took, the army would be powerless unless the navy agreed. Asked if he knew the reasons why TOJO, at the cabinet meeting 14 October 1941 strongly advocated the 6 September decision be carried out, he replied that before this
33165 decision, TOJO made strenuous * efforts to restrain the general staff's strong policy before he was able to succeed in getting the 6 September decision. Therefore TOJO's character did not permit alternation in those decisions without other good reason.

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33166 TOJO wished faithfully to carry out decisions reached not only at imperial conferences but those reached at cabinet meetings. It was his nature to do his best to carry them out. He could not carry out the decisions of the imperial conference by trying to fool the public. * On 17 October 1941 when TOJO received a telephone message to come to the palace MUTO was not with him but was at the war ministry, while he believed TOJO was at his official residence.

33167 * Asked if TOJO seemed to know beforehand he was being called to the palace to form a new cabinet, the accused replied that TOJO did not even dream this. He left for the palace feeling that because of the resignation of the third KONOYE cabinet, he was to be berated by the emperor and went prepared for this.

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- 33171 * The accused stated that even after the formation of the TOJO Cabinet, he attended Liaison Conferences. Asked if TOJO after becoming Premier, carried out the Emperor's desire and delivered to him on 17 Oct. 1941, the Imperial desire, being to return the decision made by the Imperial Conference on Sept. 6 to a clean state to avert war, or manifested any intention to carry this out at the Liaison Conference, the accused replied he remembered TOJO making a statement at the first Liaison Conference called by * him after becoming Premier. TOJO said that the Liaison Conference standing on a new position and not being bound by the Sept. 6 decision would study ways and means to bring about a settlement of the issues between Japan and the U.S.
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DIRECT EXAMINATION BY MR. FURNESS
Council for SHIGEMITSU

- 33173 The accused stated that the Lt. Gen. TATSUMI, mentioned in his affidavit, was a military attache to the Embassy in London, serving under Ambassador SHIGEMITSU. Asked if he had a talk with SHIGEMITSU after his return in Aug. 1941, * the accused replied he remembered talking with SHIGEMITSU at the end of August or early September. He did not recall the talk in detail but its gist was that SHIGEMITSU, speaking of conditions in Britain following the British defeat at Dunkirk, said the British were extremely stubborn and there was no likelihood of Britain's losing the war or the collapse of the British Empire. SHIGEMITSU said it was extremely likely that the U.S. would seriously assist Britain and no one must fail to take into consideration the great national strength of America.

- 33174 * DIRECT EXAMINATION BY MR. BLAKENEY
Council for TOGO

- 33175 Asked what report he first heard at the Liaison Conference about the time of the delivery of the last Japanese note to the U.S., the accused replied he thought it was at the Conference of 4 Dec. that he heard that the time of delivery of the last note to the U.S. was to be 12:30. He thought this report was made by Vice Chief of the Naval General Staff ITO. * It was not reported how that time had been decided upon. Asked if the question of the time of delivery of the last note was again raised in the Liaison Conference, he replied that perhaps a day or two later he heard a report from ITO and TOGO that the time of delivery had been changed to 1:00 pm at the Liaison Conference. He thought the original report of this fact was made by ITO. The hours referred to were on 7 Dec. Washington time.

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33176 The accused was asked if after the decision had been made in the Liaison Conference that the final note should be delivered before the commencement of hostilities, if there was any request or any statement of its position made by the Naval General Staff in regard to the time of serving the final note, MUTO replied that he thought ITO was talking to Foreign Minister TOGO * but didn't know the particulars. He didn't remember the details of what ITO said but what remained in his mind was the Navy's desire to harmonize the time of delivery and naval action. Asked what he meant by the word "harmonize", he replied that in opening hostilities, there must be close coordination between diplomacy and operations, and he used the term in the sense of coordination.

The accused remembered that ITO said something to the effect that the Naval General Staff desired that the note should be delivered as late as possible.

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* The accused stated that he had a meeting with TOGO on New Years Day 1942 to pay him New Years Greetings. After the exchange of greetings, the talk turned upon subjects connected with the war and MUTO told him that on that New Years Day the people appeared extremely light hearted and there prevailed an atmosphere of victory which was a dangerous condition. MUTO added that the future of the war was serious and difficult and that something should be done to bring about its early termination and requested TOGO to make plans * which would bring about the earliest possible termination. * TOGO completely agreed and assured MUTO he would do everything in his power to do so, and this was all of the conversation on the subject of ending the war. Asked by the Tribunal if he took any part as a member from Japan in the Italy-Germany-Japan Joint Commission of Experts, he replied he received an appointment as a member but never participated in the meetings.

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* CROSS-EXAMINATION BY MR. LOPEZ

The accused reiterated that his intervention in Liaison Conferences was merely clerical and that his intervention in Imperial Conferences was nothing more than as distributor of copies of documents to those attending. When he was distributor of copies between Oct. 1939 to Oct. 1941, he was a Major General and he was still distributing copies after the latter date when he had the rank of Lt. General, which was the second highest rank that the Army could bestow to any military man in Japan.

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* The accused stated that his colleague in the Navy was at first Rear-Admiral, and later Vice-Admiral at the time when he was distributing copies on behalf of the Navy at those Imperial

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Page Conferences. Vice-Admiral was the second highest rank in the Navy. Asked if on Nov. 13, 1940 he attended an Imperial Conference, he replied he had no recollection of attending an Imperial Conference in 1940, although he recalled attending them * in 1941.

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33183 After being shown a document and asked to note a line in it reading * that Chief of the MAB, MUTO appeared as one of those invited by Imperial order to attend the Conference, the accused acknowledged that his name was written there but notwithstanding, he did not recall attending an Imperial Conference in 1940. Asked

33184 * if he would affirm definitely that he never attended the Conference on Nov. 13, 1940, notwithstanding that he had been shown the document, he replied that his recollection was that he began attending the conferences in 1941. The document referring to some conference in Nov. 1940 did not even mention what was discussed at the conference. He had no recollection of attending it and the document alone was not sufficient to help him recall his memory granted that he did attend the meeting. As far as his recollection was concerned, he could not place any trust or reliability in the document.

33187 * Asked if it would refresh his memory if it were recalled to him that with respect to this meeting it was the Cabinet which asked that he be allowed to attend, he replied it did not refresh

33188 his recollection. * Asked if it would refresh his memory if he were reminded that after great discussion between Lord Keeper EIKI, the Grand-Chamberlain and Vice Grand-Chamberlain, it was finally decided that he should be invited on the principle that the Imperial Conference should consist of those bearing responsibility for giving advice to the Emperor, he replied he had never heard of that.

Asked if it refreshed his memory to recall to him that at the beginning, those in the Palace were reluctant to invite him because they feared the Conference might be too balky, he replied it did not refresh his memory at all. It appeared that these were discussions going on within the Palace which had never come to his knowledge.

33189 * Asked if on 6 Sept. 1941 he met with the accused OKA at the Premier's official residence, he replied he did not recall but he thought he might have seen him. Asked if he didn't frequently meet with OKA there, he replied if there was any business, there were many occasions when they met there more or less coincidentally but there was no case of meeting OKA at the Premier's official residence deliberately. When it was suggested to the accused that on 6 Sept. 1941 he met with OKA there to discuss the basic terms of peace to be offered to China, he replied he had no recollection. If either OKA or himself had any business with each other

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Page they would meet either at the War or Navy Ministries, but not at the Premier's official residence.

When shown a document, the accused was asked if it helped his recollection of any meeting with OKA and he replied he thought it was a misapprehension due to a mistranslation.

33191 By "Minister's official residence" * was meant the Foreign Minister's official residence, at which place a meeting was held among Foreign Ministry Bureau Chiefs, at which OKA and he were present. * He now recalled that he had a meeting at the Foreign

33192 Minister's residence with OKA. This was one of a number of conferences held there attended by OKA and himself with Foreign Ministry Bureau Chiefs and possibly the Foreign Vice Minister. He thought the document had authenticity.

33193 Exhibit 3456, the top secret document identified by the witness * concerning basic conditions for settling of Sino-Japanese peace, as discussed in a conference with the Directors of the Military and Naval Affairs Bureau, MUTO and OKA, held on 6 Sept. 1941, stated that the Chungking Government shall join in the Nanking Government. Admitting that the fundamental treaty concluded between Japan and the Nanking Government, the agreement attached and the Japan-Manchukuo-China joint declaration were based on these principles: (1) Joining of the Chiang regime with the Nanking Government; (2) Good neighborliness and intimate friendship; (3) Respect of sovereignty and territory; and (4) Joint defense (cooperation in maintenance of public peace, protection of rights and interests, and defense against common menace. For this purpose Japanese troops shall be stationed in Amoi and Hainan Island, as well as in certain districts of Mongolia-Sinkiang area, and North China.

Troops sent to China on account of the incident shall evacuate according to the Sino-Japanese agreement upon settlement of the Incident.

33194 Note: Economic activities of third countries, as far as they were based on fairness and justice, shall not be restricted.

(7) No annexation. (8) No reparations. (9) Recognition of Manchukuo.

The accused was asked if it was not a fact that the same conditions and terms were incorporated in a document handed to Ambassador Grew on 2 Sept. 1941 (Exhibit 1245 F). He replied he did not recall whether this was so, but they were notified to the U.S. during the course of the Japanese-American negotiations.

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* Asked if it was not true that the basic terms discussed by himself and OKA, appearing in Exhibit 3456, contained maximum terms beyond which Japan never did go even in the last crucial moments of the negotiations in Washington, he replied that the plan in which OKA and MUTO participated with others was a plan representing the views of the War and Navy Ministries. After the plan was placed before the Liaison Conference and there adopted by unanimous vote, it became national policy. The Sept. 6 plan contained the basic terms, but later, during the TOJO Cabinet, were relaxed.

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Asked if it was not true that the stationing of troops in China even after the peace settlement between China and Japan was insisted upon by Japan to the last * moment of the Japanese-U.S. negotiations, he replied that even after the consummation of the negotiations between Japan and China it was recognized that the stationing of troops would be necessary for a certain period for defense against communist activities. Asked if he insisted on stationing troops in Hainan Island after the peace settlement in order to contain communism, he replied he had no clear recollection but he believed it was recognized that in the case of Hainan Island the stationing of troops was not necessary, although he was not clear on that point.

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The accused agreed that there was no threat to Japan of communism from Borneo, Sumatra or the Philippines, calling for the garrisoning of troops on Hainan Island.

* Asked if he was a member of the secret committee having liaison with the Five Ministers Conference having to do with China affairs, he replied he was at one time a councillor or secretary of the China Affairs Board but knew nothing about any secret committee liaising with the Five Ministers Conference.

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* When shown a document he was asked if it reminded him of his office as member of the Liaison Committee, and he repeated that he was not a member. Asked if the Chief of the Military Affairs Bureau was not the secretary of that secret committee of which he was a member, he replied it appeared that the Chief of the Military Affairs Section of the MAB was a member, but the committee existed in 1938 and was not in existence when he became Chief of the MAB and he knew nothing about it. He could neither deny nor affirm the authenticity of the document shown. He did not know * if under the duties of a member of the secret committee

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the Military Affairs Bureau was providing funds for undercover agents in China.

After the outbreak of the Russo-German war, he knew Japanese forces in Manchuria were increased. Asked if he had

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Page something to do with increasing these forces, he replied that in response to a demand of the General Staff, he remembered the War Minister acting in connection with the increase in troop strength and in the transportation of necessary materials.

33200 * When shown a document he was asked if he recognized it as coming from his bureau, and he replied that it was a file of telegrams sent and received by the Foreign Office. He noted that the document had a top secret seal, was dated 11 July 1941, and that the words "Military Affairs Bureau" were written on it. Asked if the document was authentic, he replied he could not say on the basis of it alone. He had no recollection of the document but it appeared to be * a study made by some young officer in the MAB. The words "Military Affairs Bureau" had been written on it but it did not bear his seal nor that of anyone else and he was at a loss to say whether it passed through his bureau. * He could not say whether it was actually a document of the MAB. (Both this document and the preceding one were rejected.)

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33203 * When shown another document, he identified it and it was received in evidence.

Exhibit 3459, the document so identified, read by and bearing the seals of Vice Minister KIMURA, Chief of Bureau MUTO, and Military Affairs Section Chief SATO, dated 20 Feb. 1942, from the Acting Secretary General of the China Affairs Board to Vice War Minister KIMURA, concerning the Round Table Conference to be held by Liaison Section Chiefs of the China Affairs Board, stated that in reference to the above conferences, they should be obliged if a competent officer of the War Ministry (desirably the Director or Chief Officer of the Liaison Committee) attend.

33205 * They should also appreciate it if Vice Minister KIMURA would arrange with the Chief of the Military Affairs Bureau, a member of the Liaison Committee, to attend one meeting on Mar. 5, to hear Liaison Section Chiefs report on the current situation, and the President and Vice President would speak. Furthermore, an officer was requested who could explain the outline of the progress of army operations in the Greater East Asia War to the Liaison Section Chiefs.

Asked if, in the face of this document, he still insisted he was not a member of the "secret Liaison Committee" of the China Affairs Board, he replied that the prosecutor had said "secret Liaison Committee." He was a member of the "Liaison Committee," and that was where his misapprehension arose. Asked if it was not the duty of that committee to act as the executive body to handle all affairs of China in accordance with the Five Ministers Conference, he answered that it was not.

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* Reference was made to the affidavit of the accused in w. c. he stated that he never called foreign military attaches himself to come to his office. Asked if he called junior officers of the military attaches to his office, he replied that they never called them on their own part.

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Asked if in Oct. 1941, he sent for a staff member of the U.S. Military Attache, then Major F.D. Merrill, he repeated his previous answer and added that when they wanted to see somebody in the office they would telephone and if they were conveniently disposed to see them they came. He would not change his testimony if Merrill would say he was invited to call. To the accused was quoted a purported statement to Merrill on 8 Oct. 1941, in which he said there was no longer any real hope of settling the problems between the two countries by talks between diplomats. The matter was for the armies to settle and it was possible to do this without fighting. Therefore, MUTO thought that Merrill should endeavor to report to his superiors that Japan had a good army. He did not care how Merrill criticized but he should be careful to say only the actual facts. If understanding was not reached, they would be fighting Japan in six weeks in Manila. Asked if he told Merrill that, the accused replied it was absolutely contrary. He had never met the U.S. military attache on 8 Oct. He remembered meeting one on 7 Nov. at the Soviet Embassy * and recalled meeting a young captain from the attache's office, but absolutely denied the alleged statement.

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Asked when in 1941 he abandoned real hope that diplomatic negotiations could settle the problems between America and Japan, he replied that as he had said in his interrogation, it was after the receipt of the Hull memorandum of Nov. 26.

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In October they were most serious and ardent in their endeavors to bring about a consummation of the negotiations. The accused agreed that in the prosecutor's interrogation of him a year before he was asked about his knowledge of war preparations at the time. He agreed that he told the prosecutor then that he knew of war preparations around Oct. 1941 * and they were speeded up after the receipt of the Hull note of Nov. 27, 1941. At the same time he told the prosecutor that in accordance with the Sept. 6 decision, the policy was laid down to do everything through diplomatic means to bring about an understanding but to guard against possibilities of failure in the negotiations. War preparations were also to be carried out. Asked if he did not also say at the time that he knew of war plans about landings in the Philippines, Singapore and Malaya, he answered that he did not reply that way. He replied then that the General Staff might have been carrying on the study of such plans. He said when he was asked why he knew that, he had replied that that was the duty of the General Staff and it would be only

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33210 natural that they would carry on studies for various operational plans * and probably did make a study of such operations. It was not true that his own office was engaged in the frantic task of speeding up construction of airports in Formosa in June 1941. Asked if it was not a fact that on the first day of the war, bombers from Formosa raided Clark Field, Cavite Navy Yard, and other Philippine installations, he replied that Clark Field was attacked by bombers from Formosa.
- 33211 * When shown a document, he agreed that it said that it originated from the Military Affairs Section and that his own name was on it as Bureau Chief in charge * and that it was an authentic document.
- 33213
- 33214 * Exhibit 3460-A, the document so identified by the accused, originating from the Military Affairs Section, dated 10 June 1941, re preparations for aerial operations in Formosa, bearing a notation that the War Minister left the matter to others, and bearing among others the names of Vice War Minister KIMURA and Bureau Chief in Charge MUTO, and * from Vice War Minister KIMURA to C/S of the Formosan Army, stated that the Vice Minister deeply appreciated the efforts hitherto made by the Formosan Army and asked for his continued efforts toward completion of the remaining work in view of the current situation, in accordance with order.
- 33215
- 33216 * A secret telegram sent 10 June from the CinC of the Formosan Army to the Minister, replied that the first stage of construction at Chaochow and Hengchun airfields had been completed. This telegram had been transmitted to Army and Air Headquarters. A secret telegram sent 30 June from the C/S of the Formosan Army to Vice Minister of War KIMURA replied that he was determined to meet the Vice Minister's expectations by making further efforts toward the completion of the remaining work, and asked for his further guidance.
- 33218 * The accused agreed that in his affidavit he had called Hitler and Mussolini upstarts. Asked if his affidavit meant that he had such deep-seated contempt for Hitler and Mussolini that he didn't hesitate to make known his feelings to his Japanese friends like Col. IWAKURA, and even to Germans like Col. Groner, he replied that the prosecution was not reading the affidavit correctly. He had stated that at first in Japan there was opinion that such parvenus as Hitler were not dependable. Following that he expressed his own views vis-a-vis Germany and Hitler. It was only the latter part that he told Col. Groner. * He told Col. Groner that Hitler was a first class private and Mussolini a sergeant at the time of World War I, and that such persons whatever they might do could be heroes. He also told him that Japanese statesmen could not possibly do anything in the manner of Hitler or Mussolini because Japanese
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Page statesmen were duty bound, as loyal subjects, to exercise the utmost care to see that the historic fundamental character of the state was unblemished. He did not tell Groner that he was opposed to the Tripartite Alliance, but told him these other things and Groner smiled approvingly.

33220 Asked if, whenever he talked with advocates of the * Tripartite Alliance, he invariably told them of his low estimate of Hitler and Mussolini and convinced them it was dangerous for Japan to conclude an alliance with them, he replied that he had spoken to this effect frequently. Asked to whom he voiced such opinions, he replied that he had expressed such sentiments to his subordinates but never to a big statesman. Asked if he didn't feel it his duty, as one who always attended the Liaison and Imperial Conferences and Privy Council Meetings, to inform them that in his judgment it was ruinous for Japan to enter into such an alliance, to people like MATSUOKA, he replied there was no occasion for MATSUOKA and himself to discuss such matters nor had he the authority or qualification to say anything to him.

33221 * Asked if he expressed his view against the Alliance to War Minister TOJO, he replied that TOJO knew of his beliefs on that matter and he thought TOJO agreed because he knew of no occasion in which TOJO on his own initiative advocated such an alliance. Asked if it could be said that during the two months before the conclusion of the Tripartite Pact, only MATSUOKA was for the alliance in the government, he replied it would be more correct to say that MATSUOKA advocated it and others agreed with him, including War Minister TOJO. MUTO himself submitted.

33222 * TOJO's position was that the matter of primary importance was the settlement of the China Affair, that diplomacy must be flexible and constructive and not stationary and difficult of application. MUTO did not know how TOJO responded to MATSUOKA in his advocacy of the Tripartite Alliance. Around military circles in Tokyo, MUTO was known to be against the conclusion of the Pact.

33223 * The accused was asked if it was to be believed that the personnel of the German Embassy, the German Military Attache, and the German Intelligence in Japan committed a colossal diplomatic blunder by recommending for one of the highest military honors a man who mistrusted and opposed the conclusion of the Tripartite Pact. He answered that this statement was far fetched. Once the Alliance had been concluded at MATSUOKA's insistence, collateral business could be handled in the War Ministry by the Military Affairs Bureau. In this case, the personal opinion of MUTO was of no consequence and he would work within the bounds of his assigned duties. He was even nominated as a member of the Joint Commission of Experts. After passing through such a course, he would naturally become one who would be recommended by the War Ministry to be a candidate to receive

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Page a decoration. Hence, the German Foreign Office made no blunder.

33224 * It was correct that he as a good soldier merely followed the decision after it was made notwithstanding the fact that he personally was against the Pact and frequently voiced his opposition. He had active interests in the beginning to see that it was not concluded, but when it came he had to bow to that decision. The accused was asked if it was not true that the following questions and answers were part of his interrogation at Sugamo:

At that time when asked if when he returned to Tokyo, he became in favor of such a Pact and he answered at Sugamo that there was no question of favoring it or not favoring it at the time. He did not believe that the question of a 3 Powers Pact came up when HATA was War Minister. When asked at Sugamo if he asked HATA to demand of YONAI that Japan enter into such a Pact, he replied he had no recollection of saying this.

33225 * When asked at Sugamo if he believed in it at that time, he replied he had no interest in a Pact of that kind at the time.

MUTO agreed that the above answers were a true reflection of what happened in the interrogation at Sugamo. The accused was quoted further questions and answers of his interrogation. When asked if he didn't feel that Germany was going to win the war and therefore he was a very ardent advocate of the Pact, he replied at Sugamo that he did not advocate it. When asked at Sugamo if he disagreed with the signatories formulating such a Pact, he replied that as an individual he favored it but in his official capacity he had no say in political matters. The accused was asked if this did not reflect what he and the prosecutor had talked about in the interrogation at Sugamo, he replied that the part of the interrogation which said he approved of it was erroneous for he was not in favor of it.

33226 * Further questions and answers from the interrogatory were quoted to the accused. When asked at Sugamo if in his official capacity, he didn't frequently advise TOJO that such a Pact would be advisable and helpful in Japan's efforts in settling the China Incident, MUTO answered that it was his job to gather various points of view and present them to TOJO. In the paper presented there may have been some statement advocating the binding of the Three Powers Pact but he had no clear recollection. When asked at Sugamo if there was such a recommendation, he replied that he knew that such feelings were very strong within the military. When asked at Sugamo about his own feelings in his official capacity, he replied he did not personally advocate it. When asked in his interrogatory if he did so in his capacity as Chief of the MAB, he replied that in his official capacity it was his job to keep in contact with the head of the Naval Affairs

Page Bureau and finally present the majority of opinions to the War Minister.

After these questions and answers were quoted to the accused, he stated that if throughout the interrogation the words "I was not in favor of it" were substituted for the words "I favored it" the interrogation would be correct.

33228 Asked if the army did not support KONOYE's new political movement because it called for dissolution of existing political parties, strengthening of the German-Japanese-Italian Axis, conservation of the China gains, and establishment of a new order in East Asia parallel to the new order in Europe, he replied that it was a fact that the army approved of KONOYE's movement to bring about a renovation of the domestic situation. * Asked if it was true that the army wanted KONOYE to replace YONAI as Premier, he replied that it was thought desirable that if there should be a cabinet change, it would be desirable to have KONOYE head the succeeding cabinet.

33229 Reference was made to the affidavit where it was stated that the conclusion of the Tri-partite Pact was not pressed upon the government, and that HATA supported the YONAI Cabinet policy of non-involvement in the European War. The accused was asked if it was not true that about July 1940 it was already publicly known in Japan that in military circles sentiment was gaining to alter the policy of noninvolvement, but instead promote KONOYE's movement for a new political structure and strengthen the Axis; he replied that was contrary to fact and the matter could not have been publicly known. Asked if it was not known widely at the time, even in the press, that HATA was going to visit YONAI and advise him to strengthen the Axis and support the new political structure movement, he replied that so far as he knew this was entirely contrary to HATA's ideas and intentions. The accused stated he was familiar with the Tokyo
33230 * Nichi Nichi published in Japan before the war. When shown a copy of the Nichi Nichi of 10 July 1940, he stated that there seemed to be a big play-up in the newspaper about probable advice to be given by HATA to the Premier, but this was contrary to fact and he did not believe that such advice was ever given. He agreed that the Nichi Nichi had a large circulation. * The entire news item was a sort of prediction and he denied the entire contents. The accused was told that sometime in mid-July 1940, he and Vice Minister ANAMI demanded of Chief Secretary ISHIWATA the mass resignation of the cabinet to realize KONOYE's new political order and when he refused, MUTO and ANAMI stated to him that there was nothing to be done but call for the resignation of HATA. Asked if it did not come to his notice that YONAI the next day mentioned the incident to HATA who replied that the opinion expressed by MUTO and ANAMI was only personal opinion. The accused replied this was contrary to fact. Asked if on 16 July 1940 War Minister HATA, after conferring with MUTO, ANAMI, the Big Three and War Councillors, finally handed in his resignation to YONAI to enforce the will of the Army, he replied it was not so.

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33241

CROSS-EXAMINATION by Mr. English
Substituting for Mr. Lopez.

33242 The accused stated he had not visited Chief Cabinet Secretary ISHIWATA with Vice-War Minister ANAMI about 11 July 1940, but visited ISHIWATA alone. Asked if * he and ANAMI stated at that time that in order to realize KONOYE's new political order, they would like to have the Cabinet resign, the accused stated that was wrong. ANAMI did not go. The accused did not say at the time there was nothing to be done but to force the resignation of the War Minister.

33243 Asked if it was not a fact that three days later, on 14 July 1940, War Minister HATA handed a written memorandum to Premier YONAI, he replied he had heard this but did not know whether it was a fact. * Asked if the memorandum stated that strengthening of the domestic organization and reformation of foreign policy had been the most pressing problems facing the Cabinet, the witness replied that he knew nothing of its contents.

33244 * Asked if HATA further stated in the memorandum that the government was doing nothing and losing an opportunity that would never come again, he repeated that he didn't know anything about its contents. Asked if HATA at the time suggested the resignation of the Cabinet, he replied that he had heard HATA presented the Premier with a letter, but did not know its contents.

33245 Asked by the Tribunal for what purpose he went to see ISHIWATA on 11 July, 1940, he replied that he was given the duty of being one to welcome the Manchukuo Emperor, and had gone to the Osaka-Kyoto area the beginning of July. When he returned to Tokyo on the 9th or 10th, he found that HATA had received a very strong document from * the General Staff embodying its strong opinions. Because of this note, HATA's position became difficult. When War Minister HATA assumed his portfolio, he received a very strong demand from the Emperor that he cooperate with Premier YONAI. Therefore HATA, who had fully cooperated with the Cabinet, was suddenly faced by these General Staff demands, which might lead to a demand for general resignation of the Cabinet.

When MUTO called on HATA on the 10th or 11th of July, he heard that HATA had conversed with YONAI, telling YONAI that KONOYE was establishing a new party and was about to form a new political structure. Public opinion supported KONOYE.

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33246 HATA advised Premier YONAI to call on KONOYE to find out his thoughts. YONAI replied that he was a navy man, had nothing to do with politics, and if KONOYE was really going to set about to create a new party, he would * be happy to relinquish his post, for he had no political desires.

HATA was anxious to hear the results of YONAI's conversations with KONOYE, but no word came from the Premier. That was why MUTO called on ISHIWATA first, to find out the results of the conversation, and second, to find out HATA's difficult position.

33247 The accused agreed that HATA resigned on 16 July 1940. Asked if it was a fact that when asked by Premier YONAI to recommend a successor, HATA reported to the Premier on 16 July 1940, that the Three Chief's Conference had no one to recommend as his successor, the accused replied that this was at variance with the facts. Asked if the failure of the military to recommend a successor did not force the resignation of the YONAI * Cabinet, he replied that he heard on the 16th, when YONAI conferred with HATA, the two failed to agree, and thereupon YONAI told HATA he must ask him to resign. YONAI was reported also to have told HATA that he did not suppose they would be able to find a successor. HATA replied that he could not say anything here by himself, but would have to go back to the War Ministry and see the results of the Three Chief's Conference.

33248 The three Chiefs met, and although MUTO did not know the contents of their conference, they finally concluded that there was no one who wished to accept the post to succeed HATA. HATA then reported that decision to the Premier. Asked if it was true that immediately after the YONAI Cabinet's fall, the three chiefs recommended TOJO as the next War Minister, he replied he knew nothing about the contents of the Three Chief's Conference, but believed that * NODA's testimony was true on this point.

33249 * Reference was made to the affidavit where it was stated that the cause of the YONAI Cabinet's fall was that the General Staff was so anxious to have the China Affair settled quickly that it demanded that Germany mediate between Japan and China and that the cabinet solidify internal affairs, and because the YONAI Cabinet did not show earnest response to these demands the Army urged HATA to resign. To the accused was quoted purported questions and answers of his interrogation at Sugamo, in which in response to a question as to why the YONAI Cabinet fell, he had replied that in the summer of 1940 the Foreign

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Page Office came out with a statement dividing the world into three spheres, the Far East dominated by Japan, the Americas, and Europe. The Army opposed this announcement, and the Foreign Office stated that the Army had opposed it so when MUTO returned from Ise where he had been with the Manchukuo Emperor, War Minister HATA was very disturbed * about how the Army felt about it and the way young officers were reacting. Ultimately, HATA resigned, and that brought about the downfall of the YONAI Cabinet. After this was read to the accused, he stated that in his affidavit he had stated the general reasons, and in the interrogation had told the direct reasons why the General Staff got angry.

33250

The accused was asked if it was not a fact that immediately after KONOYE was directed by the Emperor to form a new Cabinet on July 20, 1940, he issued the following statement for the press: KONOYE said he could not disclose the nature of his discussions with TOJO, Vice-Admiral YOSHIDA, and MATSUOKA, but could state that a complete agreement was reached concerning fundamental foreign policy. The contents of the discussion would be formally revealed after the first cabinet session. Discussions touched on issues concerning disposal of the China Incident, strengthening the Axis, and relations with Britain, U. S. * and the Soviet, as well as harmonization and cooperation between the high command and the civil administration.

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After this was quoted to the accused, he stated there may have been such an announcement, but he didn't recall it. The accused stated he didn't recall KONOYE, on 23 July 1940, in a radio broadcast, declare that the new foreign policy would enable Japan to take the initiative in building up a new order. Asked if the KONOYE Cabinet, after its inauguration and after agreement with the Army, laid down on 26 July 1940 the outline of basic national policy aimed at construction of the new order of Greater East Asia, for the attainment of which constructive and elastic measures would be adopted, the accused recalled that the basic national policy was not decided by the army alone, but at a cabinet meeting. (The attention of the Tribunal was called to exhibit 541.)

33252 * The accused stated that it was not true that the draft of this basic national policy, (exhibit 541), was prepared by the Military Affairs Section of the MAB and given by him to War Minister TOJO for him to take up with Premier KONOYE, and that the draft was approved by the Cabinet.

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Page To the accused was quoted a part of his interrogation at Sugamo in which he was asked if in 1940 he formulated a new order for the Empire, which was presented by TOJO to the Cabinet and approved. To the above question he had replied that at the time of the KONOYE Cabinet, when KONOYE called in TOJO to be his War Minister, the plan TOJO took with him was one made in the Military Affairs Section. This was accepted policy, and always followed when a new War Minister took over.

33253 * When asked in his interrogation if that plan was formulated while he was Chief of the MAB, the accused had replied, yes. After this was read to the accused, he explained that the draft which was spoken of there was entirely different from the basic national policy, which was exhibit 541. TOJO's draft concerned the establishment of a foreign policy with the solution of the China Incident as its basic point, and the strengthening of Japan's internal structure for national defense. Whenever a new War Minister was appointed, he should know and be able to present the army view, and it was on that point that TOJO took his proposals. MUTO had never said during his
33254 interrogation that this was a policy which every War Minister had taken to every new Cabinet. * The basic national policy was formed on drafts submitted by each new Cabinet Minister, and not formulated by TOJO alone.

33255 * Asked if the basic aim of the draft prepared by the MAS was aimed at a new order in foreign affairs and national, he replied it was directed to that also, and was included in the basic national policy. The accused stated he didn't recall that the Cabinet decision (exhibit 541) deciding the outline of basic policy was discussed at the Liaison Conference of 27 July 1940, at which he attended, and after which it was officially announced that complete agreement was reached between headquarters and the government on the policies approved at the cabinet meeting.

33256 The accused agreed that the Yomiuri Shimbun was a Japanese language newspaper of large circulation.

* Asked if he was appointed as one of the six members of the permanent secretariat of the new Structure Preparatory Committee, he replied that he forgot how many there were,
33257 * but he was appointed one of the members. One of the objectives of the committee was to carry out the basic aims of the outline of basic national policy, but had another purpose. KONOYE had from before held the idea of strengthening Japan's internal structure, and this was the committee's principal purpose.

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33258

33259 * The accused agreed that prior to the Cabinet decision of 11 July 1940, he had a conversation with Chief Secretary ISHIWATA at the Premier's official residence and exchanged views with him favorable to the creation of the new political structure in the direction toward which KONOYE's intentions were. It was not true that the Tri-Partite Pact, consummated on 27 September 1940, to insure a new order in Europe by Germany and Italy and a new order in East Asia by Japan, were two events pursuant to the Cabinet decision outlining the basic national policy. There was nothing referring to a new order in Europe in the policy. He did recall that MATSUOKA was proud of the manner in which the preamble of the Pact was drawn, as it * expressed his views with regard to the new order, and was proud that for the first time a purely Japanese ideal, which was to enable every nation and people to have their proper place, was incorporated into an international treaty.

Asked if he was present at the first meeting of the Permanent Secretariat on 26 August 1940, to put final touches on KONOYE's proclaimed announcement of the establishment of the new political structure, he replied that KONOYE was not present at the meeting of the Secretariat but was present at the first meeting of a committee of 40 he had nominated for the purpose. Asked if this committee of 40 was the Permanent Secretariat, he replied that the Secretariat was composed of secretaries of a lower level, but the committee of 40 was composed of representatives of private civilian circles and the government at the ministerial level.

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* The accused stated he was not a member of the committee of 40, but was of the Permanent Secretariat. Before becoming Premier, KONOYE was organizer and leader of the Showa Research Association, which prepared a sort of outline for a new national structure. The Secretariat undertook the study of the plan prepared by this association. The function of the Secretariat was to study draft plans, but not to nominate or assemble members of the committee of 40. They were to study basic plans relating to reorganization of the national structure.

33261

* Asked if it made or drafted plans for the organization of the new political structure, he replied that secretaries could not do that, and therefore questions submitted by KONOYE to the standing committee and opinions expressed there were used to draw up their plans. Asked if he attended a meeting of the Permanent Secretariat on 26 August 1940, he replied that he didn't know whether a meeting was held on that date. If KONOYE attended, it was

Page not a meeting of the Secretariat, but of the committee of 40. He didn't recall a meeting about 26 August 1940 attended by TOMITA, OBATA, ABE, GOTO, INADA, MORIYAMA, OKUMURA, MAKI and TAKAGI.

33262 Asked if this meeting was called to put final touches on KONOYE's official proclamation announcing the establishment of a new political structure committee, he * replied he recalled discussing a draft of the KONOYE declaration which was prepared somewhere. Asked if it was true that in the original draft of the proclamation, KONOYE wrote strongly that the new order meant neither Nazism nor Fascism, but when it was sent to MUTO he deleted the statement and returned the draft to the Cabinet, he replied that the draft which KONOYE first sent to the War Ministry through the War Minister was very long and loose.

33263 At that time he did not know the draft had been prepared by KONOYE, and MUTO expressed the opinion to have the opinion cut to about half its length. It may be that the KONOYE statement with regard to the fact that the new order did not mean Nazism or Fascism was in the omitted portion. However, later MUTO abandoned his views after * learning that the draft was KONOYE's.

He didn't remember deleting from the draft the words "that the new order meant neither Nazism nor Fascism". The accused stated that there was no Captain of the Naval Affairs Bureau by the name of TAKAGI among the Secretaries of the Preparatory Committee. There may have been a captain TAKAGI as an assistant in the Naval Affairs Bureau but he didn't know.

33264 * Asked if he recalled meeting with TAKAGI on 26 August 1940, to discuss KONOYE's 1st proclamation, he replied he recalled having discussed the draft, but not whether it was with a person representing the navy. He didn't recall telling TAKAGI late in August 1940 that the army was disappointed with KONOYE, his proclamation, and the new political structure. The accused stated there was nothing like disappointment in the army.

Asked if he told Captain TAKAGI that the army was exerting all efforts to induce the dissolution of political parties to form a pro-army party but the plan was frustrated when KONOYE's proclamation was published, he replied that was a misapprehension, and the facts were quite different.

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It was not true that he told TAKAGI late in August 1940 that the army had been planning to use KONOYE as a robot. * Asked if it was not true that on 15 August 1940 the Menseito party disbanded and that marked the end of the party system, he replied that it was true that the Menseito disbanded, but he didn't remember the date. The Army was very much disposed to and approved and supported KONOYE's plans for a new party to carry on effective politics. Political parties were disbanded, but KONOYE abandoned the idea of a new party.

After the signing of the Tripartite Pact, the new political structure became officially the IRAA. Attention of the Tribunal was called to testimony of 1, 1, 1,639, and 6706-14.

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Asked if he had stated in early February 1941, as a councillor of the IRAA that the army and navy would * fully cooperate with the association in the future just as they had cooperated in the past he replied, yes. At such meetings it was customary for the army and navy to rotate in speaking before the IRAA. On this occasion it was his turn, and he represented both the army and navy.

33267

It was not true that his speech in the Committee of Accounts of the Diet on 20 March 1940, (exhibit 1000) was interpreted in responsible circles as a ringing advocacy for the dissolution of political parties. However the press treated his statements in the manner suggested, and people not knowing the real situation seemed to have been surprised, but those who referred to the stenographic * transcript of the Diet proceedings would understand the contents of his statements.

Asked if three days after his speech Foreign Minister ARITA appeared before the same committee, and if ARITA was asked by INADA if he agreed with the opinion of MUTO who said political parties must be dissolved and if ARITA did not evade the question, he replied he didn't think MHR INADA was at the committee when he spoke for ARITA nor was ARITA, so neither knew what he spoke about. He did not know whether ARITA evaded the question.

33268

In this speech where he had cited General TERAUCHI's views on totalitarianism, this was the same TERAUCHI who was sent in 1939 to Berlin to attend the Nazi Party conference as the official representative. TERAUCHI * however, did not simply talk about totalitarianism itself.

Page Asked if the interpolations governing the Diet speech were directed not to himself but to War Minister HATA, he replied it appeared that INADA desired to call HATA to the committee for interpolation. It was true that he and not HATA replied to the interpolations.

REDIRECT EXAMINATION BY MR. COLE.

33269 * The accused stated that Imperial Conferences were held in a large room in the Palace. The Emperor's dais was a little above the floor level, and before the dais was a long table at which attendants sat facing each other. In a corner was another small table at which secretaries sat. It was customary at conferences for the Premier to preside. Those speaking stood up in front of his chair and spoke. During the conference no one entered

33270 * or left, and they were held in a very solemn manner.

Liaison conferences were held in a smaller room around which were armchairs. In the center along the farther end sat the Premier, with a circle formed around him. The three secretaries sat near the entrance.

Liaison conferences were held between government and high command representatives to bring about a meeting of minds, and therefore there was no presiding officer and every member spoke freely. Secretaries were constantly leaving and entering. Among the secretaries he included himself.

33271 * Regarding exhibit 3456, which referred to a meeting at the Foreign Minister's official residence on 6 September 1941, he replied that it was one of his duties to hold conferences with the Director of the American Bureau of the Foreign Office at the orders of the War Minister. When the Foreign Office made a study of certain matters, they would call MUTO by telephone to obtain the army's views, and in response to those invitations he attended them. Exhibit 3456 was drawn up by the Foreign Office. He was one of the parties consulted in the course of the discussions at the conference, and the document was drawn up as a result.

33273 * HATA was in attendance at a more important committee meeting. When MUTO spoke of this to the Committee of Accounts and asked whether it would be satisfactory if he attended in place of HATA, the Committee said it would be.

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* During his tenure as Chief of the MAB, he was never aware at any time of insistence on the part of the army that there be a single party. The army approved of KONOYE's new party movement, but did not consider a single party system, but believed the latter would be tantamount to no political parties whatsoever, and that anything in the nature of a single party would collapse. The army never insisted upon a complete disbanding of all parties.

The movement for the dissolution of political parties was in pursuance of a desire within the parties themselves for a new party.

33275

* When asked by the Tribunal if the YAMASHITA mentioned in his affidavit was the same one who was prosecuted and sentenced to death in the Philippines, he replied that he was.

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* Exhibit 3461 certified to the non-availability of certain documents in the testimony. * Exhibit 3462, an excerpt from the regulations governing the duties of officers of the Wartime Superior Headquarters, was not read. Exhibit 3463, an excerpt from the Parliament Member Election Law, was not read. Exhibit 3464, an excerpt from * the Army Criminal Law, was received but not read. Exhibit 3465, an excerpt from the Imperial Precepts to the Soldiers and Sailors, was received but not read. Exhibit 3466, which certified to the non-availability of certain documents referred to in the opening statement, was received.

33285

* Reference was made to exhibit 2578, a further certificate of non-availability of documents.

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33286-97 * Opening statement by Mr. Roberts.

33298 Exhibit 3467, the affidavit of TOMITA, Kenji, said that he was chief cabinet secretary * from 22 July 1940 to 15 October 1941, during which time he had frequent interviews with navy minister OIKAWA and director of the naval affairs bureau OKA, who frequently expressed that they were anxious to continue the U.S.-Japanese negotiations and desired to bring about a successful conclusion of them. On 16 July 1941, the third KONOYE cabinet replaced the second, which resigned because it was felt MATSUOKA's presence hindered the progress of the negotiations. The primary reason for the new cabinet was to expedite the negotiations.

33299 While discussing the proposal, the affiant had frequent interviews with OKA since August, 1941, in which he expressed that he was anxious to continue the negotiations and emphasized that KONOYE should be delegated with full discretionary powers to negotiate with Roosevelt in order to settle the matter quickly. OKA further said * he would assist in making preparations for a ship to transport the delegation and hoped to become a member of such a suite. On 17 August 1941 NOMURA first suggested to Roosevelt the meeting with KONOYE.

33300 On 11 October 1941 the affiant visited OKA and told him that a meeting was to be held on the last day at KONOYE's house in Ogikubo and the affiant hoped a strong stand would be taken by the navy to support KONOYE. General navy feeling was inclined to oppose continuation of the negotiations but OKA stated that KONOYE should be encouraged to continue them. The affiant called on navy minister OIKAWA the same day and OIKAWA stated he wished to avoid war and desired to continue the negotiations. He stated, however, that the navy, in view of its position as a fighting unit, couldn't officially state it was opposed to war. It was the navy's duty to observe orders. * If it became necessary to fight, the decision to wage war or not was a diplomatic one within the provisions of the premier for determination.

33301 The affiant then expressed the wish that it would be well at the Ogikubo conference to support KONOYE. * The next morning on October 12 the affiant was telephoned by OKA who said that OIKAWA intended to state at the conference that the decision for war or peace would be left to the premier's orders, and the navy could not decide whether war should be waged, for this was to be determined by the premier, although it was desired that the latter should pursue his course in order that

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33301 war might be avoided. OKA observed that the KONOYE cabinet should not resign but continue its efforts for a compromise. If it did resign, there was danger of war and OKA urged the affiant towards everything possible to prevent KONOYE from resigning and stated that for all practical purposes he hoped the negotiations would be successfully concluded. When the third KONOYE cabinet resigned, OKA was gloomy over the prospects of the negotiations, but still kept KONOYE informed of the subsequent developments through the affiant. OKA said this was because * KONOYE was one of the important senior statesmen and it was his intention to activate KONOYE to continue his efforts for peace.

OKA said he did not think Japan should under any circumstances engage in a full-scale conflict with a powerful country like the United States. However, he frequently expressed that being a subordinate he was compelled to follow orders, whether or not they accorded with his personal views. During the many times the affiant was in contact with OKA, he observed he was a man who worked under orders and did not disregard his superiors' wishes.

33303 * DIRECT EXAMINATION OF HOSHINA, Zenshiro
By Mr. Somiya

33304 The witness identified and verified exhibit 2737 as his affidavit. * The affidavit stated that the witness was chief of the military preparations bureau of the navy ministry from 15 November 1940 to May 1945. On 15 May 1945 he became chief of the naval affairs bureau, holding this position to 17 November 1945 and was familiar with the duties of that post. The naval affairs bureau, according to regulations, was like other bureaus in the ministry, subject to the orders of the minister, and functioned directly under the vice minister.

33305 * Therefore, chief of NAB OKA was responsible like other bureau chiefs only to the navy minister. The chief of the NAB drafted plans as provided for in the established organization, submitted them to the navy minister, and went through routine procedure to execute matters approved by him. Therefore OKA carried out his duties as an aide to the minister. As chief of the NAB, OKA could not resign because his opinion differed from the minister or vice minister. When appointed, OKA's consent was not required. Although the minister and vice minister were naval officers, since their status was civilian, they were free to submit resignations and also they were appointed upon their own consent.

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33306 In the interrogation of NAGANO (exhibit 1197), it appeared that the chief of the NAB drafted operational plans this error was corrected in the court). This sort of operational plan was drafted by the naval general staff. *Operational plans for Pearl Harbor and other operations were the responsibility of the general staff or C-in-C of the fleet, and OKA, as director of the NAB, was not connected therewith.

33307 * When necessary to negotiate with outsiders in handling matters within its jurisdiction, it was customary for the ministry to do so through the naval affairs bureau. For that reason the chief of the NAB and members of the bureau, as a matter of convenience in maintaining liason between the navy and the various ministries were frequently appointed councillors or members of the committees. Among jurisdictional matters were some involving other ministries, requiring their cooperation. For this reason, when necessary committees were organized with members from various ministries concerned, as members of these, the navy ministry dispatched men from appropriate bureaus and whenever matters came under the NAB's jurisdiction, men of that bureau were appointed. Mostly it was customary to appoint as members bureau or section chiefs to act principally as liason men.

33308 Because there were so many committees, with * the exception of important committees attended by bureau and section chiefs, in most cases the principal persons within the bureau attended, so it was not often that OKA himself was present. As chief of the NAB, OKA was automatically appointed an official of the national general mobilization committee. But bills introduced in the meeting were prepared by the planning board of other ministries. Due to his other duties, it was rare OKA attended these meetings.

33309 As chief of the NAB, OKA was automatically a councillor of the planning board. It was customary to submit important matters prepared by that board to the meeting of councillors, but compared with councillors from other ministries, OKA did not possess special authority and seldom attended meetings. As chief of the NAB, OKA was automatically a councillor of the Manchuria affairs bureau, but since the navy had little to do with Manchuria, his appointment was merely nominal. The person in charge of the matters concerned or a * section chief of the bureau attended, but OKA rarely did so. OKA was also automatically councillor of the south seas board in the overseas affairs ministry, but its meetings were rarely held.

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OKA was also automatically a member of the cabinet information section. At its meetings, views on problems submitted by the information section were exchanged. There was no connection with the strengthening of the anti-comintern pact or the tripartite relations. Either a section chief or a member of the bureau attended the meetings and OKA's presence was rare. OKA was also automatically appointed a member of the admirals committee, which met principally to discuss navy promotions, but not one meeting was held during OKA's tenure.

33310 During the time the witness was chief of the military preparations bureau, he was both officially and socially in contact with him and knew well that OKA worked hard to * avoid war with the U.S. As a bureau chief the witness constantly exchanged views with OKA and knew he strongly desired to avoid war with the United States, and he did not keep his desires to himself. When the negotiations ended unsuccessfully, he was very disappointed.

33311 * Examination by the Tribunal

When asked what were the duties of the navy minister with regard to POWs temporarily in enemy custody, he replied that with regard to this the navy minister acted according to fixed regulations and the witness knew of no pertinent orders issued by him in connection with this matter. Asked if the minister had regulations covering the treatment of POWs, he replied that in view of the fact that he was not chief of the NAB during war time, he believed there were more qualified

33312 * witnesses to answer.

Asked what were duties of the chief of the NAB with regard to POWs, he replied that it was to assist the navy minister to see that any decisions of his were carried out.

CROSS EXAMINATION BY CAPTAIN ROBINSON

The witness stated he was chief of the naval affairs bureau for six months in 1945 but was not officially a member of the staff of the NAB while the accused OKA was bureau chief. He agreed that his statements in regard to OKA's conduct and duties as bureau chief were not based on personal observation

33313 as a member of the bureau staff * but stated that he was quite familiar with how admiral OKA, as director of the NAB conducted the business of his department, because while he was chief the witness was chief of the military preparations bureau of the same ministry and had occasion to meet him several times a day. He had the opportunity to observe the manner in

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which OKA performed his duties with respect to POWs, but as far as the actual treatment of POWs was concerned, this was entirely in the hands of naval units in the field, but his understanding was only limited to knowledge that adequate measures were carried out in accordance with navy ministry's general orders.

33314 Asked if he had any knowledge of the positive action taken by OKA in the NAB in connection with POWs, he replied he was not familiar with details. * The witness was reminded that in his affidavit he stated that OKA was responsible only to the navy minister in performing his duties, and he was asked if by this statement he meant to suggest that OKA was not responsible under the constitutional laws of Japan, including international treaty law, for failure to perform his duties, he replied that granted that there was such a situation, then the director of the MAB would be responsible for not sufficiently assisting the navy minister in performing his duties.

33316 Asked if he meant to state that OKA could escape responsibility under Japanese law, including treaties, by putting all responsibility on the accused SHINADA as navy minister, he replied * that from a legal point of view, responsibility resided only in the navy minister, however, OKA had responsibilities to the minister. Reference was made to the affidavit where it was stated that OKA could not resign because of difference of opinion with the navy minister. Asked if OKA could not have caused the end of his career as chief of the NAB simply by opposing the opinions of the navy minister SHINADA, or premier TOJO, he replied OKA could not do that. 33317 All military officers' actions were governed by orders and they could not resign at their own request * and unless shifts were made by their superiors, they could not relinquish any post of their own accord.

33318 Asked if OKA's performance was such that he was retained without having been given a change of assignment, he replied that he did not know. Asked if he knew of any occasion when OKA was subjected to court-martial or given a change of assignment because of failure to * cooperate with the navy minister SHIMADA, he replied there were no such cases.

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33319 * DIRECT EXAMINATION OF SHIBA, Katsuo
By Mr. Somiya

33320 The witness identified and verified exhibit 3469 as his affidavit. The affidavit stated that from November 1940 until January 1944, * the witness served in section 2 of the naval affairs bureau, during which time OKA was director. From about September, 1941, relations with the U.S. became disturbed and the biggest problem was the withdrawing troops from China. There was some objection to this, and they knew that the U.S. insisted upon it. He heard from OKA there was no harm in acquiescing to the withdrawal. OKA constantly advised his subordinates that they should avoid war by all means. In mid September there was a strong feeling that the negotiations would fail, particularly in the government. OKA used to come with encouragement saying they should not be discouraged but make every effort to conclude the negotiations successfully.

33321 About 15 October 1941 the third KONOYE cabinet resigned and on the 18th the TOJO cabinet was formed. The TOJO cabinet decided to scrape all previous understandings and start * afresh, and considered this new approach all during October. In November, a proposed draft of new negotiations was undertaken by the cabinet and completed. There were two proposals, A and B, and reply to them came on November 26 from the U.S. There was great divergence in the U.S. reply. The witness went to OKA who said it was regrettable that negotiations were hopeless and it might be difficult to avoid war. After shedding tears, he told the witness as war was unavoidable they must fight fairly and aboveboard.

About the 3rd or 4th of December a mimeographed copy of the final note to the U.S. was turned over to the witness by OKA for studying. This draft, he was informed, was prepared by the foreign office. The witness felt that the form of it was inadequate as an ultimatum and suggested that a clause be inserted that Japan reserve the right of free action, which would make it clear as an ultimatum. OKA said if that was so, he hoped the witness would make the necessary revision.

33322 * The witness then wrote in pencil at the end of the draft that Japan reserved the right of free action and OKA expressed himself of being of the same opinion concerning the words of the note and approved the suggested change. The reason the witness suggested the revision was because of OKA's

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expression in urging them previously to fight fairly if it became necessary. Subsequently the witness had a further conversation with OKA who had discussed the suggested change with the foreign office representative, who informed him the additional language was not necessary. OKA stated further that the note was considered an ultimatum in diplomatic language and that the additional phrase would be superfluous. He further stated it was a matter in which he was compelled to accede to the wishes of those in better position to pass upon such questions.

33323 The witness knew from his personal knowledge that OKA worked faithfully and with considerable effort toward maintaining peaceful relations with the United States. In the Greater East Asia Conference held in November 1943, OKA, the accused SATO, and others,* including himself, were present as the attendants of TOJO, the Japanese representative. But the Greater East Asia Ministry and the foreign office took the leading part in preparing and running the conference and the attendants took no active part.

DIRECT EXAMINATION BY MR. BLAKENEY
Counsel for TOJO

33324 Reference was made to the affidavit where it was stated that OKA told him he had discussed with foreign minister representative the question of the notification to be served on the U.S. The witness stated that OKA did not specify clearly who the representative was, merely saying he was a foreign office representative, * nor did this witness know from any other source who this representative was.

CROSS EXAMINATION BY CAPTAIN ROBINSON

33325 Asked what his duties in section 2 of the cabinet were, he replied liaison with other government departments with reference to matters pertaining to national defense. Asked if he did not also, under article 9 of the Imperial Ordinance of the Organization of the Navy Ministry (exhibit 75), deal with matters concerning international conventions and personnel dispatched abroad, he replied he did deal with such matters and they included matters concerning POWs under the Hague Treaty. Regarding the witness' experience and training in international law, he attended lectures on the subject * when a student in the naval staff college, given by Professor ENOMOTO who had appeared as a witness.

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In his affidavit he had stated that he felt that the Japanese final note to the United States was not adequate as an ultimatum and had suggested that words be added whereby Japan reserved the right of free action because he believed that the addition of those words would make the note clear as an ultimatum. He had in mind the former ultimatum presented to the Russian government at the time of the Russian-Japanese war and his recollections of ENOMOTO's lectures,
33326 * but did not have in mind when proposed what the ultimatum should contain or the one presented in 1914 to Germany.

He thought the expression "we reserve the right of free action" added to the words that it was "impossible to reach an agreement through further negotiations" would make the note conform to the requirements of the Third Hague
33328 Convention. * Asked whether he and OKA did not really believe that if the words "freedom of action" had been added the note would still have fallen short of the requirements of the Third Hague Convention for such a note, he replied that he thought that if the language he suggested was incorporated into the note, that would be sufficient.

Asked if OKA told him that TOGO opposed the amendment, he replied he did not hear that TOGO made any such statement but heard that the foreign office was of the opinion that such
33329 an amendment was unnecessary. * He did not hear that the navy representatives would not permit the note to be made so clearly an ultimatum because this would cause a failure of the surprise attack. Asked if OKA stated to him that he was compelled to accede to the wishes of others in rejecting the amendment, if OKA named those who compelled him to drop the amendment, he replied he had not heard of any names. Asked if he or OKA protested in regard to the measure, he replied that with regard to OKA he did not know, as far as he was concerned he did not do anything.

33330 * The witness made no protests to OKA or anyone else with regard to dropping the proposed amendment. Asked if his failure to take into consideration the ultimatum to Germany of August 1914 was due to his lack of knowledge about that ultimatum,
33331 * or to the fact he knew about it but thought that it would not apply, he replied it just did not occur to him. When asked by the tribunal what his duties were in regard to POWs, he replied he had no specific duties.

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33333 * CROSS EXAMINATION BY MR. BRANNON
Counsel for SHIMADA

33334 Reference was made to the affidavit where it was stated
OKA was compelled to accede to the wishes of those in better
position to pass upon such questions, and the witness was re-
minded that when the prosecution asked him to name those who
compelled him to drop the amendment, he answered * he had not
heard of any names. Asked to give the section or organization
of the government to which he referred, he replied that he
meant foreign office authorities, for this was the office con-
cerned which had charge of such matters. There were no persons
in the navy at any time ever opposed his proposed correction
to the last notification.

Asked if when it came to a question of passing on a
diplomatic notice or a matter relating to international law
if his section considered themselves more expert than the for-
eign office, and therefore in a position to insist upon their
opinion, he replied that they didn't think so but felt the
foreign office was more advanced in such matters.

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* DIRECT EXAMINATION OF OIKAWA, Koshiro
By Mr. Roberts

33336 The witness identified and verified exhibit 3470 as his
33337 affidavit. * The affidavit stated that the witness was navy
33338 minister in the third KONOYE cabinet serving in that capacity
until it resigned on 16 October 1941. During his tenure, the
accused OKA was director of NAB. The witness attended liaison
conferences, which were meetings of high ranking men in the
supreme command, being the chiefs of general staffs, deputy
chiefs, and cabinet ministers representing the government to
bring about an understanding between political functions and
the supreme command. The discussions were informal and no
votes were taken, matters unanimously agreed upon were carried
33339 out by government organs or the supreme command * in the regular
channels.

The liaison conference not being an official organ was not charged with responsibility but simply was held for the convenience of the parties concerned who met and discussed matters informally. For that reason responsibility of chiefs of staff and of state ministers could not be diminished or altered on account of the liaison conferences.

OKA attended in the capacity of secretary, but was also official clerk, and not a member of the conference. He did not affix his signature to matters taken up. As secretary, OKA could only make explanations when he was asked to do so and he took no part in discussions and had nothing to do with making decisions. His primary duty was to supply information to the members. OKA usually attended the imperial conferences with the navy minister if not ordered elsewhere. His presence at them gave him no right of expression or voting.

33340 * As director of the NAB, OKA attended meetings of the investigation committee of the privy council as explainer, only when the investigation involved matters pertaining to the navy, and also he was never permitted to express himself or vote at such meetings, and could not take part in the decisions. It was his duty to bring data required by the navy minister when he spoke. There were also other explainers from other ministers, but their presence did not affect the decisions. The preparation of the agenda was prepared by the privy council and OKA did not attend privy council meetings. OKA as director of the NAB did not attend NAB meetings. During the witness' tenure as navy minister, OKA was under his commands, never acted upon his own opinion. This was not due to government organization, for OKA was observed to be not the type of person who acted in disregard of his superiors.

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33341 * The positions of director of the NAP at imperial headquarters, together with the vice minister, director of the mobilization bureau, and two or three chiefs of sections, was that of an aide to the minister. So far as the witness was concerned, he was not aware that neither himself nor OKA ever attended any headquarters' conferences during the witness' tenure.

33342 In early August, 1941, when they were told by KONOYE regarding a direct conference with Roosevelt, they attached great expectations to it and requisitioned the ship Nitta Maru for it and completed all preparations. Because of his intense interest in the negotiations, the witness had unofficially selected OKA as a naval attendant in KONOYE's suite. * Even after October came, negotiations did not make the progress expected, and according to the September 6 decision, they had to decide their attitude toward the continuation of the negotiations.

The navy did all it could to avoid war, and its sentiment was communicated to KONOYE. In the midst of these circumstances, the reasons for entrusting the decision as to whether they should continue negotiations to the premier was because the witness considered the following, that in his opinion if the navy publicly announced it lacked confidence in fighting the United States, it would create disruption, because the pitting of the army against the navy would develop into a grave internal problem. As the premier was of the same opinion, this problem had an important bearing on overall strength and it should be diplomatically concluded solely on the basis of the navy's standpoint.

33343 * When OKA stated to TOMITA, chief secretary of the cabinet, in answer to an inquiry from TOMITA, that the navy could not fight, he was conveying the intention expressed by the witness. The witness had previously informed TOJO that the greatest work confronting JAPAN was the termination of the China Affair, and could not make public the fact that the army and navy had opposing views thereon, and that they ought to first let KONOYE decide and then abide by that decision. It was incontrovertible that at that time OKA was the witness' subordinate and in no position to make any decision of his own authority as whether the navy could wage war. The witness had many conversations with OKA concerning the negotiations in which he expressed himself strongly in favor of continuing them.

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33344 At the time of the witness' resignation as navy minister, OKA remained as director of the NAB because his term of shore service and the term of office of both the vice minister and director of NAB had another year to run. OKA tendered his resignation, but because his term had not expired, * the request was denied and the witness told OKA that he and the vice minister should remain in the ministry and continue to do everything in their power to bring about a compromise in the negotiations.

It was customary in the navy when a new minister was appointed, not to shift those below the vice minister and therefore, regardless of whom the premier might have been then, personnel below that rank were not affected.

DIRECT EXAMINATION BY MR. LOGAN
Counsel for Kido

33345 The witness stated he remembered that the emperor, on or about 17 October 1941, after the resignation of the KONOYE cabinet, told him, in substance, that cooperation between the army and navy should be made closer than ever. * When he withdrew from the audience before the emperor, the accused KIDO told him, in part, that he had presumed that he had just received imperial words in regard to cooperation between the army and navy. The witness interpreted the emperor's words to mean that both the army and navy should reject all obstacles which had presented themselves and which might tend to make impossible the further continuance of the negotiations, and from a new and imperial standpoint confer together to strive to solve the situation peacefully.

33346 This because the emperor had also desired a peaceful solution. Asked what was the conversation between he and TOJO when they were alone in the room waiting for KIDO to come in after he withdrew from the imperial audience, the witness replied, he had forgotten the details * of the conversation. The general outline was that he talked with TOJO to ascertain the firmness of his resolution to throw away all obstacles obstructing the path, and wipe the slate clean starting afresh in line with the emperor's words. The witness received the impression that TOJO had a strong resolution to carry that out.

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Neither KIDO nor anyone on KIDO's behalf ever spoke to him that SHIMADA be appointed navy minister, nor was SHIMADA appointed at the request of TOJO nor on his behalf. The witness himself felt that SHIMADA would be most appropriate to help solve the situation and take charge of the ministry, and did his utmost to persuade SHIMADA to accept. Other navy ministers felt the same way.

33347

* No one outside the navy ministry or naval circles brought pressure with respect to the appointment of SHIMADA.

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Page CROSS-EXAMINATION BY CAPTAIN ROBINSON.

33351 * The witness agreed that his tenure as Navy Minister expired before TOJO took office, and Oka remained as Chief of the Naval Affairs Bureau until the TOJO Cabinet fell in 1944. Reference was made to the affidavit where it was stated that the reason Oka remained as Director of the NAB in the TOJO Cabinet was that his term of shore service, ordinarily fixed at two years, had another year to run.

Asked if it was not true that Oka spent more than ten of the fourteen years preceding 1945 ashore in Navy Headquarters, the witness replied that Oka's previous long term ashore was in consideration of his health. He didn't mean that every person in the navy spent alternately two years at sea and on land. When he stated Oka had more than one year to remain as Chief of the NAB, he meant that in the ordinary course of events his term as chief should run for one year or more at least.

33353 * Asked if he based his statement that Oka did not attend Cabinet meetings on personal knowledge, he replied he made the statement because he himself attended the meetings, and besides, Oka's position as Director of the NAB did not entitle him to sit at these meetings. The witness did not attend all meetings held during the time Oka was Director, but the government structure was such that the director could not attend Cabinet Meetings, and he had never heard of any such instance where a director did attend. Therefore, he was able to say Oka never attended any, from his own knowledge and from regulations.

33354 * The Navy Minister always attended Liaison
33354½ Conferences. * Reference was made to the affidavit where it was stated that the navy did all it could to avoid war with the U. S. and this sentiment was communicated to KONOYE, as KONOYE was exactly of the same opinion. Asked if it was not true that KONOYE, about 16 October 1941, the day his Cabinet went out of office, said that it was cowardly of the Navy not to avow its opposition to war with America, the witness replied he had never heard of KONOYE making such a statement.

33355 Asked if he was aware that the accused KIDO had testified * that the navy could have prevented war, he replied that this was the opinion of KIDO and KONOYE, he supposed, but he could say nothing about it as he did not know their opinions.

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Page REDIRECT EXAMINATION BY MR. ROBERTS.

33355 * The witness stated that he also served as
Navy Minister in the 2nd KONOYE Cabinet from about Sept-
ember or October 1940, and OKA served under him for about
a year.

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Page DIRECT EXAMINATION OF NOMURA, Naokuni,
by Mr. Roberts.

33356 * The witness identified and verified exhibit
3471 as his affidavit. The affidavit stated that on 17
33358 * July 1944, the witness replaced the accused SHIMADA as
Navy Minister, at which time OKA was Director of the NAB.
The day before he had an interview with TOJO, he asked his
opinion, and the witness expressed the desire that one of
the former premiers, such as YONAI, should be requested to
enter the cabinet to strengthen it. On the 17th TOJO
requested the witness to urge YONAI to enter the cabinet,
and the witness understood this request was based on the
interview. The witness sent OKA on his behalf to YONAI
with the premier's message. OKA returned in an hour and
stated that YONAI did not wish to enter the cabinet, but
would be willing to assume active service and serve on
33359 the * Supreme War Council. The idea of asking YONAI to
enter the Cabinet was solely the idea of the witness, and
OKA acted on his orders.

With respect to such a matter, the Director of
the NAB was subject to the Navy Minister's orders, and
could not act independently.

CROSS-EXAMINATION BY CAPTAIN ROBINSON.

The witness stated that he was the Japanese naval
representative at Berlin while the accused OSHIMA was
Ambassador, and he was also the Commissioner at Berlin on
the German-Italian-Japanese Military Commission under the
Tripartite Pact from 1940 until 1943.

33360 * The witness stated that it could not be said
he was an expert in regard to submarines, but had served
as staff officer of a submarine squadron, and for one year
was principal of a submarine school. It was his under-
standing that OKA likewise had served in connection with
submarine schools. Asked if another common interest shared
with OKA was politics, he replied that the only time he
had ever been together with OKA politically was when he
became Navy Minister.

33361 * Reference was made to the affidavit where it
was stated that about 17 July 1944 he sent OKA to YONAI
to advise him that TOJO desired him to join the TOJO
Cabinet, and about an hour later OKA returned and reported
the results.

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When asked if when he had a political mission of the highest level he called on OKA, he replied that when he received the message from TOJO he was occupied, and therefore sent OKA in his stead. OKA did not object to the assignment.

33362

Asked if both he and OKA favored a strong political party, such as IRAA, he replied that for the five years previous to his appointment as Navy Minister, he was not in TOKYO, * and when he was called to Tokyo urgently had no knowledge of the situation there.

Asked if he did not keep in touch with the Nazi Party and its leaders while he was in Germany, he replied he was not in contact with them, but whenever a telegram came from Tokyo it was his duty to deliver it to them.

Asked if when Admiral Doenitz granted permission for him to return to Japan by submarine if he also provided that the new Nazi Party's group leader of the foreign division should accompany him, he replied his understanding was that they were merely fellow passengers. The name of this group leader was Spahn. Asked if upon Spahn's arrival he advised the witness and OKA and others in regard to methods to make the IRAA as strong as the Nazi Party, he replied he never talked with either OKA or Spahn on such matters.

REDIRECT EXAMINATION BY MR. ROBERTS.

33363

* The witness stated he had met OKA from time to time since the days when he served on a submarine, but had never felt that OKA did things on his own other than matters on which he received orders.

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33364 DIRECT EXAMINATION OF TAKATA, Toshitane,
by Mr. Roberts.

33365 The witness identified and verified exhibit 3472 as his affidavit. The affidavit stated that from 1 July * 1935 to 15 November 1937, he was on the staff of Section One of the Naval Affairs Bureau, in charge of organization and personnel. From 15 November 1940 to 14 July 1942, he was Chief of the Section and had charge of matters relating to armaments and administration. During this period the Director of the NAB was the accused OKA, and the witness was one of his subordinates.

33366 * OKA exerted his best to avoid war with the U. S. and expressed himself as being constantly worried because the negotiations could not be concluded. The witness recalled that early in August 1941, OKA appeared very happy, telling the witness that the government wanted him to commandeer a steamer. The matter could not be made public yet, but KONOYE was determined to meet the U. S. President for direct negotiations. The witness told OKA that the matter might leak out if the Cabinet were to hire a steamer. so it would be better to make it appear the Navy had commandeered it for use in the China Incident, and for the Cabinet to make the necessary disposition of expenses.

33367 The next day OKA ordered the witness to prepare the steamer. and the Nitta Maru was commandeered. The * Nitta Maru was routed to Yokosuka Naval Base, where wireless telegraphy sets were installed and she stood by to sail at a moment's notice, with telegraphy personnel ready to board immediately.

When the head of the Bureau of Education raised the question that the singling out of these telegraphy instructors would disrupt naval training. OKA said it was necessary, since the conclusion of the negotiations was vital. During the period the witness served under OKA. He had never seen OKA appear so happy as when he ordered him to make preparations for the Nitta Maru and when he had announced KONOYE had decided to see Roosevelt.

33368 * The Nitta Maru remained moored in Hokohama Harbor until after the outbreak of war, and the removal of the additional wireless apparatus and the assumption of her duties did not commence until after the war broke out.

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With respect to the point in the negotiations involving withdrawing troops from China, OKA stated he favored withdrawal so the incident would be settled promptly and Japan not plunged into war with the U. S., and exerted his best efforts to avoid it. If the negotiations took a favorable turn OKA's face brightened, but if they became unfavorable he looked unhappy and hardly spoke.

33369

In January 1941, when a lecture sponsored by the Central Prices Cooperative Council was held, sponsors requested OKA to * express the Navy's views. OKA, after obtaining permission, dispatched the witness as his representative. It was OKA's idea that the development of the state should be along peaceful economic lines. Therefore he instructed the witness to deliver a lecture according to these lines.

33370

On additional oral examination, the witness was asked about his testimony previously concerning the authority of the Navy Minister over POWs, (T. 27354-370), and was asked if there was any specific provision in the ordinance relating to the organization of the Navy Ministry which fixed * responsibility over POWs. He replied there was no regulation clarifying that point.

CROSS-EXAMINATION BY CAPTAIN ROBINSON

33371

* The witness was reminded that he had previously testified that Section 1 of the NAB, after 8 December 1941, was the section handling matters pertaining to POWs. He stated that he had testified that although the Ministry regulations contained no allusion to POWs, nor was there reference to POWs in the business regulations, since such matters belonged to general naval administration, POW affairs came under the first section.

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Asked if he had not also testified previously that Section 1 handled liaison work in connection with POWs and that Section 2 handled matters relating to international points affecting POWs, he replied he had said that Section 2 was a sort of clearing house for matters concerning international regulations regarding POWs.

* In his present affidavit he had stated that the Nitta Maru's duties as the Navy's commandeered steamer actually commenced after the war with the U. S.

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* From exhibit 2866, an excerpt from the KONOYE Memoirs regarding the progress of Japanese-American negotiations during the time of the 2nd and 3rd KONOYE Cabinets, it was stated that the proposal for understanding was to announce in the form of a joint declaration an agreement between the two governments on several fundamental items necessary to break the deadlock. Detailed agreements were to be arranged by a joint conference to follow the joint declaration.

In view of the importance of the matter, KONOYE summoned a conference of high government and military leaders that very night. The government was represented by the Home, War, and Navy Ministers, and the Vice-Minister of Foreign Affairs. The Chiefs of the Army and Navy General Staffs represented the Supreme Command. Also represented were the directors of the Military Affairs Bureaus of the War and Navy Ministries and the Cabinet Secretary.

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* There was no denying that despite his outward demeanor, the Foreign Minister was giving constant thought to the handling of the pending problems. It was learned later that MATSUOKA had closely examined the text of the American proposal and its revision. Deliberations on the proposal for understanding thus began again, and joint conferences were held on July 10 and 12 to consider the U. S. proposal of June 21. It should be noted that the army and navy ministers remained in office, and that the important post of Foreign Minister was occupied by a navy representative, for the navy was most concerned with the American question. The cabinet was given the additional privilege of holding joint conferences with the Supreme Command in the Palace, and launched immediately upon the

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* attainment of its objectives.

The previous cabinet, in its last days, had drawn up a counter-proposal to the U. S. proposal of June 21, and had dispatched it on July 25. In spite of this, the embassy at Washington had not yet presented it to the U. S. first, because of the change and second, because of fear its contents might not be acceptable. This was made clear by a cable from NOMURA on the 22nd, and on the 23rd he requested he be informed of the new cabinet's policy.

From exhibit 2913, an excerpt from the Pearl Harbor Attack, being additional memoirs of KONOYE, it was stated that at the beginning there were opening remarks by the Navy Minister, who said that they had come to a crossroads where they must determine either peace or war. He should like to leave the decision entirely up to the premier. If they were to seek peace, they shall go all

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Page all the way for peace. Even if they made a few concessions, they should proceed all the way to bring the negotiations to fruition. If after they had gone on for two or three months and it was said they would not do and that there must be war, the navy would be put to inconvenience. If there was to be war, it must be determined here and now, for this was the final moment of decision. If it was decided not to have war, Navy Minister OIKAWA stated he would like to have them proceed on the policy which would bring the negotiations to fruition no matter what happened. Thus KONOYE replied that if they were to say that war or peace must be determined here, he himself would decide to continue the negotiations.

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Page DIRECT EXAMINATION OF OKA, Takazumi,
by Mr. Roberts.

33379 * The accused identified and verified exhibit 3473 as his affidavit. The affidavit stated that the accused was born in 1890, was admitted to the Naval Academy in 1908, and until 1923 studied as a student in various naval schools, in addition to being a member stationed in France for military research, and instructor in naval schools and the Naval College. He was decorated for merit in April 1934 for the Manchurian Incident, and in May 1942 for the China Incident. These awards were the same as those made to thousands of naval men. In addition, the awards made to him were below those made to the most meritorious.

33381 The fact he was decorated was no indication of his participation in the conspiracy. * The fact that thousands of naval men received the same awards should be sufficient to destroy this contention. At the time the Manchurian Incident broke out he was a member of Section 2 of Division 1 of the Naval General Staff, which was concerned only with armaments and not military operations. Therefore, he did not participate in the Manchurian Affair.

33382 In October the same year he was assigned for duty in the General Staff and concurrently in the Navy Ministry, and was transferred to the Investigation Section, which was temporarily organized. From October 1932 to April 1934 he was in Paris and Geneva as a member of the delegation on the League of Nations Permanent Military Commission and as a member of the Disarmament Commission. Upon his return to * Japan he served in the Temporary Investigation Section of the Navy Ministry. After a term at sea on December 1, 1937, he was assigned in the General Staff and concurrently in the Ministry.

During this period he was not connected with any current problems. Therefore, with respect to the Manchurian Incident and conclusion of the Anti-Comintern Pact and the outbreak of the China Incident, he did not participate and knew nothing directly in connection with the navy attitude concerning them. From 15 January 1938 to 14 October, 1939 he was Chief of Section 1 of the Naval Affairs Bureau. When he assumed this position, it was six months after the outbreak of the China Incident and after the fall of Nanking.

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During this time his appointment as secretary to the Manchurian Affairs Board was routine and merely nominal and coexistent with his tenure in that office from January 1938 to November 1939. He recalled attending no meetings of the board.

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* Secretaries to the Manchurian Affairs Board and Councillors to it were appointed from the navy, and the accused, in view of his navy duties, was appointed to these positions. Primarily, the navy had little to do with the Manchurian Affair, and the accused did not do any actual work.

The National General Mobilization Law was enacted in early April 1939, and was brought about in view of the situation which called for the production of war materials in conformity with the expansion of the China Incident. The operation of the law was in the Planning Board's hands, and only in case some matter of interest to the navy was a reference made to Section 2, and at that time the accused, as Chief of the Section, was not connected in any way.

He never heard that the law was set forth in any way for preparing for a war of aggression.

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The Cabinet Information Board with which he was connected while he was Chief of Section I was different and on a very small scale compared with the Information Board at the time of the surrender and was utilized only for the exchange of information among Section Chiefs from each Ministry who gathered once a week. No discussions touched upon the strengthening of the Anti-Comintern Pact or International questions, nor was the gathering in a position to discuss these matters. He did not believe the chief of the Board was permitted to participate in a discussion of these problems. He became Chief of the Third Division in the Naval General Staff on 15 October 1939, was promoted to Rear Admiral on 1 Dec. 1939, and held the post until 15 Oct. 1940. The Third Division had charge of gathering and investigating intelligence, was not connected with operations or the disposition of current problems.

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The accused did not participate in the Japanese-NEI Negotiations or the Japan-FIC Protocol, the advance into North FIC or the Tripartite Pact. * He became Director of the Naval Affairs Bureau on 15 Oct. 1940 and served there until 18 July 1944. That he served as Director of the General Affairs Bureau concurrently as charged in the personal history section of the indictment was a mistake, as there was no such bureau in the Ministry.

On 1 Dec. 1942 he became a Vice Admiral. 18 July 1944 he was appointed Navy Vice Minister, serving as such until 5 Aug. 1944. On 9 Sept. 1944 he was appointed Commander of the Shanghai Naval Station, and retired on 23 June 1945. As set forth in regulations, the NAB, like other bureaus in the Ministry, received orders from the Minister who performed its routine functions under the Vice Minister's supervision. The director, like other directors, assumed responsibility in his official duties only to the Minister.

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* With reference to matters pertaining to the Navy Minister's decision, the Director and Bureau Chief merely performed routine procedure as they were consistently regarded as nothing more than organs in the nature of aides to the Minister. They could be considered as part and parcel of the Minister, and therefore the Director of the NAB was never in position to assume any independent responsibility vis-a-vis outside contacts. He became Director after the Tripartite had been signed. The China Incident had been considerably expanded, relations with U.S. and Britain had become strained. Japan was economically embarrassed and it was a time when something should have been done, coping with the situation through diplomatic channels.

He was informed that Foreign Minister MATSUOKA had planned to turn U.S. relations to the better on the basis of the Three Power Alliance, but with a lapse of time, MATSUOKA's diplomacy took an

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opposite turn and relations with the U.S. were in an inverse proportion to the Japanese-German rapprochement. Because the U.S. negotiations which started in the Spring of 1941 did not progress satisfactorily, MATSUOKA was forced to resign. The 3rd KONOYE Cabinet was formed and KONOYE poured his full strength in the negotiations and to that end TOYODA was chosen Foreign Minister. At that time Navy Minister OIKAWA held high hopes that the negotiations would be concluded and exerted everything in his power to that end. As Director of the NAB, the accused had charge of routine handling of the matter and exerted his best efforts toward the successful conclusion thereof.

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The outbreak of the European War, U.S.-British aid to China, the Tripartite Pact, and MATSUOKA's policy, vis-a-vis U.S. involved many delicate problems with regard to the negotiations. Public opinion, and that within the government and Supreme Command, was high and fear existed that if a misstep was made a great disturbance would be created.

As for the Navy Ministry it was most vital that a compromise in the negotiations should be reached. So it constantly cooperated with KONOYE, who entertained an ardent hope to find a way to resume relations with U.S. Upon appointment of NOMURA as Ambassador and TOYODA as Foreign Minister as being most appropriate to readjust relations, OIKAWA did everything to support them. The accused knew that OIKAWA urged KONOYE to use his political judgment in arriving at a decision in the negotiations and the Navy gave its whole hearted support.

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With respect to domestic procedure, first of all the Foreign Office drafted the plan of negotiations. Upon the basis of this plan it was deliberated upon by various quarters, including the Supreme Command and a unanimous decision was reached which would be telegraphed to the Ambassador, but because of the situation in the country, it was difficult to formulate a drastic plan. This was not within the province of the department of the accused.

The construction of Exhibit 1115 (T. 16970) was denied by KIDO (T. 31238) and was borne out by Exhibit 1207-A, an extract from TOGO's interrogation. The latter was with reference to a note written by the Foreign Office concerning negotiations in which the statement appeared that the note was written by the Foreign Office but the responsibility rested with the participating members of the Liaison Conferences.

In Exhibit 1207-A also appeared the statement that as TOGO had said previously, members of a Liaison Conference responsible for the study and discussions were TOGO, SHIMADA, SUGIYAMA, NAGANO, TSUKADA, ITO, KAYA, SUZUKI, and the three secretaries, HOSHINO, MUTO, and OKA.

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* As to Cabinet members, they were responsible for Cabinet decisions, even on matters outside their respective offices. This was also confirmed in the testimony of YAMAMOTO (T. 25901). The idea that a Bureau Director could possibly be responsible for drafting a complete government formula was preposterous. It was this erroneous conception which had led the prosecution to build a fallacious understanding of his real duties.

About Aug. 1941, KONOYE announced his intention of personally conferring with Roosevelt to find a way for compromise. Because the negotiations made no headway, OKA presumed that KONOYE felt no opportunity should be lost as it was realized this was the most appropriate way to bring about a successful conclusion of the negotiations.

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* The Navy had confidence in KONOYE and believed that if he were clothed with full power and given wide discretion, a drastic proposal could be formulated and pave the way for concluding the negotiations. OKA was ordered by the Navy Minister secretly to have a merchant ship stand by and made preparations for it to sail at any time. However, the contemplated interview did not materialize because it seemed the U.S. first desired to fix the basic principles, after which to put the finishing touch at the conference which was contrary to KONOYE's intention. The Navy then took the view that with reference to the negotiations, the withdrawal of troops from China and elsewhere would not be prejudicial. OKA understood that Admiral YAMAMOTO also suggested this to KONOYE as did OIKAWA. It seemed there was strong opposition within a quarter of the Supreme Command to such a move. Utmost caution was required not to bring about disunity between the army and navy, and it was dealt with as a political issue among the Ministers. OKA believed this was a reason why the Navy Minister maintained that it should be entrusted to the Premier. The position of the Navy in opposing war had at all times been well defined. As late as the Third KONOYE Cabinet, it remained adamant that war should be avoided if possible.

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A quotation from the memoirs of KONOYE (T. 10254) showed that KONOYE stated that OIKAWA had said "Let the decision as to whether there was hope for a successful conclusion of the negotiations be left in the hands of the Premier and Foreign Minister and as for the Navy, she would comply with that decision. If there was hope for a successful conclusion of the negotiations, they wanted them to be continued. OIKAWA added that if they were to rely on negotiations, they should be carried out thoroughly. They wanted success at all costs and a decision of the Prime Minister, and they wished to comply with this decision.

KONOYE made an additional remark (T. 10263) and said that at the meantime it became known that since the Navy had not the will to

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Page fight but couldn't say so herself, she was appealing to the Premier through OKA by way of Chief Secretary TOMITA for the Premier to express it. As an outcome, MUTO of the MAB, called on TOMITA requesting the Navy be asked to make a definite statement. When TOMITA relayed this to OKA, he stated the Navy could say no more and that she would comply * with the Premier's decision. Although the above statements were not exactly correct, they proved that at the time when the negotiations were carried on between the Premier and Navy Minister it was clear that his participation in the negotiations were official acts as Liaison Officer and he was merely delivering the messages of higher officials. The Navy Minister stated that KONOYE's resignation would bring about hopelessness in the conclusion of the negotiations and desired he should assume a tenacious attitude.

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KONOYE also entertained a strong determination and in early October OKA heard from TOMITA that KONOYE was determined to attempt to continue the negotiations and under no circumstances would he resign. OKA was encouraged, but in mid-October the resignation of the Cabinet suddenly took place. OKA was informed by the Navy Minister that after the cabinet meeting on Oct. 14, it was proposed to hold a conference of the Premier and the Foreign, War and Navy Ministers. During the cabinet meeting there was heated argument between the War and Foreign Ministers and as a result it was felt no useful purpose could be served by holding the proposed Four Ministers' Meeting, and it was called off.

The Navy Minister also advised OKA that it was intended in the contemplated conference of the Foreign Ministers he would reiterate the Navy's stand that it would leave the matter of war or peace in the Premier's hands.

33397 * That night TOMITA called on OKA, informing him of the Cabinet's decision to resign en bloc. TOMITA told him he was asked by the Director of the MAB, MUTO, to inquire that if the Navy would state that it would be unable to fight, the Army would be quieted. TOMITA said he replied to MUTO that it would be difficult for the Navy to state this and OKA agreed.

Then OKA asked TOMITA about his opinion to hold the Four Ministers Conference to confer on the matter but TOMITA replied it was too late.

33398 The Navy became apprehensive over the prospect of the negotiations and was concerned over the next cabinet. After the resignation of the cabinet, Navy Minister OIKAWA heard from KONOYE that Prince HIGASHIKUNI should head the next cabinet * and they were wondering what the Prince's idea would be in connection with the negotiations. When the report reached them that TOMITA was commanded to form the new cabinet, they were surprised and the Navy

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Page Minister and the rest of them were taken aback. OKA felt that for the War Minister to become Premier would make the prospect of negotiations all the more difficult and found it hard to understand what was in the minds of the senior statesmen. Thereafter, he discussed this with TOMITA, who said that according to KONOYE the step taken would be the best policy in coping with U.S.-Japanese relations. OKA felt the position inconsistent and was hard put to understand it.

Since TOJO was ordered to form a Cabinet, it became necessary for the Navy to exert its efforts all the more toward the negotiations. OKA thought it best for OIKAWA who was conversant with past developments to remain in the new Cabinet but he refused and SHIMADA was appointed. When SHIMADA became the new Minister, there was no change in enthusiasm with regard to the negotiations. As a condition for accepting the portfolio, SHIMADA urged TOJO that the negotiations be expedited and upon assumption of his post, he instructed the Vice Minister and Bureau Director that utmost effort should be made to avoid war with the U.S. and the way should be paved to consummate the negotiations by overcoming all difficulties. It was clear the Navy did not want war. It was their desire to bring the negotiations to a successful conclusion. No logical conclusion could be drawn from the evidence which would support charges that OKA aided, abetted or otherwise engaged in any plan of conspiracy to wage aggressive war. On the contrary, he and his superiors diligently endeavored to avoid war. He never met, and consequently never spoke to the defendants KIDO, ARAKI, DOIHARA, HATA, KOISO, MATSUI, MINAMI, OSHIMA, UMIZU, OKAWA, SHIRATORI and HIROTA.

Japan's final reply to the U.S. note was drafted by the Foreign Office and delivered to OKA by YAMAMOTO of the Foreign Office. As was customary, he ordered his subordinates to study it. OKA sensed it was inadequate as a final note and felt it would be appropriate to insert the wording that Japan reserved freedom of action. Accordingly, this wording was inserted in the draft and related to YAMAMOTO. When the draft was distributed by the Foreign Office at the Liaison Conference in early December, OKA discovered the suggested revision was not made. After the conference, he asked YAMAMOTO whether that could be regarded as the final note and he replied in the affirmative.

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* At that time OIKAWA was of the opinion that the problem of diplomatic procedure should be carried out on the Foreign Office's responsibility and because he personally lacked knowledge of such procedure, he relied on Foreign Office authorities.

The Navy Ministry was not involved in the problem concerning the despatch of the final note prior to the outbreak of the war.

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Page To his knowledge neither the discussions were had with the Navy Minister or Vice Minister nor was the Ministry asked by the General Staff pertaining to the problem, and he assumed the Foreign Office would adopt the appropriate procedure. Such being the situation, he did not give it much thought. He was vague as to the exact nature of Japan's reply and believed it to be an ultimatum and in all probability the Minister and Vice Minister thought likewise. After the war this matter became an issue and when OKA asked TOGO at Sugamo with respect to the question, was told that the reply to the U.S. was not the so-called ultimatum but a last notification.

33402 * TOGO explained that according to the circumstances at the time it had the same significance as a declaration of war. When OKA heard this explanation, he understood what YAMAMOTO meant when he said the draft was all right. With respect to the time in which the final note should be delivered to the U.S., OKA recalled that at the Liaison Conference TOJO stated it would be entrusted to consultation between the Foreign Office and Supreme Command. Later he heard it would be delivered to the U.S. in Washington one hour before the opening of hostilities. He did not remember the date nor from whom or where he heard this except he had a strong impression that it was to be delivered at his time. He was not aware that the time was changed to 30 minutes and learned for the first time after the war that Deputy Chief of the Naval General Staff ITO and the Deputy Chief of the Army General Staff called on TOGO and after consultation with him the time was altered to 30 minutes prior to the opening of hostilities.

33403 * At that time OKA had not heard from any source that the Naval General Staff entertained any idea it would commence hostilities without notice. As he thought the Foreign Office would take the proper procedure, he did not anticipate that any such question would arise and entertained no concern over its progress. Long afterward, when he learned that apparently through the fault of the Embassy in Washington the note was not delivered at the expected hour, he was much surprised.

Personnel affairs were in the hands of the Navy Minister. The basis of shore service of officers was usually two years for the same service and place. When the TOJO Cabinet was formed, both the Vice Minister and Director of the NAB had served for about one year and it was not time for making a shift. It was customary not to shift the Vice Minister, much less the Director of the NAB, even if the Navy Minister was changed. Therefore, the change in personnel did not affect personnel below that of the Vice Minister and there was no precedent for such changes. Even though a cabinet other than the TOJO Cabinet had appeared or one other than SHIMADA had become Navy Minister, such appointment would not have altered the personnel. As a matter of fact, OKA offered his resignation to OIKAWA but he refused to accept it. During his service in the Navy, OKA had not

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Page once been assigned for duty in connection with operations. He had been assigned duty in connection with routine planning of an armament program several times and had been connected with it for many years. In Japan the defense plan was drafted by the Army and Navy Supreme Command and after Imperial approval, was submitted to the Premier. Its contents was not a war program but the principal objective * was planning an armament program. As for the Navy, its principal objective was planning a minimum force to cope with the strongest naval power which might attack from the Western Pacific. As far as he knew, this objective was the policy of the Naval Supreme Command which had been conceived prior to the Washington Conference without any alteration until immediately preceding the war. It would be more accurate to regard it in a defensive rather than an aggressive sense.

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The General Staff studied armaments which were necessary, taking into consideration domestic conditions. It went into the details and plans for classifications, types of warships, etc., then drafted the proposal and made a request upon the Navy Ministry about every four or five years. The Ministry then investigated and considered expenditures, materials, etc. and consulted and negotiated with the General Staff and prepared a joint plan which was discussed with parties in the government. When unanimously agreed upon, it would be put into operation. The final plan was usually one-half or less than that requested by the General Staff; therefore, the actual strength of Japan's Navy was generally far below that requested by Naval General Staff.

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33407 * The result of Japan's construction after the Washington conference was insignificant compared to the American navy's and there was no way of coping with the Vinson and Smith bills. Operational authorities counteracted the American plan by utilizing the limited number of big battleships or devising midget submarines. There was considerable deficiency in the production of aircraft, domestic materials, and industrial capacity. The China incident gave further bangs to naval preparation and it was evident that they could not possibly think of operating against the United States and British navies. The general staff operational plans were not formulated as operations against the U.S. * and Britain. The accused had never seen or heard of any plan or idea to wage such a war and was convinced that they were not formulated.

It was natural for the navy to be constantly apprehensive of relations with the U.S. and Britain becoming aggravated, and the navy desired its adjustment and exerted itself towards that end. While the navy was worried about American naval expansion, the China incident extended with no prospects of termination, American-British aid to China became vigorous and economic pressure on Japan became intense, finally making her feel the threat militarily. It was believed that if these matters were allowed to follow their course the incident could never be settled and they would face a critical situation by being attacked by a third power at any time.

33409 The navy believed there was no other way than the successful conclusion of the U.S. Japanese negotiations and made efforts to that end. The naval general staff how, if it became necessary, to wage war against the U.S. and Britain, and it was natural for it to make plans against an eventuality. The accused was unable to state exactly when the study started and what development took place because he did not participate in them, but it seemed to him that nothing was done in the general staff during 1940.

33409 In October 1941 he heard for the first time the general staff's views from ITO, deputy chief, who said that in the event of war against the U.S. and Britain, the general staff had confidence in the early stage of operations and was a possibility of continuing the war for about a year and one half thereafter, but it could not make a definite statement after that as it depended upon what the war capacity of the nation would be. If war could not be avoided, the sooner the better, and if it should be * the next year they would be challenged by the United States and Britain and would have to submit without exchanging blows.

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When OKA heard this, he felt the need of accelerating the negotiations. It was not the navy ideology or plan of operations to wage war against the U.S. and Britain, but it arose out of the China incident when the nation was faced with a critical situation. Then for the first time the matter was studied as a last resort and was not a plan of long preparation. The prosecution had contended that during the closing days of the TOJO cabinet, in July, 1944, the accused SATO and OKA had been maneuvering against YONAI and others to save the cabinet. This must have been predicated on the language of YONAI in the KIDO diary, which referred to the request TOJO made to the navy minister to sound YONAI * as to whether he would accept a portfolio in the cabinet.

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Since OKA was vice navy minister at the time he sounded YONAI, after being ordered to do so by navy minister NOMURA, and SATO did not accompany him. YONAI stated he could not join as a cabinet member but would be glad to assist as a military councillor. He also desired SUETSUGU as councillor to assist the chief of staff. OKA had never called on anyone other than YONAI and had not, without orders from the navy minister, conducted himself otherwise. While he was director of the NAI, with three or four exceptions, he attended the imperial liaison conferences as secretary and the investigation committee of the privy council as explained. In none of these meetings was he authorized to participate in the discussions or * exercise the right to vote.

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The liaison conference was not based on government regulations and did not make decisions. It was merely in the nature of a round table discussion for the exercise of opinions. When a concurrence was reached, the supreme command and the government would, through their specific organs, carry out their respective tasks. As official clerk, OKA was not a member of the conference and could not add his signature to any matters taken up but could only make explanations when asked to do so, and his primary duty was to supply information.

The secretary's position was different from that of the members and he was not at all responsible for matters taken up. As exhibit 1203 shows, OKA was never present without the navy minister, * and never attended without him, although it showed he did fail to attend some meetings attended by the navy minister. According to exhibit 1209. According to exhibit 1209, an extract from TOJO's interrogations concerning a similar imperial conference held on December 1 or 2nd, TOJO named those who attended those conferences saying they were the responsible people. Continuing TOJO said there were also probably

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33414 three in the capacity of secretaries who usually came. These were chief cabinet secretary HOSHINO, chief of the military affairs section of the war ministry MUTO, and chief of the military affairs section of the navy minister OKA. TOJC's remark was significant because only responsible persons who attended could be recalled by him and TOJC was not even certain that OKA was present. * The prosecution placed undue significance on his attendance at meetings of the investigation committee of the privy council, but he attended them only in the company of the navy minister as explainer. The explainer did not express himself or participate in the decisions, but merely accompanied the ministers. (Exhibits 649, 1241, 1266, 1275, and 687.)

33415 While the prosecution had stated that he had attended cabinet meetings, he never attended any nor was he privileged to do so. * It was the practice for the general staff to draw up and draft plans for operations after which the outline was shown to the minister. According to regulations, the navy minister handled all administrative matters and the vice minister, the vice minister, the director of the cabinet, the director of mobilization bureau, and others were members of his suite. Yet they did not participate in the discussions pertaining to the operations' plan or matters within the provisions of the general staff, or imperial headquarter's matters discussed at their meetings.

33416 Personnel were called in to enable them to contact headquarters when it made requests of the ministry in connection with the disposition of administration matters. OKA had not once attended a headquarter's conference nor served in headquarters. No one in the ministry was connected with the plan of operations of either headquarters or the general staff. * Headquarters was divided into an army and navy section and orders were always similarly divided. They were not simply called imperial headquarter's orders. The order pertaining to the Burma-Thailand railroad was the army section's order and it was not connected with naval operations, so that the naval general staff must not have been aware of its contents.

As for the navy ministry, beginning with the minister, no one participated in the matter, consequently any suggestion that the NAB was involved was unfounded (see exhibit 475). With reference to the tripartite alliance and the anti-comintern pact, the prosecution had alleged that as a member of the military affairs committee, he was connected with strengthening them. However, the meeting of the military affairs committee was not of vital importance. It was composed of about 15 members headed by the foreign minister, and included vice

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33417 foreign minister, foreign office bureau directors, * directors of the army and navy military affairs bureaus, chiefs of the second section of the army general staff, and the third section of the naval staff. It was a perfunctory gathering wherein attaches from the German embassy and Japanese staff officers would attend and explain events in the war. There were only two gatherings. This committee had nothing to do with the triple alliance or strengthening the anti-comintern pact.

33418 Government ministries were interrelated and there were matters which frequently required collaboration with other ministries. Every ministry created committees on such matters. The navy ministry appointed committee members depending upon the nature of the matters involved. However, as a rule, the director * or a chief of the section was chosen to serve. Actually most of these committees were merely liason and it was sufficient if the navy knew what had taken place and where it was held in most cases. The man in charge of the matters or the section chief would attend and OKA, as bureau director, seldom attended and he did not recall even being mentioned as a member of such committees because they were too numerous.

When appointed, in many cases he accepted on condition he should not be required to attend. A similar situation prevailed with regard to council meetings where matters pertaining to important state policy were never deliberated. He was never present at these meetings. There was no special department in the navy ministry for handling POWs who, when captured, were turned over to the army. POWs captured by the navy were handled by army agencies, such as the POW information bureau.

33419 * If it became impossible to deliver POWs to the army immediately, they were provisionally turned over by the naval unit on the field, or if in Japan by the naval staff. Further procedure was carried out under the commanding officer and OKA assumed the handling of the POWs was conducted according to laws and regulations. The prosecution said that he was responsible for the mistreatment of POWs by quoting testimony of SUZUKI that the note of protest respecting their treatment was dispatched to the navy ministry. However, this witness had admitted that the documents were sent to the chief of the POW information bureau and the chief of the NAB and/or vice minister of war. The only document in evidence, wherein a copy was sent to the NAB, was dated 11 April 1945, one year subsequent to his vacating the post (exhibit 2174).

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33420 A matter within the jurisdiction of the NAB is the report * of the names and rank of prisoners held by any units, and they would thus be able to furnish information to the foreign ministry. However, during his tenure as director of the NAB, he neither heard nor recalled any note of protest. With reference to alleged atrocities of naval units, he could not but help feeling sincere regret. In view of the history and education of the navy, they were incredible. Naval units were attached entirely to the channel of the supreme command. As for operational movements, the ministry had no knowledge and therefore had no knowledge concerning the orders of commanding officers or reports concerning troop movements.

33421 Thus OKA had no knowledge regarding these incidents while he was director of the NAB and learned of them for the first time in the trial. Especially the fact that the commanding officer ordered these atrocities was beyond his comprehension. While director of the NAB he had never seen any telegram or correspondence pertaining to the alleged German request with respect * to submarine warfare or consultation thereon, nor had he heard anything relating thereto. With reference to the killing of 96 POWs on Wake Island in 1943, he had no knowledge of it and learned of it for the first time during the trial.

33422 This incident concerned the combat unit on the spot and the navy ministry was not connected with it. It would be absurd to hold the director of the NAB responsible. * The same could be said with reference to POWs on Mackin wherein the prosecution quoted the testimony of rear admiral ABE to place the responsibility on the central command. This too was learned for the first time at the trial. The statement that oral instructions came from the central command was inconceivable, particularly in the light of the testimony given by TOMIOKA in exhibit 3057.

33423 The prosecution attempted to fix the responsibility for the sinking of merchant ships on the director of the NAB, but this was absurd. Needless to state, the navy ministry, much less the NAB did not participate in matters pertaining to combat strategy. There was no evidence of a policy of the central command wantonly to kill survivors of sunken ships or mistreat prisoners. Exhibit 3054-C and similar orders showed the contrary. The prosecution had an unintentional misconception of the importance of the * office held by him as director of the NAB, for * was a clerical bureau subordinate and responsible to the navy minister, and he was never in a position to determine matters of state policy.

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His presence at many policy-making conferences was always as a secretary. He was aware of stories circulating after the war concerning his alleged power and influence among a so-called "group" but there was no basis for these. He had always been opposed to groups and factions and the mere suggestion of his participating in such a group was erroneous and revolting to him. He was devoted to performing his duties in accordance with regulations and was careful to guide his actions and those of his subordinates under the best traditions of the navy.

33424 He was never in a position, politically or otherwise, and consequently did not conspire to initiate or wage any wars of aggression or commit any of the * crimes charged against him. He had spent his life in his country's service as a naval officer and never swerved from the path of duty.

33425 On further examination the accused was asked to what extent the NAB participated in handling POWs and he replied that in all the regulations of the military there was none providing for the treatment of POWs. Matters relating to them were handled as matters belonging to general naval administration. Drafts relating to these affairs were drawn up by the assistants to the navy minister and in the * navy ministry they were the NAB, the legal bureau, the intendance bureau, and sometimes the medical bureau and the munitions bureau. In many cases these rules had already been established when he came to office he had nothing to do with these matters while in office.

33426 The second matter handled was liason with various offices with regard to handling POWs and this was mainly by the NAB. The third point was demands coming to central authorities from units at the front in regard to handling of POWs. The question of funds relating to their internment, supplying clothes and medicine were generally handled by units at the front. When they found their own resources inefficient, they would make demands on the ministry which would be handled either by the intendance, medical, or the munitions bureaus. * In regard to actual supervision or control of POWs in battle areas, the fleet commander was in supreme authority. In the homeland the supreme authority was either the commander of the naval station or the commander of a minor naval station where POWs were similarly interned.

The minister's position vis-a-vis commanders was that since he led all navy men and civilians attached to the navy, he had supervisory powers.

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33427 * CROSS EXAMINATION BY MR. BLAKENEY
COUNSEL FOR UMEZU

Reference was made to the affidavit where it was stated that the navy had little to do with the Manchurian affair and consequently did not do any actual work concerning it. The accused recalled the naval mission being established in Manchuria soon after the incident, and believed the organization later abolished and transferred its duties to the naval attache in Manchukuo. Asked whether he knew the office was established with or without consultation with the army, he replied he did not know the circumstances surrounding its establishment nor what kind of work the mission was engaged in.

33428 * Asked whether it was responsible to or under the jurisdiction of the C-in-C of the Kwantung army, he replied he didn't know, but judging from the structure of the mission, he believed that while it had relation with the Kwantung army, it was not under its command. He believed that the mission or naval attache's office, as it later became, had the guidance of the Manchukuan navy. Asked if it was true that the Japanese navy had priority in imports from Manchukuo of iron ore and other materials, he replied he knew nothing about that.

33429 * Asked if he knew that the Japanese navy had a priority for imports of diesel fuel for submarines, he replied he didn't know whether they had priority but knew that the navy did get oil from the Fushun area.

33430 * Asked if he knew whether the Japanese navy had officers dispatched to and stationed in the Manchukuo munitions plants, he replied he didn't know about that nor did he know that those officers were stationed there and they assumed authority to guide the production of munitions.

CROSS EXAMINATION BY MR. BLAKENEY
COUNSEL FOR TOGO

33431 Reference was made to the affidavit where it was stated that he learned that the final note to the U.S. would be delivered in Washington one hour before the opening of hostilities, and that it had been so decided after consultation between the foreign ministry and the supreme command, the accused was asked if this meant that he learned that the note was to be delivered at * a time which, as the naval high command knew, was one hour before the commencement of hostilities, or was it his understanding that the foreign ministry knew that the time so set was one hour before the commencement of hostilities. He

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replied that in the negotiations of the naval general staff with the army general staff and the foreign ministry, he believed that the negotiations were conducted on the basis of the actual time. Asked if, while the high command knew the actual time, he had any reason to believe that the foreign minister or any foreign ministry official knew what would the actual time of attack be, he replied he didn't know.

33432 * He didn't believe that the time for which the attacks were scheduled were ever mention in a liason conference. He knew it himself and believed he probably heard it from the naval
33433 general staff. * The accused was reminded of his testimony that after the original decision for delivery of the final note to the U.S., the time was changed and after consultation among the vice chiefs of the naval and army general staffs with the foreign minister, the time for delivery of the note was altered to thirty minutes prior to the opening of hostilities.

33434 Asked if he was at that meeting, he replied he was not and he learned only after the end of the war. Asked if he had any reason to believe that the foreign minister knew or was at that meeting told at what time the attack would take place, he replied he didn't know about that. He didn't recall the points of attack ever being mentioned in the liason conference. Regarding his part in drafting or revising the final note to the U.S., he had some difficulty in recalling the details, but it came to him that the draft was originally drawn in the foreign office and then passed on to the navy minister, then he gave it to his subordinates and ordered them to study it well. This was a practice he had always done in regard to similar drafts.

33435 * His subordinates told him it would be better to insert words to the effect that they would reserve freedom of action. OKA agreed and immediately contacted the director of the American bureau of the foreign office YAMAMOTO informing him about it. When the note was distributed at the liaison
33436 conference, he saw no wording as he had suggested and * when the conference was concluded, he asked YAMAMOTO if it would be an ultimatum, and YAMAMOTO replied yes, that it was perfectly all right. This was his only connection with the preparation of the revision of the final note.

33437 He did not recall other proposed revisions which were or were not accented and added to the note. This revision of his was a matter he had entirely forgotten until after the end of the war and * after the trial had been in progress for several months. Asked if in fact he didn't remember it until Captain SHIBA told him it had haapened, he replied he knew of it before that.

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33438 Before being interned in Sugamo he was interrogated by the prosecution, who asked him if he and MUTO did not go to the foreign office and ask TOGO to have the wording changed. On being asked this sudden question, he was unable to recall the circumstances and told the prosecution to that effect. When he entered Sugamo he met TOGO who told him that he himself did not recall that * he and MUTO ever came to see him on that point. It seemed that the prosecution's question was based on the interrogation of TOGO and therefore he asked TOGO why he was asked that question.

TOGO told him that YAMAMOTO's first draft and second draft were quite different and YAMAMOTO told TOGO that the revision had been made at the request of the ministries concerned. Therefore TOGO thought the revision was made at the request of the war and navy ministries and that was why TOGO had replied as he did. This is how OKA was able to find out that the fact that he was unable to remember ever going to TOGO to ask for a revision was correct and actually he had not gone to TOGO to do so.

33439 In his interrogation he said that he believed he had not gone to see TOGO and he did not think any revision had been made. On thinking the matter over he felt that he had seen the draft somewhere. After the trial commenced he contacted his defense counsel who told him that Captain * SHIBA had said certain things, then for the first time OKA remembered what SHIBA had told him. OKA may have asked TOGO on this point in Sugamo because he wanted to know whether he had actually visited TOGO or not.

Also what he told YAMAMOTO at the liason conference was something he himself recalled. Since YAMAMOTO was also a secretary and MUTO was another, MUTO must have heard it on the same occasion. OKA asked MUTO about this and MUTO said he didn't remember it. Then he made sure once more about SHIBA's recollection of the affair, and finding out that it was sure, he wrote it in his affidavit. He didn't recall when he took up with YAMAMOTO the question of revising the draft, but believed it must have been in the beginning of December, probably after the imperial conference of 1 December.

The accused was reminded that his affidavits stated that after this wording was inserted in the draft it was related to YAMAMOTO. He now said he didn't know if this was done by telephone or messenger. He said this was as he had stated. He forgot to say before that he had also asked YAMAMOTO on this point some time ago since the trial commenced.

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33441 YAMAMOTO said that *neither OKA's proposed revision of the draft nor his talk with him as the liason conference was in his memory. After preparation of the draft had been either related or sent to YAMAMOTO, he had never talked with him nor anyone else in the foreign ministry about the matter.

Asked if when he attended the subsequent liason conference and found distributed a draft of a final note without the clause inserted, if he then called attention to that question, he replied that he didn't call anyone's attention to it except as he had mentioned before, after the conference finished. He had not mentioned the matter before the liason conference nor during the conference to the navy minister. Asked if in his interrogation he had stated he had taken no part whatever in making up the final draft or revisions thereto and had merely

33442 * read it and didn't even know when he had first read it,*he

33443 answered that he didn't recall the exact language he used in the interrogation but did reply that he knew nothing at all at that time on the general point of the preparation of the note.

33444 * At the liason conference in early December, he did not think the question of the matter of opening hostilities was discussed. In so far as he knew, he was present at all liason conferences in early December. He did not recall a discussion at one of those conferences between TOGO and vice chief of the general staff ITO concerning giving a notification to the United States before the commencement of hostilities. He did not recall giving an opposite answer to this question in his interrogation.

33445 * The accused was asked if, in his interrogation he was not asked if he recalled a discussion between TOGO and NAGANO and ITO regarding notification of the U.S. prior to any attack, to which he answered that he recalled it. The accused stated that he remembered this question but also remembered that his reply was exactly opposite to that which had just been read to him. The reply he gave to the prosecutor at that time was that he did not recall any such conversation.

33446 * To the accused was read a purported question and answer in his interrogation in which, when asked the gist of the conversation between TOGO, NAGANO, and ITO regarding notification prior to any attack he replied he didn't know what it was. The accused stated that this question and answer were correct as read. Asked why he said he didn't know the contents of any

33447 such conversation if he didn't recall it, he replied * that he

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told the prosecutor at the time in regard to the liason conference that the form in which they were conducted were such that no special subjects were decided beforehand. A more or less free exchange of views was held and people participating in that conference just talked with their neighbors on various subjects; so that not all the secretaries knew all that was going on in the liason conference. If anyone participating affirmed that he had said a certain thing to someone at the conference someone else at the conference could not deny that. He, himself, could not recall anything of that nature. His position was that if it happened he didn't know of it, and if that answer was recorded in his interrogation it was incorrect.

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* DIRECT EXAMINATION BY MR. LOGAN

Reference was made to the affidavit where it was stated that OKA was surprised when he learned TOJO was commanded to form a new cabinet and that he was hard put to understand how that would aid American-Japanese peace negotiations. The accused stated at that time he had no talks with TOJO to ascertain what his intent was at the time. He did not know what took place at the senior statesmen's conference and did not recall at that time that admirals YCNAI and OKADA had opposed a navy man as a new premier.

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* Asked if in forming his opinion at that time he took into consideration that TOJO was able to control the army when peace negotiations became successful, he replied that he had never thought of that. Asked if he was of the opinion at the time that a navy man could have controlled the army if the negotiations were successful, he replied he had never thought of that either. Asked if he had changed his opinion after hearing these facts from what it was at the time they occurred, he stated that there was no difference, it was just as he stated it in his affidavit.

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Today, after hearing of all the various * facts presented before the tribunal, he could only deepen the feeling he held at the time and at that time he formed his opinion without knowing those facts.

DIRECT EXAMINATION BY MR. BRANNON
Counsel for SHIMADA

The accused stated that he denied that SHIMADA became navy minister because he was, and was known to be, a supporter of the TOJO policy. Asked if there was any element in the navy

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33451 that opposed any change of the final draft as suggested by him, he replied that the proposed change was a mere suggestion by the NAB, who just happened to think of that and suggested it to the foreign minister. It was not a strong assertion on their part. The navy minister's policy was that the * foreign office should bear full responsibility in these problems. The naval affairs bureau merely thought of the proposed change and brought it to the attention of the director of the American bureau of foreign office.

He didn't think he even told the navy minister about it. He did believe that his subordinate, before bringing this proposed change to him, did contact someone in the navy general staff. In view of the attitude of the navy ministry and the navy general staff at the time, it would have been anyone who would have opposed it. He himself passed it on to the foreign office without even bothering to tell the navy minister about it because he felt certain that SHIMADA would be certain to agree

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CROSS-EXAMINATION BY COMMANDER COLE.

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*When asked if between 1931 and 1945 he was mainly in Navy Headquarters at Tokyo or in naval duty he replied that he had spent some time at sea and was stationed for a time abroad but for the greater part he was in Tokyo. More than ten of the fourteen years from 1931 to 1945 he was attached to Navy Headquarters and he was promoted to Rear Admiral on 1 December 1939 and was promoted to Vice-Admiral, the second highest rank in the navy, on 1 December 1942.

He received a decoration for services in the China Incident. In his affidavit he had listed this and three other decorations received and in addition he had received a fifth from the Nazis Government on 9 February 1940. Asked why he omitted this Nazi decoration from his affidavit he replied he omitted several Japanese decorations also and merely listed those received for services during war. Asked if this decoration was not awarded him for services in connection with services in the conclusion of the anti-Comintern Pact he replied that he had not yet been given it but since he had nothing to do with the conclusion of the Pact he surmised it was for something else.

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33457 *Asked if his many years in the navy's chief political bureau and his promotions, decorations and activities did not indicate that he was very successful in giving TOJO and his navy supporters, such as SHIMADA, unquestioning obedience he replied this was completely contrary to the facts. The Navy Affairs Bureau had nothing to do with politics * and only the Navy Minister had authority to participate in political affairs. In accordance with navy traditions he had never heard of a Navy Minister positively engaging in political action. The decoration referred to was granted for meritorious service in connection with the China Affairs. The number of naval officers granted decorations of Class 2 and 3 of the Order of the Golden Kite numbered several hundreds. YONAI was given Class 1 and OKA Class 4, but the decoration was received for services rendered up to April 1940. *He received his decoration later in 1942 and it had nothing to do with anything he did after April 1940 nor did it have anything to do with Premier TOJO or Navy Minister SHIMADA.

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33461 With regard to his promotion, due to the lapse of a certain period of service he was promoted to Vice-Admiral with twenty others and there were no special circumstances in connection with this promotion. He had performed the duties of Chief of the NAB in accordance with regulations governing the functions of the Navy Minister and his department and pursuant to the orders, and at the supervision of the Vice-Minister, performed his duties faithfully. *He had never received any order from anyone other than the Minister of the Navy nor was he in a position to receive orders from others. He had never received any orders from Premier TOJO nor did he recognize that the navy as a whole supported TOJO or his cabinet. He never contacted nor had intercourse with political persons outside the scope of his official functions.

33462 The accused was reminded that in his affidavit he had stated that there was no basis for the rumor that he had power and influence among a so-called group. Asked what group he referred to *he replied that he was not pointing to any specific group but was just referring to various individuals. Furthermore, he did not know what activities these groups engaged in. While he was Chief of Section 1 and subsequently Chief of the NAB there may have been a group of young army and navy officers who favored the use of force in dealing with China, but he knew no specific instances. He had no recollection of meetings with other members of the young officers group in which secret plans connected with the China Affair were carried out.

The accused was asked if it was not true that in June 1938 while he was Chief of Section 1 he and General KAGESA of the Military Affairs Bureau and a certain KISHI dined weekly and talked on matters concerning the China Affair. The accused recalled that

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KISHI was KONOYE's private secretary and KAGESA was either a member of the Military Affairs Bureau *or Chief of the Military Affairs Section of this bureau. In accordance with KONOYE's orders KISHI met weekly with the Chiefs of the Naval and Military Affairs Bureaus to exchange information. OKA attended these meetings with the Vice-Minister's permission. He did not recall what was actually discussed but presumed they heard explanations with regard to China from KAGESA who was a China expert. At that time OKA was Chief of

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Section 1. *He thought KAGESA was the Chief of the similar section of the Military Affairs Bureau. He did not know if KISHI called this gathering a meeting of the three ministers. Asked if in June 1938 at the time of these meetings KISHI stated that KAGESA would bring over a certain Kai Tsung-wu, who until recently had been Chief of the Asia Bureau of the Chiang Government, and confined him in the army club he replied he might have but he did not remember. He did not remember KISHI stating as to the scheme devised by the young officers that it should be kept a secret and should not be mentioned to the War Minister.

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In his affidavit he had stated that as Chief of the NAB he had no authority to determine or approve matters of state policy. *He did not recall a conference with KAGESA of the Military Affairs Bureau on 30 August 1938 concerning plans for the capture of Canton. He did not think this possible because such a matter would be outside the province of the Chief of Section 1 of the NAB. Asked if as a result of that conference he and KAGESA drew up a plan for the capture of Canton, *he replied this could not be possible because such matters were outside the scope of his duties. Asked if he and KAGESA decided that the capture of Canton was only the application of overall policies and could be carried out without prior consideration by the Five Ministers' Conference, he replied that no such decision was ever made. Asked if he and KAGESA decided that to leave Canton operations to the Five Ministers' Conference might give rise to the charge that the Supreme Command's prerogative had been violated, he answered that such decision could not be made by them.

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When shown a document, appearing to be a record of the conversation between himself and KAGESA on 30 August 1938, concerning the capture of Canton he stated he had seen the document. Asked if the facts in the document were substantially * correct, he replied he had no recollection with regard to that but only presumed after glancing through it that it appeared to have some information imparted by KAGESA. Asked if it refreshed his recollection if it was recalled to him that the plan was to have land forces land east of Bias Bay to avoid friction with Britain, he replied he had no knowledge of that. He recognized the initials of officials of the East Asia Bureau and Foreign Ministry in the margin of the document. Asked if he had any reason to believe the document incorrect he stated that while his name appeared in it he had no recollection of it. As to the contents it did not say it was a decision reached as a result * of a conference among them and a glance would show that it was nothing more than information heard.

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33469 It appeared to him that KAGESA merely imparted information with regard to War Ministry decisions and that was a record of his report. OKA was totally unfamiliar with operational conditions at the time and so could not say whether the contents were true or false. He had absolutely no recollection of a conversation between himself and KAGESA on 30 August 1938. *He could neither deny nor could he confirm the document, he had no recollection of its contents nor familiarity with them.

33470 *Reference was made to the affidavit where it was stated that the NAB performed routine duties under the supervision of the Vice-Minister and the Director of the NAB was never in a position to assume independent responsibility vis-a-vis outside contacts. Asked if he meant that for all official acts as Chief, the accused SHIMADA alone was responsible, he replied that with regard to government regulations the Bureau Chief constituted merely the staff of the minister and it would amount to that legally. Asked if the bureau was the political and liaison branch of the Ministry, he replied there were no political functions in the NAB and it did not control public relations of the whole navy. Asked what other branch handled public relations, *he answered that all bureaus were the same.

33471 Asked if after he became Chief of the NAB on 15 October 1940 he acted in close liaison with Chief of the Military Affairs Bureau MUTO in connection with Imperial Conferences, he replied that contacts were made on matters which were within the scope of their duties. He was probably invited by the Emperor to attend the Fourth Imperial Conference on 13 November 1940 but did not remember if the purpose of the conference was to decide on proposals relative to settling the China Incident.

33472 Asked if it was not true that the invitation to attend was made on request of the cabinet he explained that the procedure by which any subject could appear in the Imperial Presence *was difficult, and no one of his own free will appeared. Even when secretaries would be in attendance their names had to be channeled through the Imperial Household Ministry. Asked if it was not true that it was decided at that time that since Imperial Conferences should consist of those bearing responsibility for advising the Emperor the Chiefs of the NAB and the MAB were invited to join in addition to the usual members, he replied he did not think so but thought that secretaries were always in attendance in the past. When shown exhibit previously marked for identification, Exh. 3455, the accused was asked if it did not state there that he as Chief of the NAB attended the Imperial Conference of 13 November 1940, *he agreed that it stated this there and when asked if in view of the fact that it was the first conference he had attended, if he remembered being there,

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33474 he replied that he thought he attended the meeting. He could
33475 not state that the facts in the document were substantially
correct, he thought he attended the meeting because he
*attended most of the Imperial Conferences. Asked if he
*had any reason to believe the document was not authentic
he stated that this was a matter referring to the Imperial
Household Department and beyond the scope of his knowledge.
(The document was offered in evidence but rejected as not
being sufficiently identified)

33476 The accused stated that he was appointed on 19
January 1939 a government commissioner on matters related
to the Navy Ministry in the Diet as Chief of the First
Section of the NAB. In this position he did not act as liaison
between the Navy and the Diet but his duties were to provide
materials and information to explainers whenever questions
arose relating to matters in charge of the Navy Ministry.
He was re-appointed to this position yearly from 1940 to 1943.
It was a duty attached to the Chief of * the NAB. ~~He has no~~
~~recollection~~ recollection of having anything to do with the
organization of the IRAA in 1941 and did not recall in March
1941 drafting with MUTO a joint plan for its reorganization.
It was not true that at that time he strongly opposed the
weakening of the IRAA and favored a single party system.
When shown a document purporting to be a newspaper article
dated 26 March 1941 stating that he and MUTO were drafting
a joint plan for the reorganization of the IRAA he was asked
if the article was substantially correct and he replied that he
had no recollection.

33477 *With regard to the IRAA he was unfamiliar with it at
the time of its establishment because he was not then Chief of
the NAB. After he became Chief he became a councillor of that
body because the Navy was asked that he be one because the
government as a whole was to participate but as far as the Navy
was concerned it had little interest in the IRAA and there was
no evidence of the Navy engaging in any activities with reference
to the IRAA. Matters of the kind referred to in the document
were completely outside of his recollection. Asked if it re-
freshed his recollection if it was recalled to him that he and
33478 MUTO as * Chiefs of the Naval and Military Affairs Bureaus had
an interview with Cabinet Secretary TOMITA about March 26, at
which a detailed account of the government's plan of reorganization
of the IRAA was given, he replied there was absolutely no such case.
Asked if he denied that he had taken any part in this joint Navy-
Army plan for reorganization of the IRAA, he replied that what

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Page appeared in the newspaper was completely outside his recollection. Asked if it were not true that he and MUTO presented the joint plan to the Cabinet Executive Secretary TOMITA on 27 March 1941, he replied he had hardly any interest in the IRAA and no

33479 recollection concerning it. When shown a document * the accused agreed that something to the effect of an Army-Navy plan of re-organization of the IRAA was written in the Asahi Shimbun of 28

33480 March 1941. *Asked if the facts stated in the article were substantially correct, he replied that he could not conceive of ever participating in matters relating to the IRAA to that extent because of his lack of interest and there was nothing in his recollection pertaining to the matter. He had no recollection of himself and MUTO interviewing TOMITA in the Prime Minister's residence on 27 March 1941 and presenting the joint plan. Asked if at the interview he and MUTO strongly urged TOMITA be made the central figure in the IRAA to engage actively in campaigning, he replied he did not think there was anything of the kind. Asked if after the first article appeared * in the Asahi he notified the publishers they were publishing erroneous statements regarding his political activities, he answered he was seeing the article for the first time. According to navy traditions officers were not to engage in politics. Asked if after both these newspaper articles had been published he ever protested against their implicating him in political activities, he replied he had never seen the article before and did not think he did anything of the kind. Asked if he denied the facts in the article, he replied that he had no recollection whatsoever and did not know under what circumstances such an article appeared.

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* The accused stated that the NAB did not act as liaison between the General Staff and the Cabinet, nor was it the channel through which the navy made known its policy to the Cabinet and vice versa.

Reference was made to the affidavit where it was stated that OKA never attended cabinet meetings, nor was he privileged to do so. Asked if he meant that as Chief of the NAB he was disqualified to attend, or if he meant he was never invited to attend, he answered that he had no qualifications nor was he ever invited to attend. He didn't remember himself and MUTO attending an extraordinary session of the cabinet on 29 August 1941.

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* When shown an excerpt from the Tokyo Nichi Nichi for 30 August 1941, he stated it did not appear there that he attended the cabinet meeting of 29 August 1941. He then changed his answer and said that he was slightly mistaken, for he did see that it did say there was an extraordinary session of the cabinet following a regular meeting. He thought this was erroneous reporting, because this was a peculiar expression.

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* He had no recollection of Foreign Minister TOYODA reporting at the meeting in recall on the later negotiations with the U. S. in the presence of himself and

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MUTO. * Asked if he denied he attended such a cabinet meeting, he stated he didn't think it was a cabinet meeting and furthermore he didn't think he was ever in attendance at a meeting in which TOYODA made a report to cabinet colleagues.

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The accused stated he was not opposed to the withdrawal of troops from China, and it was not true that * he strongly insisted upon their remaining there. Asked if he had a meeting with MUTO on 6 September 1941 at the Foreign Minister's official residence at which they discussed basic conditions of settlement of the Sino-Japanese peace, he replied he had no clear recollection, but there were frequent gatherings there to discuss the Foreign Office's plan, and therefore he believed this was one of them. Asked if one of the terms agreed upon by himself and MUTO there was that Japanese troops should remain in

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Amoy and Hainan Islands, as well as certain districts in Mongolia and North China, he replied he didn't know the text of the decision, but that might have been the case.

Page

When shown a document and asked if it did not state there the basic conditions for settling the peace as discussed in a conference between himself and MUTO on 6 September 1941, he replied that was not so. It was stated in the document that for the purpose of joint defense, troops shall be stationed in Amoy and Hainan Islands, as well as certain districts of Mongolia-Sinkiang area and North China.

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Asked if it was not true that the same conditions and terms were included in exhibit 1245-F, the document containing the proposals of Japan delivered to Grew on 22 September 1941, he replied he had no clear recollection. * Asked if he admitted that the conference mentioned in the document between himself and MUTO took place on 6 September 1941, he replied he remembered neither the date nor the contents.

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It said there that MUTO and he conferred, but such a thing was impossible so far as this matter was concerned. He thought it was a Foreign Office plan discussed at a meeting sponsored by that office, with either the Vice Minister or the Director of the American Bureau presiding. If it was that conference, he thought he was in attendance. He didn't think that this was the final plan, although he didn't recall the contents. * He didn't recall the contents nor the date of the conference mentioned in the document, and although the document represented himself and MUTO as having conferred and agreeing on terms, it appeared that the document was a Foreign Office plan in connection with a conference sponsored by it, and it appeared that representatives of the army and navy were called into consultation on the plan.

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Asked if it was not true that the basic discussions regarding the stationing of troops in China arrived at at * the conference was the chief obstacle to the successful conclusion of negotiations, he replied, no, not only this.

On 6 February 1941, he probably was appointed to assist the Imperial Commissioner in arbitrating the dispute regarding the border of Indo-China and Siam. Asked if four months later, on 25 June, 1941, he participated in the liaison conference at which it was decided to station troops in Indo-China and Siam to acquire naval and air bases there, by diplomacy if possible or otherwise by armed force, he replied he didn't know whether that was entirely correct, but he did attend a liaison conference which discussed similar matters.

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Page He had heard the evidence introduced which showed the total number of liaison conferences he attended from 13 January to 30 June 1941 was 24, but he didn't think this * was correct. (Exhibit 1103). Asked how many such conferences he attended after that period, he replied he thought he attended practically all liaison conferences, but there were times when he was ill and was absent. Sometimes when he was absent because of illness there were press reports to the effect he had attended liaison conferences. so if the total was arrived at from newspaper reports it would be mistaken.

33491 * In his affidavit he had stated that he had attended Imperial and liaison conferences with the exception of three or four times due to illness. * Generally, liaison conference decisions had such weight during that period that they were always approved by the cabinet and Imperial conference. However, the liaison conference was between the high command and government, and he didn't think that purely political matters were discussed.

33492 * In his affidavit he had stated that he had attended Imperial and liaison conferences with the exception of three or four times due to illness. * Generally, liaison conference decisions had such weight during that period that they were always approved by the cabinet and Imperial conference. However, the liaison conference was between the high command and government, and he didn't think that purely political matters were discussed.

33494 Asked if in the conference, he and MUTO made various explanations and even participated, he replied they never participated. * When he stated in his affidavit that the navy did not desire war, he shared in that attitude.

33495 Asked if it was not true that on 14 October 1941 when the KONOYE Cabinet was deposed, the army offered to give way if the navy would come out definitely against war, he replied that he had written in his affidavit that he heard this from Chief Cabinet Secretary TOMITA. Asked if it was not also true that when this offer was reported to him by TOMITA he refused to do it, leaving it up to the premier, he explained that on the 14th TOMITA told him that the cabinet had reached a decision to resign en bloc, and that the Director of the MAB, MUTO, had said certain * things to which TOMITA replied to MUTO that that would be a difficult thing. Thereupon OKA said to TOMITA that it was difficult, and that the navy had constantly pursued the policy of leaving the matter to the premier.

33496 At that time the cabinet had already arrived at a decision to submit its resignation. Hence the matter was brought to him merely by way of information. At the time he told TOMITA that the resignation was extremely regrettable in connection with the successful conclusion of the negotiations, and that if there was any room left he ask TOMITA how about calling the Four Minister's Conference together to impart the full facts to the entire cabinet.

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However, TOMITA said it was too late, because the cabinet had already decided to resign. * He didn't recall if for several days before the final draft note to Washington was approved, he and MUTO were in frequent contact with the Foreign Office in connection with drafting many revisions.

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Asked if it was not true that Admiral ITO, himself, and MUTO frequently contacted the Foreign Office to present the navy's view that no warning be given which would endanger the surprise attack, * he replied he had never contacted the Foreign Ministry to any such effect.

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* Reference was made to the affidavit where it was stated that in regard to giving the U. S. notice of the commencement of hostilities, he thought the Foreign Office would take the proper procedure and therefore he entertained no concern about this. Asked if he meant he entertained no concern for himself because he thought TOGO was alone responsible, he replied that this meaning was that diplomatic procedure was a matter under the Foreign Ministry's charge; in connection with such matters, the Navy Ministry had no responsibility. * So far as the authorities in his department or ministry were concerned, they would warn or give advice or propose revisions so far as such guidance occurred to them, but inasmuch as the Foreign Office was handling such matters on its own responsibility, they agreed to whatever final conclusion they reached.

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Such matters were not only outside the Navy Ministry's duties, but it had no experience in such matters. Asked if it was not true that about 4 a. m. on the morning of 8 December 1941 he telephoned TOGO, reporting on the success of the surprise attack at Pearl Harbor, he replied he didn't recall, but such a thing was possible. He was informed of the success of the attack from his subordinates, and thought they got their information from radio reports. * He didn't remember imparting such information to Foreign Minister TOGO, and the fact that his subordinates might have informed him was merely a supposition. He might have been informed about 4 a. m. that morning about the attack.

He did not deny telephoning TOGO about this, but he didn't recall it. He had stated in his affidavit that he attended meetings of the Investigation Committee of the Privy Council only as an explainer, and did not participate in the decisions.

Page Asked if it was not true that after every committee
meeting he attended a meeting of the Privy Council itself,
33502 * participated in any decisions of such Privy Council
meetings. He probably attended as an explainer the meetings
of the Investigation Committee on 8 December 1941, at
7.30 a. m., at which the bill for declaring war was
unanimously adopted.

He didn't recall on 8 December 1941, after this
meeting ended, a Privy Council meeting which heard the
report of the Investigation Committee and discussed the
measure proposing a declaration of war. He didn't recall
attending this meeting of the Privy Council, but probably
did so as an explainer.

33503 * Asked if at this meeting, he or other committee
members were asked to retire prior to the decision, he
replied that at any meeting of the Investigation Committee
when a decision was taken the explainers were not there.
Asked if at this meeting he was not present and joined in
the unanimous decision in favor of a declaration of war,
he replied there was no case of his participating in the
decision, but he had no recollection as to whether he
attended.

33504 When shown a document, the accused was asked if
it did not state that he and MUTO attended a Privy Council
meeting on 8 December 1941, and he replied in it he was
included among those present. * Asked if the facts in the
document were correct, he replied that he could not say
whether it was correct, but it appeared to be a document
of the Privy Council. (The document was offered, but
rejected on the grounds of insufficient identification.)

33505 Reference was made to the affidavit where it was
stated that no special department in the Navy Ministry
existed for handling POWs, and the accused was asked if it
was not true that the NAB handled matters relating to
POWs subsequent to 7 December 1941. He replied that it
handled liaison work within the country relating to POWs.
* In connection with them, if there were matters requiring
contact with the army, they handled that. If there were
matters requiring liaison with the Foreign or Home Office,
they handled this also, and in accordance with needs, they
handled liaison with naval units having POWs in their hands.
The navy kept POWs in temporary camps prior to turning them
over to the army in some cases. Asked how long they
retained these POWs before turning them over, he replied
he didn't know the details.

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It may be that the document was issued by the NAB while he was chief, but he did not have sufficient data to confirm it. There appeared to be a copy of the seal of the POW Information Bureau but not the seal itself on the document, and under the words Chief of the Naval Affairs Bureau was a square indicating the chief's seal, but was not the seal itself.

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Asked if he had any reason to believe that the facts in the document were not substantially correct, he replied he did not know because he did not personally handle the matter and because he had no recollection of it. * He had no recollection as Chief of the NAB of ever ordering the transfer of POWs from the South Seas to camps in Japan.

33511

Asked if it was not true that about 19 October 1942, as Chief of the NAB, he ordered the evacuation of one thousand POWs from Macassar to Sasebo Naval Station, he replied that such matters were handled in accordance with requests made by the authorities in the field. He was not informed of such a matter, nor did he recall anything pertaining to it. He did not recall on the same date directing that Sasebo Naval Station turn these one thousand POWs over to the army and that they should be used for work at a Nagasaki dockyard. He did not think there were any such directions, but didn't remember. He * had no recollection of directing on the same date that the War Ministry Control Department furnish 100 POWs for work in four factories under Navy charge at Osaka and Hiroshima.

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* When shown a document, he was asked to state whether it appeared to be an order from the Chief of the NAB while he held that post addressed to the Chief of the War Control Department, dated 19 October 1942, concerning 1,000 POWs to be evacuated from Macassar to Japan. He stated this, too, was not an order, but an inquiry in connection with a matter requiring liaison. There was no seal on the document, but it only said there was a seal. Inasmuch as he did not see the documents at the time, he could not confirm it.

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* He had never heard that POWs at Ofuna Camp were given inadequate food and medical care and were severely beaten with clubs, with the result that many died or were permanently injured. Asked if it was not also true that members of Allied submarine crews and airmen were singled out for particularly brutal treatment at Ofuna, he replied he had never heard of the kind of POWs held there nor how many, and such matters as were mentioned were never brought to his attention.

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33514 He didn't think that he ever inspected Ofuna camp or caused it to be inspected. Reference was made to the affidavit where it stated that a report covering the name and rank of all POWs held by navy units came within the NAB's jurisdiction. Asked if he meant by this that such reports were forwarded to the NAB from the naval units, he replied that he was referring to inquiries transmitted to the Navy Ministry by the Foreign Office * which were referred to in order to reply to such inquiries. It was stipulated that names, the number and the personal effects of POWs were to be directly notified to the POW Information Bureau by naval units in the field. Details were forwarded to the Ministry only upon specific request. When necessary, inquiries were made by the Ministry to provide information for the Foreign Office, and when necessary, inquiries were handled by the NAB.

33515 Asked if in the course of handling these inquiries the NAB made a report to the Foreign Minister, he stated that the list of names was known to the POW Information Bureau. If inquiries were addressed there, the information could be supplied by that department. He thought that whenever the Foreign Office required certain information it could obtain it from that bureau. When necessary, there were times when the NAB could handle inquiries and communicate to the Foreign Office, but whether it actually * did it he did not know.

The accused was reminded of evidence that from 7 December 1941 to 21 August 1945, the Foreign Ministry received forty notes from the U. S. asking for information about U. S. civilians captured by the navy on Wake Island. Asked if he ever received from the Foreign Ministry a request for information as to such POWs, he stated that he learned of these matters for the first time in the trial. He tried his hardest to recall anything about this. Such matters were purely routine. He did not know whether his subordinates even handled them. He did not mean that TOGO had failed in his duty to forward such notes.

33516 * The accused was reminded of evidence by the witness YA'AMOTO, who served as Chief of Section 1 of the NAB from 1942 until 1945, that the Bureau did receive some protests concerning atrocities on survivors of Allied merchant ships sunk by submarines in the Indian Ocean. Asked if he ever saw or heard of such protests, he replied that during his tenure he had never seen one. (Reference was made to the above testimony at T. p. 27382.)

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* The accused was reminded of evidence that the Foreign Minister, by letters dated 12 February and 11 July 1944, forwarded notes of protest concerning treatment of POWs to the Navy Minister. Asked what action his bureau took with respect to these, he stated that not having seen them he didn't know, but the general handling of such documents was that in order to investigate into any incident, inquiries would be addressed to the unit in which the incident occurred to assemble all information pertaining to it. Only after full investigation were replies prepared. So far as these matters were concerned up to this point, they were handled through ordinary channels and required a considerable length of time.

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He had examined the protests in evidence during * the period he held office, and discovered that most had very little relationship with the navy. Generally, he thought that the POW Information Bureau had all the information necessary upon which to draw up replies. It was his recollection that copies sent to the Minister or Vice-Minister were sent for reference only. (Reference was made to exhibit 473 and 2173).

Asked if in view of the fact that the evidence showed that copies were received by both the Navy Minister and his subordinate, the Chief of Section 1, if he still denied that he ever saw or heard such protests, he replied that unless he saw a specific document he wouldn't know, but generally he did not think he had ever seen a protest. If copies were sent by the Foreign Office to the Navy Ministry, so many of the matters did not relate to the navy at all that it was customary not to see the protests.

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* The function of the Ministry with regard to territories occupied by the navy pertained to military government there. The responsibility for control over POWs resided in the naval unit exercising control, and the highest authority for control was the fleet commander of the unit controlling the POWs. * This was with regard to POWs temporarily interned by the navy prior to transfer to the army.

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Asked if he called those temporarily interned that he held on Wake for approximately two years, he stated that all POWs held by the navy were considered to be held temporarily. The Navy Minister had no direct authority over the control of POWs.

Page A part of exhibit 628 entitled "Japanese Foreign Policy" was quoted to the accused, which stated that if any important natural resources should be destroyed, all persons connected with the raw material, and government officials concerned, shall be severely punished as being responsible. * Asked if there were any discussions in the Ministry as to the means to insure that NEI oil fields should not be destroyed, he stated he had no recollection that such a discussion was held.

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Asked if while he was in the Ministry it discussed with Foreign Office officials the plan called "Tentative Plan for Policy Toward Southern Regions", the exhibit just referred to dated 4 October 1940, he stated that, * not having been appointed to the post of Chief of the NAB on that date, he did not know how that document was handled or what it was all about. He was appointed on October 15, 1940, but didn't recall this study draft and had no recollection of its contents. * He would not know whether they were discussed also with the General Staff.

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REDIRECT EXAMINATION BY MR. ROBERTS.

33526 * The accused was reminded of his cross-examination by counsel for TOGO, in which there was reference to an alleged discussion between TOGO and Admirals NAGANO and ITO, in which the accused had answered that the answer should have been that he didn't recall. To the accused was quoted a part of his interrogation in which he was asked if he recalled conversations with NAGANO and ITO in which he also supported them in their stand that the war be started with maximum effectiveness, and no notice should be given to the U. S. before attack. To this question the accused had answered that he didn't remember it.

33527 When asked if he recalled the above question and answer, he stated he did. * Additional questions and answers from his interrogation were quoted him. Asked if he had remembered a discussion between TOGO, NAGANO, and ITO, he stated he had heard after the war that there was a discussion between TOGO and ITO.

Asked what he heard, he had answered that before the attack he had not heard it, and the first time was from U. S. sources. He heard it from U. S. sources after the war, from the demobilization board.

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Asked if these questions and answers were given, he replied that it seemed different. He thought there was some mistake with regard to such matters as American sources or that he heard it after the war broke out. It appeared that the last answers are the correct ones.

The question asked in his interrogation, if it did not come from American sources, to which he had answered that it did not come from such sources, was a correct answer.

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* With respect to the meeting he had with KAGESA in 1938, it was in accordance with a suggestion of the premier and at the orders of the Vice-Minister and the then Chief of the NAB. The purpose of the meeting was the exchange of information, and he had the duty of reporting the information to the Vice-Minister and Chief of the NAB.

In 1941 Navy Minister OIKAWA advocated withdrawal of troops from China, and he had heard that OIKAWA advised accordingly to KONOYE. OKA supported this view.

YAMAMOTO, Yoshio, remained in his post after the accused vacated the post of Chief of the NAB and Vice-Minister.

33529

* He had never issued any order relative to the treatment of POWs, and it was not his duty to inspect or visit POW camps.

The question of the interval of the time between the delivery of the note and the attack on Pearl Harbor was never discussed at the liaison conference.

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* Exhibit 3479, the deposition of SHIDEHARA, Kijuro, taken
by Commission, was received in evidence.

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33547 * In the proceedings before the Commission, the witness identified and verified Exhibit 3479-A as his affidavit.

33550 * The affidavit stated that at the time of the Mukden Incident on 18 Sept. 1931 he was Foreign Minister and MINAMI was War Minister in the WAKATSUKI Cabinet. On the morning of Sept. 19, an extraordinary Cabinet meeting was called and the witness reported the receipt of a telegram from the Consul General in Mukden to the Foreign Office, stating that a little after 10:00 o'clock on the 18th, Chinese troops had blown up the SMR lines in the vicinity of Liu-T'iau-Kou, and clashed with the Japanese Railway Garrison. MINAMI reported he had received a similar telegram from the Kwantung Army. As these reports were brief, the situation was too obscure for the government to make any judgment at that time. * Cabinet meetings were held daily thereafter and the situation on the spot became gradually distinct. MINAMI declared that the General Staff and War Office should make every effort to prevent expansion of the Incident although the Kwantung Army's action originated from its proper aim of guarding the railway. All Cabinet members being in accord decided upon a policy of non-expansion which was proclaimed on Sept. 24.

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33552 The WAKATSUKI Cabinet resigned en bloc on Dec. 10, 1931. Up to that time the witness, in cooperation with MINAMI, always did his best to prevent aggravation of the Incident. It was simply a mischievous rumor to circulate such an unfounded story as the one purported that the witness * was at loggerheads with MINAMI on account of their maintenance of opposite ideas at Cabinet meetings and that friction extended even to their personal emotions. Actually, from that time to the present he had been on intimate terms with MINAMI.

(Reference was made to testimony beginning at P. 20065 and P. 1334 and 1376.

33589

* CROSS-EXAMINATION BY MR. COMYNS CARR

33590 The witness stated that up to the time of the WAKATSUKI Cabinet's resignation he did his best in cooperation with MINAMI to prevent aggravation of the Incident. Before the Incident actually occurred, he had reason to suppose that something of the kind was about to happen. He had no official information but four or five civilian residents in Manchuria came to the Foreign Office and said something extraordinary * was going on. Young officers had come to see them and ordered help as they wanted certain things which should be stored in certain places. They didn't know why the young officers wanted those things and became suspicious that some warlike preparations

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Page might be going on, and asked the witness if he had any information about it, but he told them he had none. Since they were in Manchuria, and the witness believed there must be something in their reports, he immediately asked MINAMI to come over for a talk. MINAMI came and the witness said he was suspicious about what he had been told, and told MINAMI that the first thing for him would be to maintain strictest discipline among the young officers there for they should mind their own business and not go about seeking war materials to be stored at different places. * He told MINAMI it was a very serious thing if the report was true and he had every reason to believe it was. MINAMI quite agreed, telling the witness he would do his best to maintain discipline. He had done his best already but the witness reminded him to try again if anything untoward might happen. MINAMI didn't say what he would do but the witness presumed he would come into contact with officers in Manchuria.

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33593 * After the Incident broke out, they received a number of telegrams from the Consul General HAYASHI in Mukden and other consuls. MOISHIMA was under HAYASHI in Mukden, KUWASHIMA was Consul General in Tientsin. The witness didn't know whether ARAKAWA was Consul

33594 General in Yinkow and in Niuchang, and didn't know definitely whether * YAMAZAKI was an official of the Foreign Office in Liaoyang. TSUKAMOTO was Governor General of Kwantung and YANO was Counsellor in Peiping. It was difficult for him to remember receiving reports from all these persons about what was happening in connection with the Incident. He sent copies of reports from his subordinates to MINAMI and to

33595 Premier WAKATSUKI * and the Navy Minister, but didn't think he sent any to anyone else. When the witness was asked whether he sent any to the Chief of Staff, he stated he thought he did. In the case of the more important reports, he brought them up and discussed them in the Cabinet after the Incident.

33596 When shown Exhibit 2193, the witness was asked if it was one he received, of which he supplied a copy to MINAMI. He stated it was difficult to remember * but he did supply MINAMI with copies of practically all the telegrams he received and didn't think he made

33597 any exception. * He remembered that he sent a copy of the telegrams to the Army and Navy which bore on the Manchurian Incident and by the Army he meant both the War Minister and General Staff.

33598 * When shown Exhibit 294, the witness stated he noticed there was a telegram from ARAKAWA, the Consul General at Yinkow, and was dated 13 Nov. 1931. He didn't remember exactly whether ARAKAWA was posted at that time in Niuchang (Yinkow).

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SHIDEHARA - Cross

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* When shown a document, the witness agreed it was a telegram from Consul General HAYASHI in Mukden, addressed to the witness, dated 21 Sept. 1931, to which he attached a Foreign Ministry certificate showing it came from their files as one sent to the witness on that date. He identified it as one he had received and there was a copy passed to MINAMI.

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* Exhibit 3479-B, the document identified by the witness, stated * that in view of the situation in and around Mukden, the Army Commander on 20 Sept. 1931 would place the area under the temporary administration of Japanese and Chinese, acting under the Army to promote the welfare of both Japanese and Chinese inhabitants.

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The Mukden administration area would be limited within the walled city and its foreign settlement and the SMR zone would remain as before. City administration would be conducted at the Municipal Building which would be set up in the walled city, and city administration would include all matters concerning Mukden except as otherwise provided. Officers of the administration were named * and included the accused DOIHARA as Mayor and all were Japanese.

Besides the ones named, other Japanese or Chinese subjects would be employed to take part in accordance with a separate regulation.

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* Exhibit 3479-A, a telegram from Consul General HAYASHI to SHIDEHARA, dated 28 Sept. 1931, was identified by the witness and he stated he passed a copy to MINAMI.

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* The telegram stated that according to what DOIHARA told MORIOKA, it was scheduled that the Local Preservation Committee organized to maintain peace and order in Mukden should be led and gradually made into the central organ of administration, and a distinguished Chinese should later be appointed by the committee as Mayor. Furthermore, he said it was decided that the self-defense corps now under the * Kempei Tai should be transferred to the committee and unified under the name of the Peace Maintenance Corps and it was also decided to have them organize a considerable number of policemen. To date, 1000 rifles were delivered for this purpose, it was said.

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A telegram was transmitted to China, Peiping, Nanking, Tientsin and to each consul in Manchuria.

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- 33607 Exhibit 3479-D, a telegram from Consul General HAYASHI to SHIDEHARA, dated 3 Oct. 1931, was identified by the witness and received in evidence. * It stated that there was a rumor on the 3rd among certain Japanese residents in Mukden that the organization of the Liaoning Autonomous Government with Yuan Chin-Kai as its leader had been decided upon. A message to this effect was said to have been wired to Japan. This was pure fabrication and HAYASHI had heard that Yuan had told influential Japanese that such a nonsensical report was extremely embarrassing. As for the origin of this incorrect telegram, HAYASHI guessed that Japanese newspaper men were informed that on the 2nd, DOIHARA summoned Ting Chien of the Local Peace Preservation Committee and persuaded him to open financial and business offices. Ting replied he would answer after deliberation with the leaders. They added their imagination and tied it with the establishment of a new regime, spread propaganda about it as if it were an actual fact. In regard to this request by DOIHARA, Yuan Chin-Kai, Ting Chien-Hsiu and others could not foresee the future policy of the Emperor. It seemed that they, hearing of the recent formation in Chinchow of the Liaoning Provincial Government through the instigation of Chang Hsueh Liang, were of the opinion it was impossible at present for the Local Peace Preservation, now a mere organ, to keep public order in Mukden and start such important * administrative organs as financial and business offices. This restricted telegram was transmitted to China, Peiping, Nanking, Tientsin, and to every consul in Manchuria.
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- 33610 * The witness identified a document as a telegram from Consul General HAYASHI to himself, dated 6 Oct. 1931, and it was
- 33611 received in evidence as Exhibit 3479-A. * It stated that the Four Peoples Preservation Committee, whose president was Kan Chao-Hsi, was an organization whose establishment as a religious and charitable organization had been authorized by the Municipal Office. Lately, with this committee as the basis, YOSHII, Kiyoharu and
- 33612 others were planning * the establishment of the new political regime and they were trying to negotiate with the army. It was said that the military authorities recognized this would not only have a bad influence upon the Local Peace Preservation Committee supported by the Army, but would be contrary to their fundamental policies, and on the 5th, DOIHARA and gendarmerie detachment commander MITANI admonished Lt. Gen. ISHIMITSU, who came with YOSHII, that it was very unfortunate that he was being taken advantage of by such an adventurer as YOSHII and advised YOSHII to resign voluntarily.
- 33613 * The witness identified a document as a telegram from Consul General HAYASHI to SHIDEHARA, dated 16 Oct. 1931, and it was received

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Page 33614 in evidence as Exhibit 3479-F. * It stated that although the Municipal Government Office at Mukden had been composed of Japanese Section Chiefs under Mayor DOIHARA, in accordance with the stabilization of public peace, preparations were being made under a policy of having the Local Preservation Committee appoint a Chinese mayor with Chinese Section Chiefs as soon as possible. After these appointments had been decided, it was the Army plan to have every Japanese resign his post and utilize Japanese experts as advisors in every field. HAYASHI requested this be withheld from the press for the time being.

A telegram was transmitted to the Minister in Peiping, Nanking, Tsingtao, Tsinan, Tientsin, Hankow, Canton and each consul in Manchuria.

33616 Exhibit 3479-G, next identified by the witness as being a telegram from HAYASHI to SHIDEHARA, dated 19 Oct. 1931, stated * that Chao Hsin-po, though recommended as Mayor of Mukden by the Local Preservation Committee, flatly refused to accept, but upon the earnest advice of DOIHARA, he accepted on the 18th. It had been arranged that within the next two or three days, as soon as preparations for taking over the municipal administration were completed, Chao would formally assume the post of Mayor, and Mayor DOIHARA and all the Japanese Section Chiefs would resign from their posts. This wire was sent to China, Peiping, Nanking, Tientsin, Harbin, and Kirin.

33617 * Exhibit 3479-H, next identified by the witness being a telegram from HAYASHI to SHIDEHARA, dated 27 Oct. 1931, stated *
33618 that Hsieh-Chieh-Shih visited him on the 27th and confided in him that by making a cat's paw of Lo Chen-Yu, some of the staff of the Kwantung Army attempted at first to draw out Emperor Hsuan Tung (Pu-Yi) to Manchuria, but this plan did not make much headway owing to the Emperor having backed out as result of Kashi, Commander of the Tientsin Garrison Troops having advised the Emperor to be prudent. Therefore, by despatching a certain UEZUMI (?) a political free lancer to Tientsin to consult Pattalion Commander SAKAI, possessing radical views, they planned to kidnap the Emperor to Tangku where he was to be put in a cargo boat and then landed at Yingkow. Their plan could not be realized due to the strict watch kept by the Japanese police. It had been arranged to newly entrust DOIHARA with this mission and DOIHARA left Mukden secretly for Tientsin via Dairen with a political free lancer named OTANI, Takeshi on the evening of the 26th. On arriving at Tientsin, they were expected to resort to some suitable measure for executing the plan.

The other day Staff Officer MIURA of the Garrison Troops came on a visit to Mukden for liaison purposes in this matter. The

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- Page wire had been relayed to the Foreign Minister, Ambassador to China and Peiping.
- 33621 * Exhibit 3479-J, next identified by the witness as a telegram from Consul General HAYASHI at Mukden to SHIDEHARA, dated 7
- 33623 November 1931, stated * that as a result of pressure brought upon Yuan Chin-Kai by Army Headquarters on the night of the 6th, morning of the 7th, the Local Peace Preservation Committee held an executives' meeting and decided to add to the decree on acting for the regime the words that it would sever relations with the old regime of Chang Hsueh-liang and the National Government as required by the Army, and this was to be published on the 8th. This wire was relayed to China, Peiping and Tientsin.
- 33624 * Exhibit 3479-I, next identified by the witness as a telegram from Consul General HAYASHI to SHIDEHARA, dated 28 Oct. 1931,
- 33629 stated * that in a prefecture, a prefectural Autonomy Guidance Committee should be established under the supervision of the Local Autonomy Guidance Office, which should guide and supervise the prefectural Autonomy Executive Committee, and the Guidance Committee should be actually occupied by Japanese. Furthermore, a policy was decided to provide separately an autonomy inspection office for inspection of prefectural autonomy and establish an Autonomy Guidance Members' Training Center. The Guidance Office was said to be comprised of youth league members in the employ of the SMR.
- 33630 On the 28th the military called together the garrison commanders and the provost marshals of various areas to support this policy. At the meeting C/S MIYAKI gave instructions that this enforcement of the local autonomy and the policy mentioned should be * absolutely a matter of internal relations and should never be revealed outwardly, for there were many which were steadily succeeding in their administration in enforcing the present autonomy system. Clear instructions were issued that special attention be given to the points mentioned and every effort made toward realizing local autonomy in accordance with conditions in each area and subject to what had been recognized as suitable in each case. This wire was transmitted to China, Peiping and all the consuls in Manchuria.
- (Note: The above telegrams were sent the accused MINAMI by SHIDEHARA.)
- 33631- * Asked if it was apparent to him from the reports he was
32 getting from these consuls that the Kwantung Army was not complying with the directions which he and MINAMI had agreed should be given them, he replied that was true and they were not observing the Cabinet decisions.

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Asked if he took further steps to try to get MINAMI to compel them to do so, he replied he had often told MINAMI of what was happening in Manchuria but his impression was that he had practically no power to control these men. The witness was sure he had every desire to put into practice what was discussed and determined at the Cabinet Council, but his order was not obeyed by his subordinates in Manchuria. Asked if he had asked MINAMI why he did not recall those subordinates, he states this suggestion * was made at the Cabinet Council but MINAMI looked embarrassed and the witness did not think he sent out orders of that kind to Manchuria. Asked if MINAMI said that sending instructions as to what they were to do would be of no avail, he replied he was not quite sure what MINAMI thought of it but the fact was plain that his repeated instructions proved of no avail. Asked if the Cabinet could have, if they wished, stopped financial supplies to the Kwantung Army, he replied that was not discussed and he was not quite sure if that was an obvious way of putting a stop to it.

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It was decided in the budget that whatever was contained there when approved by the Diet had to be carried into practice by the Government, and the budget had been approved before the Incident broke out. Asked if there was any provision in the budget for the additional expenses caused by the Manchurian Incident, the witness replied he didn't remember whether they had applied for a supplementary budget but thought there was no discussion of one at the Cabinet. Asked where the money came from for the Manchurian Incident, he stated that at that time the Diet was not in session and without its approval they couldn't spend any money. But so far as it was contained in the budget and approved they had to supply necessary expenses. Asked if they had to supply the War Ministry with the amounts voted in the budget before the Incident broke out, he replied that after it broke out the Cabinet collapsed in early December. The War Ministry could find ample means * within its limits of the budget to meet expenditures. His impression was that the War Ministry did not ask for further funds beyond what they already had in their budget.

The witness remembered troops being moved from Korea without an Imperial Order on about 21 Sept. and there was a heated discussion in the Cabinet about that. Asked if before this happened, MINAMI proposed that reinforcements be sent from Korea and if the Cabinet refused to agree, he replied he didn't believe MINAMI had first proposed reinforcements be sent. The report of their being sent came as rather a surprise to all. The witness was not quite certain nor did he remember one occasion expressed a desire in the Cabinet that he would have permission to send troops from Korea into Manchuria and that the Cabinet refused permission. Asked if MINAMI asked the Cabinet to provide the necessary funds and if the Cabinet agreed to do so when the troops were sent without permission, he stated he

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Page 33637 didn't believe this question was taken up by the Cabinet Council.
* When it was suggested to the witness that the Cabinet agreed in some way to provide the additional expenses caused by the troops being sent from Korea, he stated he didn't know how that could be done for the Cabinet had no power to modify the budget approved by the Diet. If additional expenditures were needed, what they could do was to apply to the Diet to call for an extraordinary session, and it was again suggested to the witness that the Cabinet agreed to find that money in whatever was the proper procedure, he stated that * after the reinforcements were sent from Korea, the War Minister thought the expenditures could be defrayed within the limits of the budget and he remembered they didn't apply for additional expenditure.

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He didn't remember MINAMI's applying for Cabinet approval to appropriate part of the original budget to pay for the expenditure. This was not necessary for so far as it was already approved by the Diet, there was no need to go to the Cabinet so far as these expenditures could be covered within the budget limits. Asked if it was within MINAMI's power to apply or refuse to apply part of the money already voted in the budget for expenses in Manchuria, he replied that he remembered that when the WAKATSUKI Cabinet was in power, expenditures needed were not such a large amount. MINAMI did not ask permission, nor did he bring up that question before the Cabinet Council. It was true that if MINAMI was really sincere in wanting to stop it, he had complete power to do so either by refusing to find the money out of his budget or by recalling the officers who were not carrying out his instructions and he did neither. While this was legally right, there might be quite a revelation among the Army men and he would be placed in a very impossible position. Perhaps MINAMI thought about it and didn't press the question at the Cabinet Council.

33640 * There might be wholesale indiscipline and the men in Manchuria would be without money. The witness thought the men in Manchuria had to look at the question from the practical side. Asked if he was saying that it was considered better that a war be carried on in Manchuria contrary to orders and that the troops in Manchuria be without money on which to live, he replied that they had already given assurance that there would be no aggravation of war and all the Cabinet did was put that declaration into effect with possibly less friction. Consul General HAYASHI in Mukden from the very beginning had been making extremely adverse reports with regard to the conduct of the military in Manchuria, and the witness passed these reports on to MINAMI and the General Staff.

33641 * The witness was quoted a part of Exhibit 3422-D, a telegram dated 20 Sept. 1931, from the Vice Chief of the General Staff to the Chief of Staff of the Kwantung Army, which stated that as some

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Page officials in Japanese diplomatic and SMR circles in Manchuria were suspected of sending groundless reports about army actions. Kwantung Army C/S was to investigate their sources and seriously provide all means to eliminate such unpatriotic acts. The Vice Chief believed the Army should make a declaration of its grave resolution in case unpatriotic schemes were still continued. Asked if he knew this was what the General Staff was telegraphing to Mukden about the Consul General there, he replied that he hadn't been sent a copy of the telegram and had no knowledge.

33642 MORISHIMA was the head of the Asiatic Bureau in the witness' ministry, and * this was a different man from the MORISHIMA who was assistant consul in Mukden. The witness didn't think he sent the former MORISHIMA to Mukden for any purpose in Sept. 1931 but it was not impossible that MORISHIMA was sent from Tokyo to see HAYASHI and find out what was happening there. Asked if MORISHIMA said that he had told HAYASHI that the Cabinet did not want the Incident to
33643 enlarge and that he should bear that in mind, * and if HAYASHI had replied that this was practically impossible, in the last week of September or the first week of October, the witness said he didn't remember. He didn't remember MORISHIMA's reporting that the situation in Manchuria was such that the Incident had a tendency to expand further nor did he remember if MORISHIMA said that even HAYASEI's life was in danger. Probably HAYASHI's life was in danger, but everyone's life was in danger, including the witness'.

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33644 *Asked if MORISHIMA reported that militarists in Manchuria considered HAYASHI an obstacle and there was an indication of an attempted assassination, the witness stated he didn't know if there was any attempt to assassinate HAYASHI. MORISHIMA reported to him that the condition there was such that the C-in-C of the Kwantung Army was in a state of restriction to quarters. Asked if he heard this from MORISHIMA he stated he didn't know but he heard it from somewhere and it was an open secret at that time. Nobody could approach the Commander of the Kwantung Army himself and if anyone applied for an interview subordinate officers would say he

33645 shouldn't approach him directly. Witness didn't remember *MORISHIMA reporting that three Kwantung Army staff officers, ISHIHARA, HANATANI and ITAGAKI were the center of activity in Manchuria and since the Chief of Staff, MIYAKE, was not able to control his staff the three were left to do things as they pleased. Witness didn't remember MORISHIMA reporting that when these three drank together they always boasted that the plot was planned long before. If he had so reported it would have agreed with information he had from

33646 businessmen from Manchuria, *nor had the witness heard that the three were saying that an artillery battery was made ready in Mukden as early as 25 July.

Asked if MORISHIMA had reported in August that the Army was attempting to use the killing of Captain NAKAMURA as a tool for solving the Manchuria-Mongolian matter by enlarging its importance, he replied it was difficult to recall these things as they happened years before.

33647 *In reference to the telegrams from KUWASHIMA and others about the escape of Pu-Yi from Tientsin at the end of October and his ultimate arrival in Manchuria, the witness was asked if MINAMI took the view that it would be a good thing to have an independent Manchuria established under Pu-Yi at the proper time but it was premature in October and November 1931. The witness stated that he couldn't tell what MINAMI had in mind with that question as he hadn't discussed it with him. Asked if he had the same view himself, the witness replied it was not only premature but that

33648 course of action was altogether *wrong.

33650 *When shown Exh. 286, the witness acknowledged it was a telegram sent by him to KUWASHIMA in Tientsin on 1 November 1931.

33651 *When it was suggested that in the telegram the witness was instructing KUWASHIMA that this was not the right time to make Pu-Yi Emperor but that it would be a very good thing to do later on,

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33652 he stated that the telegram did not signify that. To the witness was quoted a part of the Exhibit which stated * that to form an independent state in Manchuria at this time would immediately raise the question of its being contrary to the Nine Power Pact. Even if they made it in the form of a voluntary escape of the Emperor, the other Powers were not likely to believe this and it was extremely difficult to keep such incidents secret. The witness agreed that this part that was quoted to him was correct.

33652- (After being quoted the remainder of this Exhibit the
33654 witness challenged it as to translation and it was referred to the language arbitration board.)

33655 *The witness thought he remembered a cabinet meeting on 1 October 1931 in which he asked for a clarification of the policy of the Japanese in Manchuria before the opening of the League of Nations Council to be held in Geneva on 14 October. Quite possibly he suggested that the maintenance of more than necessary troops in Manchuria, and particularly in Kirin (Dairen) and Tungkai (Tientsin) would be harmful to the views that foreign Powers would take at that meeting.

33657 *MINAMI did not propose that Japan should there and then withdraw from the League nor did he say that if they withdrew troops now the situation would be difficult and they would not be able to maintain control in Mukden and Kirin, and it was better he believed to withdraw from the League. So far as the witness remembered there was no discussion of the question of withdrawing from the League at all; they were actively collaborating with and supplying information to the League and their delegates were participating. There was no occasion for MINAMI to say they should withdraw. When it was suggested to the witness that on two occasions MINAMI advocated that instead of trying to do what the League wanted they should withdraw, *he replied he was sure MINAMI had not raised that question.

33658

REDIRECT EXAMINATION BY MR. BROOKS.

83659 *The witness stated that on very important questions he and MINAMI did not have opposite ideas at cabinet meetings, nor was there friction between them. Reference was made to the cross examination where the witness had said that something might be a legal point but that practically MINAMI had no choice in the matter.

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*Asked if he and the cabinet approved of the action that MINAMI took under the circumstances, he replied the decision was that they should do their best to localize the incident. MINAMI's intention was certainly to localize it and prevent further aggravation. *He believed

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that MINAMI had it in his power legally to have prevented further expansion of the incident. Asked what he meant by legal power, he replied that under the law he could send any order to his subordinates but he probably looked at the question from the point of view of whether that would bring deterioration of the whole situation. (The attention of the Tribunal was called to testimony at p 1338, p 1392, p 19,916 to 19,917, p 20,054 and p 20,058) The witness stated that MINAMI couldn't send an operational order for they should be sent

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through the Chief of Staff * who was not a subordinate of the War Ministry. Asked whether the Chief of Staff was higher or equal rank, the witness said it was difficult to say but he thought they were of equal rank. (Attention of the Tribunal was called to testimony at pp 1396 to 1398)

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33675 * Exhibit 3480, the affidavit of ISHII, Akiho, stated that the affiant was a Staff member of the Military Affairs Section when MUTO was Chief of the MAB and took charge mainly of diplomatic problems affecting the ministry. He knew MUTO's view on international problems and was aware of his difficult position. MUTO felt that early settlement of the China Incident was the first requisite and always advocated peaceful cooperation with other countries. At least three times the witness heard him oppose aggressive policies.

33676 In the autumn of 1939, immediately after his arrival at his post as Chief of the Military Affairs Bureau, he ordered the affiant to study a draft of a plan of opening the Yangtze Kiang and Chu-kiang Rivers to comply with U.S. wishes. *As the affiant concurrently was secretary of the China Affairs Board, he was in conference several times with those concerned. The Chu-kiang River was opened, but various difficulties were encountered with regard to the Yangtze, which remained closed to the last. During this time, the affiant was urged at least twice by MUTO to make further efforts. MUTO never insisted personally on participating in the Tripartite Alliance. MATSUOKA had the whole field to himself in the conclusion of it and the affiant read its text for the first time after its conclusion.

33677 None except those especially concerned had participated in the negotiation. About mid April, 1941, when a report was made from Ambassador NOMURA on the draft of an understanding with America, MUTO was much pleased and said, "Hereby has Japan been served!" In May, 1941, a telegram was received from a military attache to the Japanese Embassy at Berlin to the effect that he was against the * negotiations with the U.S. as long as they were dependent upon the secession from the Tri-Partite Alliance.

MUTO ordered the affiant to send a telegram of reproof, and the affiant made out a draft stating anyone abroad must act according to the government's policy. The negotiations with the U.S. were based upon policies of the government and Supreme Command. When this draft was finally brought to TOJO through the Director of the MAB and the Vice Minister, TOJO revised it personally into a more severe one. In the spring of 1941, America considered the western Atlantic safe and was helping England and appeared to show keen interest in the negotiations. In early May, reliable information was received that America would in the end enter the European War, upon which the War Minister asked the MAB what should be done if this occurred. They answered that in such case they should

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33678 not let the war spread to the Pacific in conformity with the principles of the * Tri-Partite Pact, regardless of Article III of it. MUTO said he agreed and reported it to War Minister TOJO and Vice Minister KIMURA, and the affiant was told by MUTO that both TOJO and KIMURA were of the same opinion.

At the beginning of June, 1941, when the expectation for war between Germany and the Soviet came to their knowledge, MUTO submitted a question as to how they estimated the progress of that war, if it really broke out. The affiant then gave as his judgment that although Germany would maintain superiority during the earlier period of the war, it would ultimately end the same as the China Incident. MUTO told the affiant he was of the same opinion and in case of war, Japan should fall back upon the Japan-Soviet Neutrality Pact.

33673 About mid June, 1941, MUTO was bewildered with the intention of Foreign Minister MATSUOKA, who advocated an aggressive policy against the Soviet at one time and proposed an advance toward the south at another. MUTO was ill and did not attend the liason conference * at the end of June and the Council in the Imperial presence on July 2. Directly after the Council in the Imperial presence of 6 September 1941, MUTO returned to the War Ministry reporting the proceedings of the Council to the Chief of the Military Affairs Section, the Chief of the Military Administration Section, and other senior members.

He said that the phrase, "For the sake of self-existence and self-defense" meant in Article I, "in order to live." Before their assets were frozen, they were to be able to maintain a self-sufficient state in spite of economic pressure. The phrase, "try every diplomatic means" appearing in Article I meant that every possible means of diplomacy should be tried and Article II should precede Article I from the point of real necessity. MUTO said they must try to succeed in diplomatic negotiations at any cost.

33680 * Japan conceded step by step from the first to latter part of September and at last an exploring proposal was made to realize the KONOE-Roosevelt conference as soon as possible. As for their duties under the Three Power Alliance, it was suggested they could not commit themselves in writing but expected to arrive at an understanding by conferring. MUTO, together with Chief of the NAB OKA cooperated with the Foreign Ministry most enthusiastically in making these supplicating overtures.

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As for withdrawing troops from China, it was settled at a Council in the presence of the Emperor on September 6 to withdraw them in accordance with a new agreement with China. There was discussion as to whether this meant to make a new agreement or follow the provisions of the Sino-Japanese basic treaties concluded on 30 November 1940. MUTO read this to mean an agreement to be newly concluded after further negotiations and tried to wire to that effect to America in cooperation with the Foreign Ministry.

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The General Staff made a * strong protest against this interpretation, but MUTO refused it vehemently saying he detested the war. The affiant clearly recalled MUTO made strenuous efforts to avert war with the United States. Informed he was scheduled to be a member of KONOYE's suite for the talks with Roosevelt, he made preparations for it. At the end of September they received the news from Washington that the negotiations were not likely to succeed. MUTO said this was critical and war should be averted at all costs because it endangered the State.

About 20 October 1941, immediately after the formation of the TOJO Cabinet, TOJO asked for MUTO's opinion and he replied that the people are tired of the China Incident and if TOJO, as Premier, succeeded in the American negotiations and settled the China Incident, the nation would be heartily grateful. TOJO ought to do everything to accept diplomatic negotiations. TOJO heartily assented to MUTO's views.

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* The A and B plans for the negotiations with the US were discussed in the liason conference on the night of 1 November 1941. The B plan was introduced in that conference fresh from the portfolio of Foreign Minister TOGO without being exhibited beforehand to the Supreme Command of the army and navy. There was a heated discussion between Chief of Staff SUGIYAMA and TOGO. MUTO, who acted as a mere secretary to the conference and had no vote, met SUGIYAMA during the recess and told him unofficially that it might be unreasonable for the Chief of Staff to raise a flat objection to any plan drafted by the Foreign Minister and to prevent him from taking diplomatic means. When the conference resumed, SUGIYAMA agreed to plan B and thus it was decided on.

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This was what MUTO told the affiant the next day. His staff, as well as General Staff authorities, were anxious as to whether plan B could insure national defense. * But MUTO said he had told the Chief of Staff what he believed to be the best. If the plan should bring bad results, he knew

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what he ought to do. The affiant knew that most readers of the national policy expected the US to take a compromising attitude toward plan B and when MUTO asked his staff how America would deal with it, the affiant said **America will surely agree.** Leading Japanese circles, including the army, detested war in general, although some irresponsible men maintained a positive attitude and the affiant and MUTO were criticized as being weak-kneed. MUTO told his staff that TOJO was desirous of success in the negotiations.

33684 . The affiant often took documents to TOJO when he was intent on studying the negotiations. The affiant left for Saigon on the morning of 27 November 1941. Toward evening of the previous day, MUTO told the affiant that the question of war or peace was not yet decided and asked him to struggle hard if war came. * Those whom the affiant visited in the navy and foreign affairs ministries on that day were still expecting success in the negotiations and were impatient for a favorable reply.

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- 33687- * Exhibits 3481-8 certified to the nonavailability of
93 said documents.
- 33696 * Exhibit 3489, the affidavit of MAKATA, Hidehiko,
stated that said documents were destroyed in air raids on Berlin
or were consigned to fire toward the end of the war.
- 33697 * Exhibit 3490, the affidavit of NISHI, Hisashi, testi-
fied to the destruction by fire of certain named documents.
- 33699 * Exhibit 3491, certified to the nonavailability of
certain documents of the Japanese Naval Attache in Berlin.

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33700 * DIRECT EXAMINATION OF WAKAMATSU, Tadaichi
 By Mr. Shimanouchi

33702 The witness identified and verified exhibit 3492 as his affidavit. * The affidavit stated that the witness was from the winter of 1934 until March, 1936, Chief of the Fourth Section of the Second Division of the General Staff and from December, 1940, until the end of March, 1941, Second Division Director in charge of matters pertaining to intelligence and information. Thereafter, until December, 1942, he was director of the General Division in charge of personnel administration and education, and until October, 1943, was Director of the Third Division in charge of transportation and communication.

33703 By order of the Chief of Staff, the witness left Japan, November, 1935, for Germany and stayed in Berlin for about 2 weeks from the end of November to the middle of December. It was customary for military attaches in Europe to meet at certain intervals for study and his mission was to attend as a General Staff member one of such meetings. His second mission was to see Military Attache OSHIMA in order to * ascertain the actual situation in Germany. With regard to this second mission, a telegram from OSHIMA in Berlin had arrived at the General Staff prior to his departure from Tokyo. Although he did not recall clearly, its content was vague, saying that Ribbentrop wanted to know the view of the Japanese army as to concluding an agreement between Japan and Germany, providing Japan or Germany did not help the USSR if war broke out between Japan or Germany and USSR.

Prior to his departure from Tokyo, the witness received an oral order from the Chief of Staff to find out on his visit the views of the German army and government as to Ribbentrop's agreement, the possibility of concluding an anti-Comintern agreement between Japan and Germany, and who Ribbentrop was, his position and his relations with the German government.

33704 According to an explanation by Deputy Chief of the General Staff SUGIYAMA, the reason why the army wanted to conclude such an agreement with Germany was that Japan, being isolated internationally after the * Manchurian Incident was feeling menaced by the Soviet, which was growing rapidly by the Five-Year plan. It was also necessary to frustrate the communistic offensive. The approach to Germany was considered the first step for making Japan's position more secure by

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building up an anti-Communistic front with China and Germany, and if possible with England and America. The witness left Japan at the beginning of November, 1935 and, upon arriving in Berlin at the end of the month, immediately met OSHIMA to convey what he was told by the Chief and Deputy Chief of the General Staff. OSHIMA understood and agreed to it. The witness never heard from OSHIMA nor anyone else the idea the agreement was to be concluded with Germany in order to use it for an attack for waging war against China and other countries.

33705 The witness met with OSHIMA, Ribbentrop, and General Blomberg, German Minister of Defense, to ascertain the German views as * to the Japanese-German agreement proposed by Ribbentrop. Ribbentrop suggested that a separate anti-Communistic agreement be concluded between Germany and Japan, and the witness replied on the basis of the Deputy Chief of Staff that the Japanese army also had such an idea. He left Berlin mid December and arrived in Tokyo January, 1936, and reported to the Chief of Staff.

At that time the Japanese Ambassador in Berlin was Viscount MUSHAKOJI, who was in Japan from about the summer of 1935 until about April 1936, and was therefore absent from Berlin at that time.

33706 * CROSS EXAMINATION BY MR. TAVENNER

The witness thought he saw 2 or 3 telegrams from OSHIMA before he left Japan on his assignment, and recalled that they showed that the character of the contemplated pact was a No-Aid Pact in the event of war between the USSR and Germany. Asked if the negotiations up to that time indicated the manner in which cooperation was to be given in the event of hostilities, he said he did not know what was pointed at when negotiations were spoken of. In the OSHIMA-Ribbentrop talks, in his recollection, such matters were not brought up.

33707 Asked if at the time of his departure, the General Staff advocated a military alliance with Germany, he replied that at that time OSHIMA merely reported that there was some kind of proposal submitted by Ribbentrop and the matter had not reached any concrete * stage whatsoever. Inasmuch as the German proposal was vague, there was no definite advocacy among General Staff officers. Asked again if there not members of the General Staff at that time who advocated a military alliance with Germany, he said no there were not.

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The witness stated he was not instructed by the General Staff before he left Japan to advise OSHIMA to continue his investigations for a military alliance. He did not, acting on General Staff instructions, deliver a secret code to OSHIMA for his use in making direct and secret reports to the General Staff regarding negotiations. He did bring a general code book for military attaches in European countries but did not bring OSHIMA a special code.

33708

* He did not think it was true that on his arrival in Germany he learned that the German army did not want a German alliance with Japan made public at that time, and in consequence the pact was changed at German suggestion to an anti-Comintern pact. He did think the decision to convert it into an anti-Comintern pact was made from the German side before he arrived there. The Japanese General Staff entertained the desire to enter into some kind of agreement to protect Japan from communism, not only with Germany but with any other countries so disposed.

33709

* While enroute to Germany the idea of an anti-Comintern pact had arisen in Germany, and of this those in Japan had not been informed through OSHIMA up to the time of his departure. Asked if when he arrived in Germany he heard that the reason for the anti-Comintern pact being suggested from the German side was that the German army was not prepared at that time and not willing that a * military alliance be made public, he replied that he knew nothing of that. He did not recall if OSHIMA told him he did not want the world to know that Japan was aligning herself against another country in a military alliance, nor had he heard anything about it.

33710

Asked if the anti-Comintern pact, as finally concluded had attached to it a secret provision which incorporated the original non-aid provision that OSHIMA had telegraphed about, he replied that what happened at the end he did not know because he did not participate in it, but at the time he heard nothing of the matter. Asked if he expressed the view that by the anti-comintern pact, Germany would be kept from drawing too close to the USSR, * he replied that he must have said so because he had such an idea in mind.

33711

Asked if he also expressed the view that Japan would be able by such a pact to procure intelligence and new type weapons from Germany, he replied that he did not recall but he did have such an idea in mind and he thought that by such a pact Germany would be prevented from taking sides with China.

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Page He had no clear recollection if these were OSHIMA's views also, but presumed that probably OSHIMA entertained views not much different from his own. At the time he returned from his Berlin mission, TOGO was Chief of the European and American Bureau in the Foreign Office.

33712 * Asked if he made a detailed report to TOGO of his experiences in Germany and matters relating to the proposed pact, the witness stated he did not make any detailed report but did recall reporting to him some time later on his impressions of Germany. Asked if he recommended to TOGO the need for speed in concluding the pact in order to preserve secrecy, he replied he had no recollection but may have said so. The witness talked to TOGO after his report had been submitted to the General Staff, and the General staff transferred it to the War Ministry, and the War Ministry transferred the matter to the Foreign Affairs Ministry.

33713 * REDIRECT EXAMINATION BY MR. SHIMANOCHI

Reference was made to the cross examination where the words "military alliance" were used. Asked if this referred to any other alliance providing for non-aid on the part of either Germany or Japan in case either country should engage in conflict with USSR, he replied there was no occasion for any talk of a military alliance.

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Page DIRECT EXAMINATION OF KASAHARA, Yukio,
by Mr. Cunningham.

33716 * The witness identified and verified exhibit
33717 3493 as his affidavit. * The affidavit stated that the
witness was in Berlin by order of the army from January
1938 until early November that year, when he returned to
33718 Japan. * He was supposed to be the successor to OSHIMA.
In July, 1938, Attache OSHIMA told him that Ribbentrop
proposed a defensive alliance between Japan, Germany, and
Italy, and asked him to ascertain the army's views and
return to Japan.

33719 The witness arrived in Japan the 1st of August,
explaining the German proposal to army and navy authorities
and Foreign Minister UGAKI. The German proposal was that
political support be given in case Japan, Germany, or Italy
were threatened by a third power, while military assistance
would be given if they were attacked. The matter made
rapid progress, and at the end of August the Japanese
policy was decided upon at a Five Ministers' Conference.
Chief of the MAB MACHIJIRI told the witness that both the
government and army wished to settle the China Incident as
early as possible, but feared a Soviet attack and therefore
* a prompt decision was made. MACHIJIRI also said that
the decision of the Five Ministers' Conference approved the
German proposal in general and acknowledged the duty of
mutual military assistance in case the contracting powers
were attacked without provocation, but that the qualification
that the Soviet would be the primary and other countries
the secondary objects.

The army communicated the decision to OSHIMA,
instructing him to take steps so that Germany would make a
formal proposal to Japan promptly. The witness returned
to Berlin, arriving there about 20 September, and explained
to OSHIMA the progress of the matter and the purpose of the
Tokyo decision. OSHIMA told the witness he communicated
the decision to the Germans.

CROSS-EXAMINATION BY MR. TAVENNER.

33720 * Asked if the decision of the Five Ministers'
was communicated to OSHIMA by telegram from the War Ministry
and that he was to take steps so that Germany would make
formal proposals, the witness stated he had no clear
recollection, but ordinarily it was the custom for the
General Staff to communicate by telegram to the attaches.

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33721

The witness stated he saw the telegram before it was sent some time between the decision of the conference and his departure for Germany. He thought * he departed for Germany about 5 September, and the Five Ministers' decision was about the end of August. He didn't recall exactly the telegram's contents, but its purport was that revision was made to the extent that it would be satisfactory to Germany and accepted by her.

33722

He had no exact recollection of the number of telegrams sent before his departure for Germany relating to these instructions, but they were sent only about once, * but there may have been telegrams sent without his being informed of them. He only knew of one telegram sent prior to his departure, and if there were others he was only partially informed. He thought to some extent OSHIMA communicated the decision to Ribbentrop before he arrived in Germany, but did not know whether OSHIMA made a full report. OSHIMA may have been waiting for his return to Berlin, and pending it reserved part of the report.

33723

* The witness knew OSHIMA gave notification to Ribbentrop either prior to his return to Germany or after, but whether OSHIMA made the report with or without reservations he did not know. He thought that at least OSHIMA reported to some extent reserving certain details and definite statements until the witness' return to Berlin. He thought those details were conditions placed by Japan on the extent of the treaty, but was saying this from his own knowledge of the results.

33724

* The witness stated, when asked what these reservations were, that he had not said OSHIMA made reservations, but had only said it was possible to make them. This was because after his return from Berlin, OSHIMA asked the witness if it was not a little bit different and ambiguous, and from this the witness surmised OSHIMA may have made reservations in making the report to Ribbentrop prior to his return from Berlin. Asked what OSHIMA did about those ambiguous matters, the witness stated that he thought he handled the matter after finding out that the contents of the witness' explanations was consistent with the army telegram.

33725

The witness arrived in Germany around 20 September, * and he thought OSHIMA took the matter up again with Ribbentrop immediately after that. The ambiguity mentioned by OSHIMA, the witness thought, was something referring to war participation in the event of an attack by a country other than the Soviet.

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Page OSHIMA did not show the witness the telegram at the time, but the witness knew its contents and they did discuss the matter. Asked if any effort was made by OSHIMA to get in touch again with the Japanese government, the witness stated that OSHIMA understood what the situation was and on that basis communicated with the Germans.

33726 When the previous question was repeated, the witness stated * he had no recollection, but thought that at least prior to the sending of the notification to the Germans, OSHIMA did not contact Japan. When asked who, according to the instructions from Tokyo, was personally in charge of securing a formal proposal from Germany, the witness stated that his understanding was that the official proposal was to be made by the German Government to the Ambassador, but he didn't know whether OSHIMA or the Ambassador was in charge of securing it.

33727 * Asked if when he returned to Berlin he went to see the Ambassador or to see OSHIMA in regard to the matter, he replied he made his report to OSHIMA, but paid a courtesy visit to the Ambassador, which the occasion demanded.

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Page DIRECT EXAMINATION OF USAMI. Uzuhiko,
by Mr. Shimanouchi.

33730 * The witness identified and verified exhibit
33731 3494 as his affidavit. The * affidavit stated that the
witness entered the Foreign Office in 1920, and after
various diplomatic posts was appointed Councillor of the
Embassy in Berlin in 1938, arriving there on 11 November
1938 and remaining there until May 1940. During this
period he assisted Ambassador OSHIMA continuously until
the end of August 1939 in the negotiations for strengthen-
ing the anti-Comintern Pact.

33732 Since all records were lost, he could not state
accurately the contents of telegrams, etc., exchanged with
the Foreign Office in Tokyo, but remembered their broad
outline. * When the witness arrived in Tokyo, OSHIMA had
become Ambassador in the latter part of October. Official
negotiations for strengthening the pact had been commenced,
and a tentative German plan had been cabled by OSHIMA to
the Foreign Minister. OSHIMA told the witness that while
he was still Military Attache, a request was received from
Ribbentrop to ascertain the Japanese Army's views as to
the idea of a mutual assistance treaty. OSHIMA sent
General KASAHARA home to convey this request. The army
brought the matter before the Five Ministers' Conference
at the end of August, and on the basis of the decision
there cabled OSHIMA that approval was given to the German
idea in principle. Shortly thereafter KASAHARA returned to
Berlin, reporting to the same effect.

Upon army instruction, OSHIMA informed Ribbentrop
of this. After OSHIMA became Ambassador, Ribbentrop
presented officially a German draft proposal asking for
Japan's official view. OSHIMA then sent a telegram to the
Foreign Minister and waited for instructions.

33733 * The Five Ministers' decision at the end of
August was also cabled from the Foreign Minister to the
Embassy in Germany, and the witness remembered reading
the telegram. The telegram in reply to OSHIMA's telegram
transmitting the German proposal was received from Foreign
Minister ARITA shortly after the witness arrived in Berlin.
In effect it said that the proposal was a capital idea,
killing three birds with one stone. It would be conducive
to the speedy settlement of the China Incident, would
strengthen Japan's defensive position vis-a-vis the Soviet,
and improve the general diplomatic position.

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33734 The cable stated that concrete plans were being studied which would be cabled to Berlin as soon as decided. Those on the spot got the impression that the attitude of the authorities was very positive. However, shortly thereafter, ARITA sent a further telegram, stating there seemed to be a misunderstanding with respect to the treaty's objective, which was as to the question whether countries * other than the Soviet should be included in the object. From what the witness learned from OSHIMA, the Five Minister's decision conveyed to him by the army telegram while he was military attache, approved the German proposal in principle of a general mutual assistance treaty without limiting the object, with the explanation that the Soviet was primary and other countries secondary. Therefore, OSHIMA requested ARITA by telegram to clarify what he meant by stating there was a misunderstanding. However, no clear answer was received.

The witness remembered that ARITA's telegram transmitting the Five Ministers' decision at the end of August did not contain any passage limiting the object, and the witness got the impression that the government was going to conclude a treaty of a general nature.

33735 No progress in the negotiations with the Germans was made until the arrival of Special Envoy ITO. In mid-December 1938, on Ribbentrop's request, OSHIMA went to Rome and saw Mussolini. Ribbentrop requested that, as Italy, although in principle, consented to participating in the proposed treaty, nevertheless made reservation as to the time of its conclusion, and the Italian intention was to be ascertained also by the Japanese. OSHIMA went to Rome with ARITA's approval, and OSHIMA told the witness after his return to Berlin that he met Mussolini only once, and Mussolini answered that he approved the treaty's purpose, but could not say anything definite yet as to the time of its conclusion.

33736 At the beginning of January 1939 the HIRANUMA Cabinet was formed. Shortly after the telegram was received from ARITA announcing that ITO and others would be sent to Berlin to transmit instructions regarding their policy decided upon. OSHIMA requested he be informed by telegram at least of the outline of the government's decision, * but the reply was that in view of the necessity of secrecy the arrival of the ITO mission should be awaited. Besides Minister ITO, the mission consisted of Col. TATSUMI and Admiral ABE, and they arrived in Berlin at the end of February 1939.

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As their instructions were addressed to both ambassadors in Germany and Italy. Ambassador SHIRATORI came to Berlin, and together with OSHIMA heard their explanations. The witness also attended the conference. The content of the instructions was that as to the treaty itself, it was a draft of a mutual assistance treaty of general nature, without limiting the objective. In the preamble, the treaty's purpose was stated to be general defense against the communistic menace in Asia and Europe. By a secret mutual understanding on a separate paper, Japan wanted to reserve that she would render no military assistance if countries other than the Soviet became involved, and if inquiries were made by third powers as to the nature of the treaty, explanations should be given that * it was an extension of the anti-Comintern Pact, thus in fact limiting the object of the treaty to the Soviet.

33737

In the detailed explanation attached to the draft was a passage to the effect that the government felt compelled to come down to this extent from its original standpoint, as Germany and Italy had been led to misunderstand Japan's intention.

33738

* OSHIMA had already informed the Germans of the Japanese approving the draft treaty of mutual assistance with the Soviet as primary and others as secondary objects. Therefore he thought it necessary to clear the question of his responsibility in view of Tokyo's intimation that Germany and Italy had been misled, and cabled requests for explanation to Foreign Minister ARITA the first of March. As to the instruction's content, OSHIMA and SHIRATORI wired Tokyo, requesting the government to reconsider the matter.

The gist of this telegram was that the Japanese proposal for a secret understanding limiting the objective practically to the Soviet while stipulating in the text itself in a general sense, would cast a slur on Japan's good faith, as it would contradict what had already been communicated to the Germans, and moreover would never be entertained by Germany and Italy. Japan should conclude the treaty first without the proposed secret understanding, referring the definition of the duty of military assistance to be borne by Japan to later discussions.

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* ARITA replied at the end of March that no one in particular was responsible for the misunderstanding. OSHIMA accepted this as settling the question, and never tendered resignation at any period.

To the opinion of the two ambassadors there was a reply at the end of March, which was to change the content of the secret understanding insofar as that although Japan acknowledged the duty of military assistance in regard to countries other than the Soviet, she would not be able to carry it out effectively for the time being, and Japan would explain in case of inquiries of third powers that her actual menace was the destructive activities of the Comintern, and as far as Japan was concerned she had nothing other than this view in concluding the treaty.

33740 OSHIMA transmitted the new instruction to the Germans at the beginning of April and reopened negotiations. Germany consented to this proposal insofar as the text of the draft treaty itself was concerned, but was reluctant to accept the secret understanding, and requested its withdrawal or its reduction to a mere oral understanding, stating these matters should be referred to agreements arranged after the treaty's conclusion. Germany further insisted that if countries other than the Soviet became the objects, Japan should be ready to accept at least the duty of participation in the war, although Germany and Italy did not expect much military assistance by Japan.

33741 The Japanese instructions showed that while insisting on committing the secret understanding to black and white, certain readiness to concede in substance to the form of German views, and especially, they never denied the duty of war participation. Nevertheless, they wanted to interpret the latter in a much broader sense than usual, and tried to include it to cases which normally could not be considered as war participation. Therefore, it was difficult for those on the spot to understand the instructions, and OSHIMA experienced much difficulty in explaining them to the Germans. To overcome this, the witness and Secretary TAKEUCHI, in consultation with Chief of the German Treaty Department Gauss, made in May a tentative * draft as to the contents of the secret understanding, adopting generally the Japanese government's idea. There were several negotiations on this basis without arriving at an agreement.

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As Germany was opposed to the idea of putting the secret understanding in writing, negotiations were deadlocked since the end of June, and while no instructions were received from Japan the German-Russian non-Aggression Pact was signed on 23 August, whereupon Japan broke off the negotiations.

During the negotiations, OSHIMA, to fulfill his duty as envoy, sometimes presented his opinion to the Foreign Minister in accordance with the Ordinance, and as a result original instructions from Tokyo were changed. The witness didn't remember OSHIMA ever refusing to carry out the instructions or exceeding their limits. There never was a case of OSHIMA tendering his resignation or threatening to resign.

33742 * Most of the instructions of ARITA during the negotiations were based on the decisions of the Five Ministers' Conference. Tokyo's instructions were very ambiguous. It was difficult for those on the spot to understand them and transmit them to the Germans. OSHIMA, pressed by the necessity of conducting the negotiations, sometimes requested fairly strongly that ARITA clarify the government's attitude, and endeavored to transmit to Tokyo the true idea of Germany. * These things might have caused OSHIMA to be rumored as recalcitrant, but the witness could find no impropriety in his conduct. OSHIMA never communicated at the time directly with the War Ministry or the General Staff.

33743

The conclusion of the non-Aggression Pact was a complete surprise for Japan. There was no previous notification, and they were very much surprised and angered. OSHIMA protested orally when Ribbentrop gave the first information, about 20 August, by telephone, and OSHIMA repeated the protest when he saw Ribbentrop in Berlin on 22 August on Ribbentrop's way to Moscow.

33744

At the end of August an instruction was received from the Foreign Minister ordering a protest to Germany. As Ribbentrop was not in Berlin, OSHIMA brought the note of protest to Vice-Foreign Minister Weizsaecker. Upon the latter's urgent request to postpone the handing of the note in view of Germany's grave diplomatic position, OSHIMA * postponed execution of the instruction until mid-September when the prospect of the German-Polish war became clear, and handed the note to Weizsaecker.

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33745 On further oral examination, the witness was asked if in August 1939, when the non-Aggression Pact was signed. if OSHIMA tendered his resignation, and he replied that at that time OSHIMA requested the Foreign Office for a recall about 23 August. OSHIMA told the witness that one of his reasons for asking for a recall was his sense of responsibility over not being able to anticipate the * non-aggression pact. Also, it had become clear it would be impossible for him as ambassador to further negotiate the Tri-Partite Agreement because of the new situation, and in consequence felt it inappropriate to continue his efforts. Another reason was that OSHIMA regarded the German step as insincere to Japan. for while conducting talks with Japan, without notifying her it had concluded such an agreement with the USSR.

33746 * Asked if OSHIMA notified the witness of talks with influential Germans in view of his position as Embassy Councillor the witness stated it was customary for him to inform him. The witness had never heard that OSHIMA met Himmler in January 1939, nor at any time.

DIRECT EXAMINATION BY MR. CAUDLE,
Counsel for SHIRATORI.

33747 * When shown exhibit 2619, the witness agreed that it was a draft of a tripartite pact dated May 15, 1939, consisting of the pact proper, the signing protocol, the secret accessory protocol, and papers 2, 3, and 4. It stated that Japan did not yet concur to the last three papers. The witness stated that he knew the draft.

Asked what were the differences between that draft and the draft brought by the ITO Mission, he stated that the pact proper, the protocol, and the accessory protocol constitute the main part, and were the same as the draft brought by ITO. Papers 3 and 4 were different from the draft brought by him. The draft brought by ITO was the draft of items for a secret understanding which Japan had proposed without reservations, and what corresponded to that were papers 3 and 4.

33749 * Germany did not approve the proposed Japanese plan, and the witness and Gauss had discussions, and as a result Gauss proposed a plan which constituted papers 3 and 4. Paper 2 related to the German-Italian Alliance, and was not included in the draft brought by ITO. This was proposed by Germany as an addition.

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Page Substantially, Germany agreed to papers 3 and 4, the Gauss draft, but was opposed to recognizing the draft officially, and against stipulating such reservations in writing, and proposed an oral understanding.

33750 * Japan did not go so far as to give its consent to papers 3 and 4, the Gauss draft. This was the only point upon which no agreement could be obtained until the last. Asked if the accused SHIRATORI, or any other person, ever advocated a stronger alliance than the draft, exhibit 2619, the witness stated SHIRATORI had never advocated an alliance stronger than this draft. Also, there was no one else who advocated it.

33751 * Asked if the Tri-Partite Pact of 1939 would be directed also against the U. S., he stated that the question of the U. S. was not discussed at the time. In accordance with the preamble of the draft, the U. S. was considered outside the consideration.

CROSS-EXAMINATION BY MR. TAVENNER.

33752 When asked if he saw the cable OSHIMA received advising that the Five Ministers' Conference in August 1938 had approved in principle the German proposal, the witness stated that at the end of August OSHIMA was attache and not yet Ambassador. * The witness himself did not see the telegram, but heard of it from OSHIMA generally. Since the witness was not yet councillor, he could not say when it was received, nor from whom it was sent.

Asked if everything in his affidavit regarding the notification of OSHIMA about the decision of the Five Ministers' Conference was what he learned from OSHIMA and not what he knew himself, he stated he was familiar with matters after he had arrived at his post, because he personally handled such matters after November 1938.

33753 * Asked if the telegram from the Foreign Ministry was different from the one originally notifying OSHIMA of the action of the Five Ministers' Conference, he replied that the telegram he saw was the one addressed by the Foreign Office to the then ambassador following the Five Ministers' Conference. He saw it after he arrived at his post in Berlin, and thought it was dated either the end of August or the first part of September. It was addressed to Ambassador TOGO, but he didn't think there was anything in it directing TOGO especially to take any specific measures.

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Page The contents were relative to the Japanese-German Agreement informally proposed by Ribbentrop to OSHIMA.
33754 * With regard to the idea proposed by Ribbentrop, it was regarded as generally satisfactory if some revisions were made. The telegram said that in connection with this matter, arrangements should be made for negotiations through diplomatic channels, and the army was notifying Attache OSHIMA to that effect and that this information was given to Ambassador TOGO for his reference. The witness' recollection was that there were no specifications clearly made as to reservations in the telegram.

33755 Asked if he discussed this telegram with OSHIMA, he stated it arrived in Berlin before his arrival there, so he had no special discussion with him in connection with it. * The witness had no positive recollection of OSHIMA's telling him he discussed the matter with TOGO, and the witness himself had no occasion to talk with TOGO about it. Asked why these transactions were conducted with the Military Attache instead of the Ambassador, he replied that he arrived at his post after TOGO had left, and did not serve under him but under OSHIMA.
33756 * Asked how long after he arrived on 11 November 1938 was it that the telegram was received from ARITA acknowledging receipt of the German proposal sent by OSHIMA, he stated that in response to the official German proposal transmitted by OSHIMA to ARITA, ARITA did not send a telegram saying Japan accepted it. Shortly after the witness' arrival in Berlin a telegram arrived from ARITA that the German proposal was splendid, that Japan would study it carefully, and in the near future would submit its views more concretely.

33757 Asked how long after the first telegram the second telegram was received, he stated he thought it was about the end of November or early December. * Asked if from the end of November or early December there was any question in his mind with regard to the fact that Japan did not intend to be automatically bound in participating in war against a country other than the Soviet, he replied nothing definite was known because they thought that as for Japan, only a general treaty was being considered, and no instructions had been received yet.

Asked if it was not true that early in December OSHIMA went to Italy to attempt to sell Mussolini the German view of the Pact, he stated he could not testify as to that, but in mid-December OSHIMA did go there and talk to Mussolini in response to a hope entertained by Ribbentrop.

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33760 * DIRECT EXAMINATION OF KAWABE, Torashiro
By Mr. Shimanouchi

33761 The witness identified and verified exhibit 3495 as his affidavit. * The affidavit stated that the witness was Deputy Chief of the General Staff at the end of the war. From April 1929 until January 1932 he was the senior officer in the Operational Section of the First Division of the General Staff. The accused OSHIMA was from August 1931 chief of the Fortress Section of the First Division. The Fortress Section was in charge of international defense and not connected with offensive operations. OSHIMA was also concurrently a staff officer of the navy General Staff, as was the custom at that time.

33762 On 18 September 1931 the Mukden Incident * broke out. As OSHIMA was in the post mentioned above, he had nothing to do with it nor its continuance and the witness did not know either that OSHIMA played any part in the Incident from his individual standpoint, apart from his official duty. (The attention of the court was called to T. pgs. 28029-32 with regard to the number of persons receiving dedications in connection with the Manchurian Incident.)

33763 * The witness identified exhibit 3496 as his second af-
33764 fidavit and verified it. *The affidavit stated that the witness was in Berlin from December 1938 until February 1940 as military attache to the embassy and OSHIMA was Ambassador from October 1938 to October 1939. The witness' appointment as attache was in October 1938 and prior to his departure from Japan he was briefed by persons in the General Staff concerning his new duties. At that time he heard explanations as to intelligence and counterintelligence activities in Berlin against the Soviet from Lt. Colonel USUI, who had been in Berlin from May 1937 until January 1938 and was in charge of these matters exclusively over Military Attache OSHIMA.

33765 * USUI told the witness that from his experience, no appreciable results could be expected from these activities. After the arrival of the witness in Berlin in December 1938, he heard further explanations from Colonel MANAKI who had succeeded USUI. From USUI and MANAKI the witness learned that it was very difficult to find able Russians in Europe for this purpose. Germans were necessarily in sympathy with the White Russians or their organizations. It was particularly difficult to prepare any White Soviet activities from Europe as a base.

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Page Expense for intelligence organs in Berlin was no more than 300,000 yen annually. As regards intelligence activities, only planning in consideration of war time was laid down by the Chief of Staff. It was strictly forbidden to put them
33766 * into effect in peace time.

The witness, like his predecessor OSHIMA, left MANAKI entirely in charge of these matters. The witness received reports from him but never indicated them to OSHIMA because OSHIMA had no relation with this matter, did not touch upon them and never asked questions about them. The witness met several times with the White Russians concerned and found out that they were either nothing but anti-Soviet ideologists, like Bamand, or professionals who demanded money by presenting impractical anti-Soviet plans.

33767 * The witness knew that USUI had bought a house in the suburbs of Berlin, had turned it over to MANAKI, and that a few White Russians were quartered there engaged in a small scale printing of anti-Soviet pamphlets, but he did not know what became of those pamphlets. He had never heard that OSHIMA nor any other Japanese officer sent anti-Soviet pamphlets into Soviet territory by balloons from Poland, or that they bought a motorboat to bring such papers into the Crimea across the Black Sea, or that they sent Russians into the Soviet to assassinate Stalin.

When the witness arrived in Berlin as attache in December 1938, OSHIMA was engaged in negotiations regarding the Japanese-German-Italian treaty. From this time until the negotiations were terminated about August 1939, the witness, with the Naval Attache, had frequent conferences within the Embassy discussing the matter with OSHIMA as leader. During these negotiations OSHIMA always gave the matter careful consideration and often called the Embassy staff and attaches
33768 * together for consultation and study.

As to the reasons why the government and central army authorities wished to conclude the treaty, OSHIMA often told them that at the time the China Incident was expanding without prospect of early termination, and all Japanese efforts for settlement had been of no avail. Both the government and army circles felt threatened by the Soviet's powerful armament. By concluding this treaty with Germany and Italy, they wanted to improve Japan's diplomatic position with the ultimate purpose of bringing the China Incident to the earliest end and also be prepared for attack from the Soviet.

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33769 The witness never heard from OSHIMA that Japan intended or desired to utilize the treaty to initiate or wage aggressive war against other countries, nor heard from anyone that OSHIMA planned or desired anything of this nature. In February 1939 ITO, Nobufumi, accompanied by an officer from both the army and navy, arrived in Berlin with instructions * regarding the treaty. The witness, together with the higher Embassy staff and the Naval Attache, was present when ITO gave the explanations to OSHIMA.

The purport was to limit to the Soviet the object of Japanese military assistance to be given to Germany and Italy on the basis of the treaty. This was at variance to what OSHIMA had already communicated to Germany upon instructions of the government, which was that although Japan considered the Soviet as the primary object of the treaty, Britain and France would be secondary objects. Facing this situation, OSHIMA cabled his opinion to Tokyo that in view of the progress up to that time, Germany might become distrustful if he transmitted the changed Japanese views and moreover she would never accept the proposal.

According to exhibit 2230, OSHIMA told Ribbentrop on 27 May 1939 that the War Minister requested OSHIMA by wire to hold off until later against ARITA so as not to disturb discussions among various quarters in Tokyo, and the army was firmly resolved to fight the matter out quickly even at the risk of a cabinet overthrow.

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* According to the witness' recollection about mid May 1939, he sent a telegram from Berlin to Tokyo stating that Japan must clarify her position as to whether she was going to conclude the treaty and that to continue an ambiguous attitude would only invite foreign contempt. War Minister ITAGAKI replied that the matter of the treaty was under earnest discussion in the cabinet and as the atmosphere was turning favorable to its conclusion, they had better remain silent for the time being. ITAGAKI added he had no thought of overthrowing the cabinet. The witness told OSHIMA of the telegram.

CROSS EXAMINATION BY MR. TAVENNER

33771

The witness stated that this was the sixth time he had appeared as a witness for the defense. Reference was made to the affidavit where it mentioned subversive activities directed against the USSR. * Asked how well acquainted he was with Himmler, he replied that he had heard his name but had never saw or met him. He had never heard that OSHIMA and Himmler

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Page were friendly and knew of no occasions when they met. To the witness was quoted a part of his interrogation in which he was asked how friendly was OSHIMA with Himmler, and if he knew of any occasions when they met. He had answered then that they were friendly and he believed they met quite often, although perhaps not in an official capacity, but he believed they saw a great deal of one another. Asked if he did not make such a statement in answer to the question, he stated he did not know, but if it was so recorded he must have replied * to that effect.

33772

In reference to the affidavit's statements relative to OSHIMA's activities in negotiating with Germany regarding the proposed military alliance, the witness was asked if he knew before his departure for Germany that OSHIMA was engaged in negotiations for military alliance, the witness replied he did not know of OSHIMA working for a military alliance. * Asked what OSHIMA was working for, he replied that OSHIMA left Germany about four months before the witness left there. For ten months ending August 1939 from the time the witness went to Berlin and the time OSHIMA left, OSHIMA devoted his efforts mainly to strengthening the anti-Comintern Pact.

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Asked if he knew before he left Japan that OSHIMA was working for an alliance, he replied that on 1 September 1938 the witness was called to appear at the General Staff and notified he was to be appointed Military Attache in Berlin. He did not leave for his post until the latter part of October. When the previous question was repeated to the witness, he answered he knew before leaving Japan that OSHIMA was engaged in negotiating for an alliance in Germany. * The Chief of the Intelligence of the General Staff advised him that OSHIMA had been named Ambassador in order to bring about this alliance.

33775

The witness had frequent discussions with OSHIMA regarding the progress of the negotiations after he arrived in Germany. Asked if it was not the idea of OSHIMA and himself to have a strong pact aimed with Russia and England as the objectives, he replied the word strong was not proper but they were of the same mind in concluding an alliance directed at Russia and England. Asked if their idea was, that if Germany became involved in a war with England, Japan would participate in it, he replied that he and OSHIMA had the idea they must bear the * obligation to engage in war under those circumstances. Germany had the same view, and the witness was of the opinion that Hitler, Ribbentrop and OSHIMA saw eye to eye.

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Page Asked if it was the view of the Japanese government that Japan would go to war in case of a German-Russian conflict but could not promise to enter into hostilities in case of a conflict between Germany and Britain, he replied that was the way he viewed it in Berlin. He became acquainted with the viewpoint of the Japanese government from explanations to that effect given at meetings within the Embassy in Berlin by the ambassador, and he also obtained that information from telegrams which came from the General Staff Office in Tokyo. He thus knew the government's attitude and that it was in opposition to the views of Ribbentrop's views.

33776

The witness recalled only two occasions in which OSHIMA and SHIRATORI met personally re these negotiations. These were once when ITO arrived in Berlin and some time later he did recall a conference in Italy between the two and thought it was in early spring of 1939. * At this meeting, besides the witness, Naval Attache ENDO, a member of the Embassy staff, and the military and naval attaches stationed in Rome were present. No one was present representing Germany or Italy.

33777

During the meeting SHIRATORI and OSHIMA talked to each other directly and his recollection was that no conclusion was reached during the discussion, but it was merely an exchange of views. * Asked if SHIRATORI and OSHIMA shared the same views with regard to the proposed pact, he replied that the two generally agreed and the witness was also in agreement with them. From the side lines it appeared as if there was a difference between the two with regard to diplomatic procedure. He was not referring to differences in fundamental ideas regarding the pact.

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His recollection was that this conference was after the arrival of the ITO commission. Asked if OSHIMA passed on or urged his views regarding a pact upon his government, the witness replied he had no definite recollection. * Asked what his position was at the time the witness stated that he personally desired the realization of the pact and frequently urged army circles to bring it about as soon as possible. When the witness was again asked his position at the time, he replied that he was the official military representative in Berlin, and his duties included to convey the views and opinions of the army to the ambassador, to transmit the views and opinions of the ambassador to the army in Japan, and also to report to the army the progress of negotiations.

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Asked if he was not in the middle of the game instead of on the side lines, he replied he had no idea of being right in the midst of the whole thing because that was not his responsibility.

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Page Asked if he did not know from the nature of his position and the duties he performed that OSHIMA urged his views on the Japanese government, * he replied yes. When asked what other means did he use to bring about the adoption of this pact, he replied he did not remember the date but OSHIMA made a tour of important countries in Europe, visiting Japanese ambassadors to hear their views and took measures of this nature to establish his own views.

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33781 * The impression gained was that he thought OSHIMA took the trip to make clear his belief by meeting these ambassadors that it was proper to enter into an alliance with Germany in the light of the prevailing international situation, i.e., an alliance which would obligate Japan to participate in a European war if England became involved in war with Germany. In London OSHIMA interviewed SHIGEMITSU and in Belgium

33782 KURUSU. * But he could not recall the names of others nor could he recall if OSHIMA took the trip on his own initiative or was directed by his government.

According to the witness' recollection, OSHIMA, following his trip and the talks with the heads of Japanese missions, told the witness that most of them did not clearly express their approval and Ambassador KURUSU was among them. Asked if OSHIMA nevertheless continued to press his views for approval of the pact, the witness stated he did not interpret OSHIMA's position as being that he had pressed these ambassadors for approval.

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33786 * The witness did not recall what countries OSHIMA visited in addition to England and Belgium. OSHIMA did not tell him what the ambassadors in England and Belgium would do with regard to advising the Foreign office as to the course to be followed with respect to the proposed alliance. The witness recalled that both the ambassadors were visited on the

33787 same trip * and he thought the date of the trip was in the spring of 1939 but could not recall whether it was prior to February 25, 1939. He thought it was after the arrival of the ITO mission and he did not think the mission was in Berlin at the time.

33788 He thought OSHIMA was accompanied by an embassy secretary and he didn't think OSHIMA traveled incognito. * Asked if he recalled at a later date that OSHIMA called a conference of ambassadors and ministers in Berlin, he replied he had no recollection of this. The witness stated that to the best of

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Page his ability he performed his official duty to transmit the ambassador's views to the army in Japan. Asked if it was his practice to confer with OSHIMA before sending his messages to Japan, he stated that he had never shown OSHIMA the messages. Customarily they were transmitted after study. Discussions were held in the embassy among himself, the naval attache, and staff members, and after fully understanding the * aims and intentions of the ambassadors, these messages were sent out.

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* The messages were never sent to War Minister ITAGAKI but ITAGAKI on one occasion communicated with the witness. This was the occasion he had mentioned in his affidavit and

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there was no other. * Asked if OSHIMA was pro-Nazi, the witness said he could not express OSHIMA's attitude or views by the word "pro-Nazi" and he did not say he was. OSHIMA impressed the witness as having good will toward Germany but never did he express pro-Nazi sentiments. The witness was reminded of his interrogation in which, when asked if he would say that OSHIMA's attitude was pro-Nazi, he had replied "Yes."

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* Also in his interrogation, when asked if OSHIMA expressed this pro-Nazi attitude, he had replied "Yes" that OSHIMA told them many things about the good points of Nazi ideology. OSHIMA was a man who had spent many years in Germany, knew the Germans well, and was very fond of them, and extremely pro-German in his ideas. He was very fond of Hitler, and his views and Ribbentrop's seemed to coincide. But the witness did not believe he got along with Goering.

33794

Asked if those answers were not made in his interrogation, the witness stated that there was some confusion in the statements said to have been made by him between Nazi and Germany. When he was asked the questions he took the word "Nazi" to mean Germany. * He did recall that such questions and answers took place but not whether the phraseology was actually that which had been just quoted him. Asked if when he made the statement in the interrogation that OSHIMA's and Ribbentrop's views seemed to coincide if he meant Nazi views, as he well knew that Ribbentrop's views were Nazi, he replied he was speaking of Ribbentrop's character as the character of the German Foreign Minister.

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* From exhibit 3497, for identification only, the interrogation of the witness, KAWABE, were read certain questions and answers. In it the witness had stated that he would say OSHIMA was pro-Nazi in attitude and expressed to the witness

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Page the many good things about Nazi ideology. OSHIMA had spent
33797 * many years in Germany, knew Germany and Germans well, was very
fond of them and was extremely pro-German in his ideas, he was
very fond of Hitler, and his views and Ribbentrop's seemed to
coincide, but didn't believe he got along very well with Goering.
OSHIMA was very friendly with Himmler, and he believed they met
quite often, although perhaps not officially. Under ordinary
circumstances he believed they saw a great deal of one another.

33798 * CROSS EXAMINATION BY MR. FURNESS
Counsel for SHIGEMITSU

33799 Asked if after OSHIMA's trip to England and Belgium he
heard from him or anyone that SHIGEMITSU had expressed approval
of the proposed pact * the witness had not.

33800 * REDIRECT EXAMINATION BY MR. SHIMANOCHI

33801 The witness stated that his affidavit, exhibit 3496,
was true and correct. The witness was asked to explain the
contradiction in his cross examination in which he had said that
he never heard that OSHIMA ever met Himmler and his statement
in his interrogation in which he replied that they had met
quite often. * He stated that the answer he gave in his inter-
rogation was based on his observations and presumptions. It
was his impression that OSHIMA, being a long resident in Germany,
had many friends there. At that time Himmler was an important
and influential leader and naturally he supposed OSHIMA was
on friendly terms with him and had opportunities to meet him
quite often.

He understood the question put by the prosecution in
his cross examination was whether he knew that OSHIMA and Himmler
actually were friends, or that they had meetings. It was to
this question he had replied and hence he believed there was
no inconsistency in those two answers. He neither saw nor
heard of OSHIMA meeting Himmler toward the end of January, 1939.

The witness was reminded of testimony in his cross exam-
ination in which he had stated that after reaching Berlin, he
often consulted OSHIMA with regard to negotiations for the con-
clusion of a treaty and that his views agreed with OSHIMA's.
Asked if when he talked with OSHIMA on this question, he talk-
ed with him alone or if others were present, he replied that
he believed OSHIMA took into consideration the views of others
in regard to the question. Whenever he participated in such
a discussion, the meetings were held in the embassy, or in the
ambassador's official residence. Participating at all times
were the consular and other staff members, the naval attache,
and himself.

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33803 * The witness was reminded that in his cross examination he had stated that OSHIMA was of the belief that in case of war between Germany and Britain, Japan should shoulder the obligation of fighting Britain, asked if OSHIMA advocated that, in case of an Anglo-German war, Japan should actually, immediately organize a war, mobilize her army, and fight Britain, he replied that OSHIMA advocated the necessity of Japan's participating as an obligation in principle, but as to participation in war, in his sense, it was vague and broad.

33804 He did not mean that armed forces immediately should be used to assist Germany. *Asked why OSHIMA said that Japan should shoulder the obligation of fighting Britain if an Anglo-German war should break out, he said that OSHIMA explained that it was the general contention that when Japan and Germany should conclude such an assistance pact, then Japan should shoulder the same obligations as Germany. This meant that in the event of an Anglo-Japanese war, Germany agreed to participate, in principle. The situation should not be unilateral, and if Germany, in the event of an Anglo-Japanese war should shoulder obligations to participate in principle, then in the event of such a war Japan would, in principle, recognize such obligations. This would be a very superficial and unilateral view.

33807 * The witness was reminded that in his cross examination he had said he knew that OSHIMA submitted his views in regard to the proposed pact to the government, but that he did not know if OSHIMA urged his views on the government. The witness was reminded that he had also testified that OSHIMA had urged the government to accept his views. Asked which reply was correct, he stated that as to the latter statement, he thought his expression was that OSHIMA urged the government to accept his views and opinions. After OSHIMA submitted his views, the * return instructions of the government stating whether it was acceptable then did not come for a long time.

33809 * When asked what he meant by "urge" he stated it was to urge the government to send a reply. During these negotiations he did not know of any occasion when OSHIMA disregarded or disobeyed the instructions of the government.

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33811

* DIRECT EXAMINATION OF MATSUI, Iwane
By Mr. Mattice

The accused identified Exhibit 3498 as his affidavit and after corrections verified it.

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* The affidavit stated that regarding the object of the government for sending troops to southern Chiangsu Province in 1937, owing to discord between Japan and China in North China in July 1937, * an anti-Japanese movement among the Chinese Army and civilians in Shanghai district grew intense. The Chinese Army, disregarding the Truce Agreement of 1932, persistently concentrated troops around the Japanese settlement in Shanghai, threatened troops and residents there, finally leading to the assassination of Lt. OYAMA on Aug. 9. The Government, realizing the necessity of quickly reinforcing its naval forces and to protect Japanese lives and interests, decided on 15 August to send to Shanghai an Expeditionary Force of the 3rd and 11th Divisions. The accused was appointed C-in-C and troops were sent successively on and after 20 August. The object of the force was to reinforce the naval force and protect lives and property.

33814

* During his four years in the Army up to 1935, in which year he was placed on the reserve list, he was successively member of General Staff Headquarters, Chief of the Second Section, Commander of the 11th Division, C-in-C of the Taiwan Army, etc. During his career he was stationed in North and South China about 12 years, doing his best to bring about cooperation between Japan and China. All through life he had worked hard so the two countries could be on friendly terms and that Asia could be built up. The greater part of his Army work was in line with these ideals.

In 1937 the Shanghai Incident broke out and the Expeditionary Force was despatched. The War Minister told the accused that the reason he, who had been on the reserve list, was appointed Commander was because of his past experience. His appointment was due to the fact that at that time the government policy toward China was to settle the Incident locally as soon as possible.

33815

* MATSUI was always firm in his belief that strife between Japan and China was a quarrel between brothers and it was unavoidable for Japan to rescue by force the Japanese residents in China and protect her interests. It was no different than an elder brother thrashing his young and recalcitrant brother, and the action was to make China come to her senses out of love. When he assumed command, he promised to settle the trouble on this on this belief and hoped to make the despatch of the force not a cause of enmity but something to bring about friendly relations and cooperation. He required his officers to make their men thoroughly understand the true meaning of

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Page the expedition.

33816 The gist of his instructions to his troops was that the fighting in the Shanghai vicinity * was only aimed at the subjugation of the Chinese troops and the Chinese officials and people should be pacified and protected. They would always bear in mind not to bring trouble on foreign residents and keep in close contact with them to avoid misunderstanding.

33817 * The Expeditionary Force arrived in successive units in the Maan Islands at the mouth of the Yangtze River on and after Aug. 22. A report was received that troops and residents in Shanghai were in danger. At dawn of the 24th MATSUI hurriedly disembarked the arriving troops at Woosung and along the bank farther up the river to establish communications with the Naval Force by driving out Chinese troops.

33818 According to reports, the number of Chinese troops in Shanghai and along the banks of the Yangtze, west of Shanghai, was about 100,000 and they made violent attack on the landing troops. After 15 or 16 days of bitter fighting the force, China succeeded in securing a position along the bank, but counter-attacks intensified and their force reached more than 30 or 40 divisions after reinforcements. The Expeditionary Force was reinforced in proportion and on Nov. 5 the 10th Army under YANAGAWA landed on the * coast of Chekiang Province.

33819 The Expeditionary Force, after fighting desparately for more than two months, was barely able to drive the Chinese Army from the Shanghai vicinity and to occupy the city toward the end of October and beginning of November. During the fighting, MATSUI noticed that anti-Japanese sentiment of Chinese officials and people around Shanghai was very strong and the guard unit of Chiang was most daring in counter-attacks. Chinese units were finally driven back in confusion but before their retreat they adopted "clearance tactics", destroying or burning transportation facilities and buildings. Some changed their uniforms to plain clothes and turned guerillas, sniping and threatening the rear. The local people cooperated with their troops by cutting telegraph wires, etc., jeopardizing the Japanese to no end. MATSUI was aware of many instances where troops and nationals of England, America, France, etc. in sympathy with the Chinese troops * intentionally gave assistance to them, obstructing military movements. MATSUI felt keenly that the Chinese attitude and long, bitter fighting had estranged the Chinese Army and people in Central China from the Japanese Army, causing hostile feeling between the two nations. He instructed his command to give protection and be decent to the Chinese and have a regard for foreign rights and interests. As an example of

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Page this instruction the battle in Nunshi, the southern district of Shanghai, ended without any damage to the district.

33820 Immediately after the 10th Army's landing at Hangchow Bay, on 5 Nov. 1937, this Army and the Expeditionary Force were organized into the Central China Area Army and MATSUI was appointed Commander for a while, serving concurrently as Commander of the Expeditionary Force. The Central Army Headquarters was over the Expeditionary Force Headquarters and the 10th Army Headquarters, and its mission was to unify * the command of the two units. Since it had only a small staff, its duty was limited to giving operational instructions and had no authority to dispose of intendance and medical matters in general.

33821 Before he was relieved of command of the Expeditionary Force, his relation with officers and men in the field with regard to command was indirect. After driving the Chinese Army out of the Shanghai area, the Central Army occupied the line between Chiahsing in Chekiang Province, Soochow and Changchow in Kiangsu Province and sought to maintain peace and order in the Shanghai area. The Chinese Army, with Nanking as its base, kept up large scale battles in North China, concentrating a great number of troops to prepare for attack in Kiangsu and Chekiang Provinces. The situation grew so bad that unless the Chinese base around Nanking was captured, it was impossible to maintain peace and order and protect interests in Central China. Consequently, Japan decided to capture Nanking to restore peace in southern Chingsu Province * and Headquarters ordered the Central Army to seize Nanking in cooperation with the Navy. The Army commenced a quick offensive operation in spite of difficulties. In accordance with the policy to localize the area of battle and because of MATSUI's idea to bring about cooperation in capturing Nanking, he took every precaution not to make the campaign a cause of struggle for the entire Chinese population.

33822 Notwithstanding his scrupulous care in the busy and unsettled condition at the time, it may have been some excited young officers and men * committed outrages, and it was to his regret that he heard rumors of such misconduct. At the time of Nanking's capture, he was sick at Soochow, 140 miles away, and was unaware of such outrages committed contrary to his orders and he received no reports thereof. After entering Nanking on 17 Dec. he heard about it for the first time from a Kampei unit commander and he at once ordered investigation and punishment of the guilty. However, it was well known that in war time Chinese troops and some outlaws almost always committed violence and looting. Not a few of those crimes were committed by Chinese troops and people when Nanking fell, and to hold the Japanese responsible for all the crimes was to distort the facts.

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33823 A ceremony for entering Nanking was held on 17 Dec. and a memorial service for the dead was held the next day. On the 19th MATSUI inspected the city but fires had been put out and the streets were calm with refugees returning to their homes. They saw only 20 dead Chinese troops in the streets and order within the city * was being restored. The water works, electric facilities and important government and municipal buildings had been destroyed by Chinese troops before the entry and there were comparatively few fires.

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* During his stay in Shanghai after the fall of Nanking until Feb. 1938, he only heard a rumor toward the end of Dec. 1937 that there were some illegal acts in Nanking but it was no official report. The U.S. Army broadcast in Tokyo after the war's end concerning the alleged large scale massacre and outrage was the first time he heard anything about it. After the broadcast he tried to investigate Army activities after the capture of Nanking but the responsible persons were already dead, detained or punished, and the documents were destroyed by fire and it was impossible to investigate the true situation in detail. It was possible that a great number of Chinese were killed or wounded during the Nanking Campaign by gunfire, but he did not believe there was truth in the charge that there were cases of planned massacre. Nothing could be farther from the truth than the slander that the Army ordered or tolerated these deeds.

33825

* Needless to say, MATSUI did everything in his power as Commander of the Central Army to take measures to prevent the occurrence of such unfortunate incidents and to punish the guilty and compensate for damages. To his regret, the result was not perfect due to the hectic condition of wartime.

33826

After entering Nanking on 17 Dec., he left on the 21st for Shanghai. In Shanghai he was busy negotiating with local Chinese with regard to the maintenance of general peace and order and taking relief measures for the people and getting in contact with commanders * of foreign military and civilian officials to look after incidents occurring after the campaign. This was because the Central Army, after MATSUI's return to Shanghai, was ordered to concentrate its efforts in securing the entire area south of the Yangtze and east of Nanking, especially in the Shanghai neighborhood.

When he heard the rumor of outrages in Nanking after returning to Shanghai, he again issued a warning to the officers and men staying in Nanking by sending subordinate staff officers at the end of 1937 and ordering a thorough investigation of the rumors and quick punishment for the guilty. Up to the time he left the post, he received no authentic reports concerning these matters. Besides the maintenance of peace and order in the occupied areas, he felt the necessity of negotiations for a general peace movement with the

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Page Chiang Government. He urged Chinese key officials in the Shanghai neighborhood to make efforts in this connection and sent envoys to Foochow and Canton and had them communicate with Chen yi and Sung * 33827 Tzu-wen; but simultaneously with the reorganization of the Central Area Army in the latter part of February, he was dismissed from his post and returned home.

When he was dismissed as Chief of the 2nd Section of the General Staff Headquarters in Dec. 1928, he started a tour of inspection of Asia and Europe. When passing through Berlin in April 1929, military attaches in Europe got together to renew friendship with him. This was not an official conference and had no particular purpose.

It was presided over by the attache in Berlin and was not called or sponsored by MATSUI. At that time MATSUI had no official power to sponsor such a conference. It was an informal discussion at which the attaches expressed their opinions on the European situation. No minutes were taken and no report was made to his superior after his return. A supreme war councillor was mainly given a temporary mission regarding education and training within the army and was not to meddle with anything, especially with foreign affairs. A cabinet advisor was appointed mainly as a consultative agency and had no substantial authority. While in these positions, his opinion was never taken up concerning China and Asiatic problems, etc. and he never offered his opinion.

For many years it had been MATSUI's regret to see Asia invaded by Europeans and Americans and he prayed for the reconstruction of Asia by the Asiatics. In view of the alienation between Japan and China after the Manchurian Incident, it was his desire that the two peoples look at the whole situation instead of misunderstanding each other. To give impetus to the movement of the "Greater Asianism" among interested persons in Japan and China, he established the Greater Asia Association together with men of the same views in 1933. This was not a political organization 33830 but one to study social culture. Its object was to reconstruct * Asia by spreading the principle of bringing about co-existence and co-prosperity for the Asiatic people and by contributing to humanity as a whole. The number of Japanese members reached more than 2000, but due to lack of funds it was unable to do anything special.

In 1935 and 1936 he travelled in China and tried to accomplish the movement. For years in China, Greater Asianism had been widely advocated by Sun Wen, former President of China. Hoping that the Chinese movement and Japanese movement would be in line, he talked with interested men in Peiping and Tientsin in

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Page the fall of 1935 and in the spring of 1936 there was established the
33831 Chinese Greater Asia Association. It was true that in this regard
he persuaded Chin Te-chun, the mayor of Peipin, * but Chin's affi-
davit did not agree with his words at the time. Their claim was not
necessarily to drive out Europeans and Americans from Asia, but he
advocated that the latter should join in the idea of co-prosperity
and co-existence.

33832 * The Dai Nippon Asia Development League was established at
the time of the First KONOYE Cabinet, combining the numerous organi-
zations engaged in developing Asia. The IRAA was organized also
and the League came under its supervision. Due to frequent Cabinet
changes, the Asia Development League was constantly compelled to
reorganize and change its sphere of activities. All it could do
and did was to get in contact with cultural organizations in China
and Manchukuo to ask their cooperation, and besides that, nothing
concrete was accomplished.

33833 The reason MATSUI was Vice President or Advisor of the
League was due to his past relationship with the Greater Asia Associ-
ation. As the result of the frequent changes in the organization *
of the Development League, it reorganized and changed its name
as Dai Nippon Asia Development Association at the time of the
Koiso Cabinet in 1944. It was placed under the supervision and
guidance of the government but was of a cultural nature. With the
progress of the Pacific War, the acute situation prevented its
starting any concrete movements and it was only able to publish
its organ and give guidance for Asiatics residing in Japan. Because
of his past connection with this association, MATSUI took charge of
its management, but the war came to an end and he was obliged to
dissolve it.

33834 About 12 Dec. 1937 he received a report that an artillery
unit of the 10th Army bombarded a British gunboat near Wuhu. He
ordered his C/S to investigate, and according to his report about
11 Dec., Chinese troops were retreating * on the Yangtze River by
ships, many of which were displaying foreign flags. The 10th Army
Commander YANAGAWA ordered that these ships be fired upon which
had retreating Chinese soldiers on board. When Colonel HAYASHI
located several ships sailing with Chinese soldiers on the morning
of the 12th in the fog-covered Yangtze River, he opened fire
and the Ladybird was among those ships. MATSUI immediately ordered
the Commander of the 10th Army to apologize to the British Naval
C-in-C. MATSUI, returning to Shanghai from Nanking, called on
Admiral Little and apologized. Little fully understood and promised
he would transmit the apology to Britain.

The bombing of the USS Panay was done by a Navy plane
by mistake. The plane was not under MATSUI's command and he had

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Page nothing to do with it. Since it was an unfortunate incident, MATSUI went to Admiral Yarnell, the U.S. Navy Commander, expressing his regret.

33835 * MATSUI protected peaceful people and respected foreign rights and interests. After the Shanghai and Nanking battles, he visited Admiral Little and Admiral Yarnell to promote better understanding, and he also met the French Ambassador and Navy C-in-C and exchanged opinions about the French Concession and Nanshi.

33836 The number of Japanese officers and men killed or dying from disease during the fighting at Shanghai, Nanking, etc. was more than 21,000 * and the total casualties were more than 80,000. He decided there were many cases of massacre. He thought there were many victims of Chinese soldiers and people and among them were not a few who suffered from cholera, etc. prevailing at Shanghai and in the Chinese Army. To his way of thinking, when the Chinese and Japanese ought to have cooperated as brethren it was a calamity that they struggled against each other and a tremendous cost. It was his hope that the incident would give

33837 an opportunity for the two to live in harmony. * After returning home he built a temple and a statue of the Goddess of Mercy, dedicating them to the victims of both countries.

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33838 *Reference was made to the affidavit where it was stated that Japan decided on 15 August to send an expeditionary force to Shanghai, which consisted of the Third and Eleventh Divisions. The witness stated that before he left Tokyo to take command he asked that the number of divisions be increased to five. Since there were reports coming in that the number of Chinese troops in Shanghai and vicinity was about 100,000 it was believed a strength of five divisions would be appropriate to meet the situation. *To meet the demands of the situation, troops were increased to the point that the expeditionary force alone consisted of five divisions and the Yanagawa Army had three divisions, a total of eight. The expeditionary force reached five divisions during the first of October. The Tenth Army under YANAGAWA landed in China about 5 November 1937.

33840 *Reference was made to the affidavit where he referred to the reason for his appointment as C-in-C of the expeditionary force. The accused stated that during his military career he had spent about twelve years in China. In 1907 he went to Peking as assistant Military Attache at Shanghai and after three years there he returned to Japan. * In 1914 he went to China again, staying there for about four and one-half years. During this time he cooperated with Sun Yat-sen and other members of the Kuomintang in trying to overthrow Emperor Yuan Shih-kai. While he was in Shanghai he was military agent there. A military Attache acted in conjunction with the legation or embassy but a military agent was under the direct control of the General Staff and worked independently. One of his duties was to examine the terrain in the vicinity of Shanghai and Nanking. Asked if that wasn't the reason he was appointed C-in-C in 1937, he replied he didn't think his knowledge of topography was of great importance but believed his appointment was due to his friendship for leaders of the Kuomintang with whom he had become acquainted in Shanghai and Nanking. Asked if his knowledge of the area had not come in useful later on, he replied there might have been occasions on which it was of service.

33843 Reference was made to the affidavit where it stated the intention was to settle the incident locally as soon as possible and to prevent the armed *conflict from spreading. When it was suggested to the accused that before he left Tokyo in 1937 he made known his desire to press on to Nanking, he stated he did have such thought at the time he left Tokyo.

33844 *Asked if the Chinese resisted at every turn, he replied that "resist" wasn't the word, but from the very beginning it was the Chinese who took the offensive. When the Japanese took the offensive the Chinese did resist. In connection with his statement in the affidavit that the expeditionary force was a means of bringing about friendly relations he was asked if at this time, late 1937, he was not in favor of continuing negotiations with Chiang Kai-shek. He answered that on one hand the Japanese forces attacked the Chinese who threatened them

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and on the other hand they conducted behind-the-scenes negotiations with Chiang and his regime for conclusion of peace.

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*He never advised his government to have nothing to do with Chiang Kai-shek at that time. Asked if he expressed strong opinions to that effect, he replied that since his thoughts were to open peaceful negotiations with Chiang he did not voice such opinions. His thoughts were to crush as quickly as possible the opposing forces in the Shanghai-Nanking area and immediately to open peace negotiations after they were crushed.

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Reference was made to the affidavit where it was stated that he was aware of instances where troops and nationals of England, America, France, etc. in sympathy with Chinese troops intentionally gave assistance to them and obstructed Japanese military movements. Asked what countries constituted "et cetera" he stated that almost all European and American countries in or near Shanghai at the time * were in sympathy with the Chinese. Germany directly aided the Chinese and there were many German advisers to the Chinese forces. None of these countries made war on Japan but they were not only out of sympathy with the Japanese side but were actually giving moral and even actual material help. Asked what they gave, he stated that if he gave all the facts they would be many in number, but as an example, Britain furnished food, supplies, equipment and arms. When the Japanese were attacking the Chinese battery at Woosung a French warship intentionally went through the Japanese lines, hindering the attack. The ship was lying outside Shanghai Harbor * but when the Japanese began attacking the battery it went up the Yangtze.

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Reference was made to the affidavit where it referred to the Central China Army * and stated that Headquarters had only seven staff officers and its duty was limited to operational instructions to the two Headquarters and had no authority in intendance and medical matters of the army in general. The accused stated, by this he meant it had no authority over such matters as rations, quarters, pay and medical services. Where he said that his relation with the

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officers and men in the field * with regard to command and supervision was entirely indirect, he meant he exercised command through the commanders of the Shanghai Expeditionary Force and the 10th Army. It was true that the 10th Army and the expeditionary force were under his command.

In his affidavit he had stated that some excited young officers and men might have committed outrages in Nanking. He did not see this with his own eyes but knew of it from reports. These outrages were murder, rape, looting and forceful seizure of materials and he received these reports from the gendarmery.

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- 33850 *Reminded that he had stated in his affidavit that at the time of the Nanking capture he was at Soochow, 140 miles away, and was unaware of the outrages committed, he was asked how he heard that the city had fallen. He stated he heard it from reports of the expeditionary force commander, Prince ASAKA, and from the 10th Army Commander, YANAGAWA, and both kept him in close touch with the progress of the operations. Reminded that he stated in his affidavit that he heard about the outrages after entering Nanking on 17 December from the Commander of the Kempei Unit, he was asked if he received reports from other persons after entering Nanking. He stated that when he went to the Japanese Consulate he heard stories of similar nature from the consul. *Asked why he didn't put that
- 33851 in his affidavit, he stated that was because he did not hear it as an official report but merely heard stories from the consul in the course of the conversation. He did not hear from the consul that complaints had been lodged by foreign residents with the Consulate. He heard from the consul that among the officers and men who had entered Nanking were some who had committed outrages. Asked if the consul mentioned any particular units, divisions or armies he replied the conversation did not go into such details. He believed it took place about the 18th or 19th of December. Asked if he also received reports of outrages
- 33852 from army and divisional commanders while he was in Nanking * he replied he did not receive such reports. He acknowledged being in Court when the witness NAKAYAMA, an intelligence officer of the Central China Area Army gave evidence. Asked if he heard NAKAYAMA say that he received additional reports from commanders and divisional commanders of MATSUI's Command as well as from diplomatic organs he replied he didn't think NAKAYAMA said that since MATSUI was army commander he received reports from the two army commanders but not from divisional commanders as they were not his subordinate commanders. He did receive reports from the two army commanders immediately after his entry into Nanking. These reports were in regard to the general war situation and he did not receive reports on outrages from them.
- 33853 *His Chief of Staff on 18 or 19 December was dead and he could not recall his name. Asked if he succeeded Lt. General IINUMA, he replied that IINUMA was Chief of Staff of the area army and Chief of Staff of the expeditionary force was appointed by the General Staff. When told that it was understood from the witness IINUMA that he relinquished his post about the time of Nanking's capture, the accused stated that at the time of the capture IINUMA was Chief of Staff of the expeditionary force and later in February of the following year when the army was reorganized IINUMA was relieved.
- 33854 Asked if his Chief of Staff immediately after the fall of Nanking told him of outrages committed by troops under MATSUI's command, he replied he did so report, saying it was a report he had received from the Kempei.

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His name was TSUKADA.

The accused was reminded of testimony by the witness HIDAKA (T 21,453) that reports of atrocities from foreign residents in Nanking were sent to the Foreign Office in Tokyo and to the army in Nanking. The accused stated that such reports, if sent to the army in Nanking, should have gone to the Headquarters of Prince ASAKA, commander of the expeditionary force. The witness was reminded of testimony of NAKAYAMA (T 21,927) that he thought the reports went to the Special Service Department of the Shanghai Expeditionary Force and the accused was asked where that department was subsequent to December 17, 1937, the accused replied the Headquarters were in Shanghai but believed a part of it had gone to Nanking. Headquarters of the expeditionary * force were inside the walls of Nanking, and he believed 10th Army Headquarters were in Nanking for two days but moved to Hangchow around the 20th.

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Reference was made to the affidavit where it was stated that hearing about these atrocities MATSUI ordered every unit to investigate thoroughly and punish the guilty men. Asked if they reported back the result of investigations, he replied that each specific unit would not report to him directly but if he received reports it would be from the two army commanders. Up to his departure from Shanghai in February the following year he received no reports on these investigations. * He had asked that they be reported to him but the reply was that they were in the midst of investigations and as soon as they were completed they would reply. He had also received no reply until he left China in February 1937. Asked if the General Staff in Tokyo communicated with him regarding the behavior of troops in Nanking, he stated he was not aware of any communications from the General Staff to him on that point. He knew nothing at all of any communications from anyone in Tokyo addressed to anyone that came to his knowledge in China. He did remember that toward the end of January 1938 when Major General HOMMA was sent to his headquarters from the General Staff he said Tokyo authorities were very worried about reports * of outrages committed by Japanese soldiers in China. In December and early January he did not receive any complaints from any government or military authority in Tokyo regarding the conduct of troops in Nanking. He heard nothing about a communication sent to Prince ASAKA, commander of the expeditionary force from Japan, * nor did he hear about any complaint sent to ASAKA from any place whatsoever.

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The accused stated that on 18 December he called together all units stationed in Nanking for a memorial service and he believed that all officers above the rank of regimental commander were there. They were assembled because on the previous

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say he had received through his Chief of Staff the report of the gendarmery commander in regard to outrages committed by Japanese soldiers and he gathered the officers together to give them direct instructions. He did not know how long the atrocities went on in Nanking but thought most were committed immediately after the entry.

33859 *The accused stated he had heard but did not believe the evidence of the witness Magee (T 3922) and the witness Bates (T 2644) in which they said atrocities went on for about six weeks after the fall of the city.

Reference was made to the affidavit where it was stated that not a few of the crimes in Nanking were committed by Chinese troops and people when the city fell. Asked how he knew that, he replied he knew it from receiving reports made by Staff Officer NAKAYAMA and Counselor HIDAKA, whom he had sent to investigate. He believed he received the report in mid January. In their report they mentioned crimes committed by Japanese soldiers but as they reported orally he didn't remember the contents too well.

33860 *Since they went to Nanking to investigate after the incident had broken out and since they caught no one actually in the act MATSUI was not able to get an exact report. Asked if he sent them back to make a further and better report, he stated that at the time it was after the incidents had occurred and almost impossible for the Chief of Staff and Foreign Office authorities to make exact investigations. The only method left was to order unit commanders to investigate in regard to their own units but such reports took quite some time and he did not have them when he left China for Japan.

33861 The accused was reminded of the testimony of the witness OKADA (T 32,747) who said he had a conversation with MATSUI in the Metropole Hotel in Nanking on 18 December and MATSUI told him he was sorry because unknowingly he had wrought a most * grievous effect upon the city. The accused acknowledged making this statement to OKADA. MATSUI stated he had no desire to occupy Nanking by war but wished the occupation to be peaceful and had no desire to turn Nanking into a field of carnage and that is what he meant when he referred to a most grievous effect upon the city.

In his inspection on 19 December he did not enter the refugee zone. Asked if he had no conversations with those refugees as set out in the affidavit of the witness OKADA, he replied that it was not in the refugee zone but elsewhere that he met two refugees and talked with them.

33863 *The accused was reminded that the witness NAKAYAMA (T 21,893) testified that MATSUI informed Chief of Staff TSUKADA to issue an order to all staff officers that as Nanking was China's capital its capture was an international event and careful study must be made so as to dazzle China even more greatly with Japan's military glory. The accused acknowledged issuing that order.

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The witness HIDAOKI was an embassy councillor in Nanking before the incident. After the incident the embassy was located in Shanghai.

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*HIDAOKI was the official who received the complaints of the foreign residents of Nanking and was the same official who MATSUI asked to make an investigation in January 1938. HIDAOKI's report was verbal and the accused did not hear him mention that he had been receiving constant reports of complaints of the foreign residents of Nanking. MATSUI had HIDAOKI investigate into matters of damages and losses inflicted upon the embassies and legations of foreign powers in Nanking and indemnify them. This included the Chinese. *Asked if it was not true that HIDAOKI was to investigate upon the basis of the information contained in reports of complaints he had, the accused replied he did not know what method was used but he assumed he based his investigation on reports of foreigners in the refugee zone. MATSUI at that time did not hear of such reports. Asked why he then assumed that he predicated his investigation upon such reports, he replied he was assuming now and after being informed that many such reports had been submitted to the consul.

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Reference was made to the affidavit where it was stated that when he inspected the city only about twenty dead Chinese soldiers were seen lying on the streets. Asked how many bodies of dead civilians, including women and children, he saw, he replied he did not see any. *Witness was reminded that in his interrogation (Exh. 257) he was asked if he saw any bodies of dead civilians, women or children, when he went to Nanking on the 17th and he answered that they had all been removed but he saw a few dead soldiers near the west gate. Asked if it could be understood from that answer that the bodies of dead civilians had been removed by the time he got there, he replied he did not know of any Chinese women and children being killed within Nanking. Asked why he said in his interrogation that they had all been removed by the time he entered the city, he replied he did not know whether he said that or not but if there had been it was his idea then that they would naturally have been removed from the scene.

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Reference was made to the affidavit during his stay in Shanghai after the fall of Nanking until February 1938 where he stated the only thing he heard was a rumor at the end of December 1937 that there were some cases of illegal acts in Nanking but he received no official * report about such fact. Asked where the rumors came from, he replied that at the time there were many rumors among Chinese and foreigners and he learned this from persons hearing these rumors. Such rumors might have appeared in Chinese newspapers but he did not think at that time such matters

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got into print. There might have been some in the foreign press but from his careful scrutiny of Chinese and foreign newspapers at the time he did not notice any. Reminded that the accused MINAMI had testified (T 20,015) that the rape of Nanking had been reported in the press of the world he was asked if he read any of those reports and he answered that he had not read such reports but they might have been reported after he had already left Shanghai because he did not notice any while he was there.

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*He had a conversation with Mr. Hallett Abend in Shanghai twice in January 1937. He met him to hear what he had heard and to impart information to Abend. Asked if he wanted to quell the rumors abroad at that time, he replied "quell" was hardly the word to be used. His desire was to see the truth reported. To the witness was quoted a part of his interrogation (Exh. 257) in which when asked when he first saw Hallett Abend after the Nanking capture he replied he met him for the first time about a month after. Asked if Abend asked for an interview he replied "no", he requested Abend to see him as he had

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* heard rumors and wished to quell these by putting the facts before Abend. The accused conceded that this was what took place. Asked what rumors he was referring to when he mentioned this conversation with Abend, he replied that regarding the many outrages alleged to have been committed in Nanking his desire was to tell Abend the truth of the situation as he believed it and although there were many foreign correspondents in Shanghai at the time he felt Mr. Abend the most trustworthy. He could not say who was talking about these outrages but thought the source of the rumors was mostly Chinese and foreigners who had heard them from Chinese. He could not recall but thought it was one of his subordinates who passed the information on to him,

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*and it probably was his Chief of Staff. He was going to tell Abend the facts so there would be no misapprehension about the true state of affairs. Asked if he had received any report from his investigators at that time, he stated "no", but he had been receiving fragmentary reports from the gendarmerie, not directly himself but his staff officers were receiving them daily since the fall of Nanking. Asked if those reports were communicated to him as C-in-C, he replied that as the gendarmerie were not his direct subordinates but the subordinates of the army commanders the reports were made to them and not to himself. * Asked what the army commanders did with the reports received from the Kempetai, he replied that when the facts were made known the offender was tried and punished. When he had mentioned fragmentary reports from the Kempetai he meant staff officers on his staff as C-in-C. Asked if the reports were brought to his knowledge, he replied that ordinarily discipline and morals was the responsibility of the division commander and the army commander supervised the divisional commander and maintained the courts martial under his jurisdiction. MATSUI was the commander above them and his area had no military police under its direct control and therefore reports were not made to his headquarters or to himself directly.

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Page It was more proper to say that the facts were brought to his attention for reference purposes.

33872 *Asked if staff officers of his headquarters were constantly receiving reports from the Kempeitai, he replied it was more correct to say that inasmuch as he told his staff officers to put these matters under investigation they went to the Kempeitai to get information rather than to receive reports from them. Asked if after investigation they returned to headquarters with reports, he replied that at that time there was a battle going on. It was not easy to get the desired facts and it was only natural that reports were fragmentary and abstract. Asked what reports he had as to what was going on in Nanking from his staff officers who got it from the Kempeitai, he replied that inasmuch as these incidents had already occurred and reports were heard indirectly through various informants and with troops constantly * on the move it was of the utmost difficulty to ascertain the facts. Asked how he was then able to give Abend in January 1938 the true facts of the situation, he replied he talked to Abend on the basis of reports communicated to him from the Kempei. Discipline and morals were the responsibility of the divisional commander. He was C-in-C of the Central Army. Asked if he was suggesting that power of command did not carry with it the power to enforce discipline on his troops, he replied that as C-in-C he had power to command operations of the two armies under his command * but did not have direct authority to handle discipline and morals. Asked if had the power to see that discipline and morals were maintained in units under his command, he replied it would be more correct to say obligation or duty rather than authority. This was the reason he summoned his officers in Nanking after the entry and talked to them about disciplinary measures. Asked if he was not attempting to say that power of discipline was not inherent in his command, he replied that he was not evading all responsibilities in connection with the capture of Nanking as area commander but was not directly responsible for the discipline and morals of the armies under his command. Asked if this was because there was an army commander in the units under his command and he carried out * disciplinary measures through his army commanders, he replied that he himself did not have authority to take disciplinary measures or hold courts martial but such authority resided in army or division commanders. He had no legal right to order a court martial to be held in the army or division. Asked how he explained his efforts to show that he ordered severe punishment to the guilty for outrages in Nanking and did everything in his power as C-in-C to give severe punishment to the guilty, he replied he had no authority except to express his desires as C-in-C to the army and divisional commanders. It would be a difficult thing in the light of the law for a general officer commanding to express his desires to subordinates in the form of orders.

33876 *Asked when he wanted those under him to do something what he did, he replied that authority vested in him was overall operational command of the two armies and that was all. It would be

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- Page difficult to determine his legal responsibility with regard to the question of discipline and morals. Asked if his military superiors in Tokyo were dissatisfied with the conduct of the army in China who they would held responsible, he replied it was difficult to try to determine this legal question and he did not know how the general staff offices in Tokyo felt at that time but while he was in Shanghai or after his return to Tokyo he was never reprimanded by the Chief of Staff.
- 33877 Asked why General HOMMA went to Shanghai early in February of 1938, he replied * it was only natural that the central authorities would be greatly worried about the reports of outrages and MATSUI ~~was~~ shared that misgiving and because of his great worry he instructed officers to rectify such actions and he told them that discipline had to be maintained. General HOMMA came to his headquarters but did not speak about the particulars of the reports received in Tokyo, but did speak generally about the conduct of MATSUI's troops in Nanking.
- 33878 *HOMMA came to China because the higher command was concerned about the conduct of the troops and MATSUI presumed he learned of these matters from reports sent by the Foreign Office to the army. The accused was quite sure that he himself did not send a report to Tokyo Headquarters. He may have talked about the matter to the General Staff after his return but never sent an official report, nor an
- 33879 *unofficial report. Asked if although he did know of some incidents having occurred he didn't report these to Tokyo, he replied if there was any necessity for sending reports with regard to discipline and morals that authority did not reside in the area commander C-in-C but was in the divisional commander. Asked about the responsibility of the army commanders he stated that legally this would be difficult to say and his interpretation was that the responsibility resided in the divisional commander to send reports to central authorities through their immediate superior, the army commander. Asked if the divisional commander would send a report through the army commander through the
- 33880 C-in-C to Tokyo, he replied * he could not speak of this definitely from the legal standpoint. Asked if they were not channeled through the C-in-C of the central army, he replied he could not say whether it was legally correct or not but as a matter of fact such reports were not sent by him.

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33882 * Reference was made to the affidavit where it was stated that after entering Nanking on 17 December, he heard about it for the first time from the Kempei commander and at once ordered every unit to investigate thoroughly and punish the guilty men. Asked how he explained this statement if he had no power to give orders relative to the maintenance of discipline, he stated that he meant to say that he gathered together his army commanders and unit commanders, expressing his desires in regard to the maintenance of discipline and ordered them to take appropriate measures.

33883 * Asked about his testimony before that he had no power to give orders, he replied that at the time, being area army commander, he was given authority to unify the joint strategy of the two armies, therefore he could not say that the maintenance of discipline had no connection with strategy, and in so far as the two were interconnected, he thought he would have power to interfere in matters of discipline, but in the strict legal sense he did not conceive himself as having the power to give specific orders in detail with regard to discipline and this was his belief to the present day.

33884 Reference was made to the affidavit where he referred to a meeting in Berlin in 1929 at which time he had just left his post as chief of the second section of the general staff. Asked if the basic work of that section was collection of information with respect to countries other than China, he replied his duties were general observation. When he made his trip in 1929, he passed through FIC, Siam, Burma, and India, 33885 then Italy, France,* and passed through Berlin in April. His expenses were defrayed by the general staff as he was attached to it. Asked if he was on duty on this tour, he replied that an officer of the general staff is that, but he had no special duties there.

33886 It was true that the duty of a general staff officer was to be told what he was to do and to do it, but his trip was authorized by the general staff because he had just completed a long tour of duty in it, and it was partly for the purpose of recuperation and also to enable him to get a better idea of world situation. *When he visited Europ.countries, he saw the military attaches there. Asked if it was not unnecessary then for him to get together with them in Berlin to renew friendships, he replied it was thought desirable that the European attaches should have the opportunity of getting together, and therefore the attache in Germany, OMURA, sent invitations to the countries and they all accepted.

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33887 They knew MATSUI was coming to Berlin because he had told them he would arrive and there were attaches there from Britain, Germany, France, Poland, Russia, Austria, Turkey, and Italy. The accused, HASHIMOTO, was there from Turkey, and * SUZUKI, the attache from Poland was there but this was not the accused SUZUKI. No such thing as sabotage and espionage against Russia were discussed, but each representative told of the situation in the country in which he was stationed. After talking all day on various topics, they spent the evening at a restaurant.

33888 The accused was told that in exhibit 733-A, an excerpt from his interrogation, he was shown a copy of exhibit 732-A, "Items Concerning the U.S.S.R. Presented at the Conference of Japanese Military Attaches in Europe." After being shown this document, among the items of which were mentioned sabotage and espionage, the accused stated he had come to the conclusion that the notes were made by one who was present at the conference and apparently reflected correctly * the contents of some of the questions which were considered at the conference.

33889 The accused was asked if he wish to make any change in the above statement in his interrogation because he had referred in his affidavit to exhibit 733, and he replied that during the time of his interrogations by the Soviet authorities they presented him with a document quite different from the one the prosecutor described. When shown exhibit 732-A, the accused said it was a copy of a different document * and they never especially discussed such problems as were written in it. The very title was sheer nonsense.

The accused was reminded that the accused HASHIMOTO had testified before the court that at this meeting the topic of sabotage and espionage against Russia came up (T. 28,839), and MATSUI was asked if HASHIMOTO was wrong. He replied that since HAGHIMOTO was attache in Turkey, he spoke of intelligence work vis-a-vis Russia, but did not recall the contents of his talk. He recalled that HASHIMOTO spoke of utilizing White Russians in Turkey but did not recall concerning sending White Russians into Russia surreptitiously.

33890 * Asked if it was not true that this meeting was to discuss what might be done by way of espionage and sabotage against Russia, he replied that officers stationed in countries neighboring Russia probably talked about Russia, but each attache spoke of the subjects he was most concerned with. The accused stated he believed he resigned as a supreme war

Page 33891 councillor in March 1935 and did so because he was appointed commander of the Taiwan Garrison force. It had nothing to do with disagreement in policy. Reminded that he was then appointed a cabinet advisor, and that he had stated that his opinion was never taken * up concerning China and Asiatic problems, and that he never offered his opinion, he was read what the accused KIDO had said about the position of a cabinet councillor in court (T. 31,413). When Kido had been asked what was the duty of a cabinet councillor, he replied he thought that according to government regulations, his main function was to serve as consultant to the Premier in connection with bringing about an early termination of the China Incident.

When KIDO had been asked if a cabinet councillor was a special position created for that precise purpose, he had replied "yes". Asked how he reconciled KIDO's statement with his own statement that he had never offered his opinion on any matter concerning China or Asia, he replied that the original reason for setting cabinet councillors might be as KIDO said, but actually they were only advisor in name and although they gathered once or twice a week at the Premier's official residence, they did a lot of talking which never came to anything more.

33892 * It was not an official meeting and it would be better to call it a political gesture of the government. The purpose of the Greater Asia Association was to create a greater east Asia for all the Asiatic peoples, including China, Indo-China, Siam, Dutch Indies, Philippines, Malaya, Mongolia and Siberia. He thought most of the peoples inhabiting the Siberian regions were Asiatic, including the Mongolians, the Burjats, the Yakuta, and when asked if the Tsukches were included, he said he did not know that name.

33894 Asked if in order to enter into this Greater East Asia, it would be necessary for these countries to break away, as for example, Siberia and Mongolia from Russia, he replied that his principle of Greater Asia did not call for the separation of these peoples from the country from which they were affiliated, and they did not necessarily think necessary, for instance for the Yukuts Republic to leave the Soviet Union or if India remained in the British Commonwealth. What they aimed at was that all the Asiatics should work together for Asia's prosperity. Asked if Manchuria would be an example of what he was advocating, he replied that it could be considered that way. * Asked if in the case of war with the USSR, Manchuria would be a very valuable base of operation, he replied that history had proved that in case of war between Soviet and Japan, Manchuria would be a base.

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Page It was suggested to the accused that the policy of his association was that these Asiatic countries and peoples were to be brought into the structure of Greater East Asia and as their entry could not be brought about by peaceful negotiations, the question would have to be settled by war. He said that the basic principle underlying the movement was the same as the one for a federation of Europe, which arose in Europe, and of the Pan-American movement.

33895 * In 1935 and 1936 he was traveling in China and preaching the gospel of this association. After the out break of the Greater East Asia War, in 1941, he made tours of FIC and the southern regions and was in the Philippines. Asked if in these countries, his effort was to convince those people of the propriety of their entering the structure of the Greater Asia Association, he replied that by that time they had established a Great Asia League and he went around exhorting the peoples of Greater Asia to cooperate with it, but at the same time he had many friends in the south asiatic countries, and

33896 * Professor Duran expressed sympathy for asianism. He had met with he and former president Laurel in Tokyo and talked with them on this point.

He did not recall the time the league was established. The Japanese government assembled representatives of the Great Asia countries for a conference in Tokyo. Reminded that he had said in his affidavit it was at the first KONOYE cabinet, and asked if that was correct or if it was the second KONOYE cabinet, he stated * he believed there was confusion regarding the three societies with which he had been concerned: the Asia Association, the Asia Development League, and the Great Japan Asia Development League. These three had common principles and all advocated asianism, but their form and structure differed from time to time according to the changing international circumstances and the internal political situation.

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Asked when the Dai Nippon Development League was established, he stated he thought it was during the first KONOYE cabinet. Mention was made of the affidavit where he said the Dai Nippon Development Association published an organ, and he was asked if this was the Dai Asia Shimbun. He stated it was not a newspaper but a magazine and the association published the Dai Asia Shugi, or The Principle of Great Asia. After

33898 the Development League was established, the name * of the magazine became Dai Asia, or Great Asia. When shown a document he identified it as the magazine "Dai Asia Shugi" for January, 1941. Exhibit 3499-A, an excerpt therefrom being an

33900 article written by the accused, MATSUI, entitled a * "Proposal for unification and rapid progress of various organizations

Page for development of Asia"by MATSUI, Iwane, stated that the year 2600 of the Imperial Japanese Era brought faith in Imperial history and awakened the whole nation with a determination to face the present world situation. The conclusion of the tripartite pact between Japan, Germany, and Italy and the recognition by the Nanking Kuomintang Government had forced them irresistibly to go on the road to construct a new order in Asia against long dominance by Britain, America, and France.

Reconstruction of the various internal organs was urgently necessary to meet this serious situation, together with the establishment of a so-called new structure in politics, economics and in various other spheres. They welcomed 2600th year with great pleasure and pride in living in this sacred age of Showa to promote the building of Greater Asia. However, they could not consider the determination of the people both in and out of power quite insufficient.

33901 * The tripartite pact had been concluded in alliance with the declaration made at the formation of the KONOYE cabinet and the rescript was issued to urge the people to make up their minds. But they felt that since the government had been carrying out foreign policy without firm faith to resolutely execute the national policy, and since many politicians and learned people had not come up to expectation in their enthusiasm, the internal situation was reflected on foreign countries and it was regrettable that not only many Asiatic countries headed by China, but also European powers were beginning to make light of their determination and foothold.

33902 * Out of his dissatisfaction in the present situation, MATSUI urged political thought, cultural, and other bodies for the development of Asia to rise up. The wise as well as energetic young men belonging to these bodies he believed were certainly willing to carry out these measures. Their conviction and enthusiasm would be a sole guiding power for carrying out the national policy which had been hindered. MATSUI now proposed the unification of these Asia revival bodies. Though they had different objectives and different natures, their chief aims were the unification and rehabilitation of the Asiatic races.

33903 Up to the present, they had not been the same in their measures, but were acting independently far from answering the requirement of the present New Structure of Society. Such different organizations of these bodies had disturbed the peoples' faith and ideals in * the Asiatic Revival Policy. Such being the case, recently they had organized the League of the Asiatic Development Bodies, exerting efforts for more than a year to unite and adjust all of them into one and to control and guide

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Page it by a uniform thought and faith, together with starting a new collective activity by concentrating the separate and duplicated efforts of them. They hoped to correct and guide the concepts of Asiatic Revival and unify and lead the peoples' ideals. What the organization aimed at must harmonize with government policy and sometimes it would advise and encourage them to assist the Asiatic Revival policy. Its ambition was to become the nucleus of the nation's cultural idea of revival and start an international movement east and west with a view to join the IRA movement started by the Asiatic Revival organizations.

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* In spite of the many revival bodies in the country, new ones were being organized and some measures to control them was urgent. Although these old bodies had their own history and special circumstances, their unification would not be difficult and it would not be hard to continue the work of the old ones under consistent control. In controlling, they must depend upon the effectiveness of each person and organization and all members of the various bodies were earnestly desired to agree with them, and the authorities of the China Affairs Board were to contemplate this matter.

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MATSUI here suggested the unification of all the Asia Revival bodies and desired apostles for the cause to rise and cooperate and guide the people. The present situation had become clear and did not allow them to hesitate. If overcautious they would entangle the situation * misleading the country. It was necessary to listen to the nation's voice for those who wanted to guide national policy with sincerity and good faith, but they could not approve shirking responsibility, especially when the decision of national politics depended upon determination to put national policy toward Greater Asia into effect.

MATSUI felt most deeply their responsibility as apostles of the revival and this was why he appealed to their comrades to rise at once.

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Regarding the above article, the accused was asked in what way the government was too scrupulous in carrying out its foreign policy. He replied that at the time hostilities between Japan and China were in progress and some of the government policies toward Asia, as a whole, were imbued with a strong Asianistic spirit. But in view of Japan's internal situation, there were many who tried to think in * negative terms. Hemmed in by these two extremes, the government's policies were very vascillating and MATSUI felt strongly that they were too weak and dilly-dallying. Reminded that the tripartite pact had been signed and there had been a move into FIC, he was asked what he wanted the government to do. He stated his movement was mainly cultural and ideological and he had no idea of

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Page advocating a policy of force or of intentionally setting themselves up against European and American nations. But in view of the international situation and Japan's national strength, he felt they should not sit idly by. His ideas were quite different from Gandhi's movement which was negative. The fundamental spirit which animated MATSUI was the spirit of Bushido and of Buddhism doctrines. * Even if he was sacrificed, he would give up his life for the welfare and reconstruction of the Asiatic people and even if Japan was to be sacrificed, she should give herself up for Asia's sake.

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* Reference was made to his reference to the Ladybird incident in his affidavit, and that he had stated he was responsible for all operational matters. He agreed that the bombardment of the Ladybird came within this classification and he took full responsibility for it without hesitation. Reminded that he had ordered the 10th Army Commander to apologize to the British c-in-c and that he took no responsibility for the bombing of the Panay, he was asked why he went to Admiral Yarnell about that incident as was it not proper to go to the U.S. Navy commander, he stated that the main purpose of his request for an interview * with Admiral Yarnell was discussed on American rights and interests in the Shanghai-Nanking area.

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Even though the navy was responsible for bombing the ship Panay, it belonged to the United States navy and as MATSUI was directing joint navy-army operations, he felt that although it was not his direct responsibility, it was in accordance with Bushido to express a word of regret to Admiral Yarnell. Navy units were not under his operational command but entirely independent and under the navy. The commander of the Japanese fleet, HASEGAWA, issued the operation orders, which were carried out by those naval units and he was not under MATSUI's command but independent.

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Asked how he could direct operations without the navy being under his operational control, he stated that in order to do this they acted in cooperation with each other. * Reference was made to the affidavit where it spoke of a contribution of 10,000 yen to a Reverend Jackinough in Shanghai, and he was asked where the money came from. He stated that since he did not possess such even that amount, he used the money of headquarters' official funds.

Asked what his attitude toward the negotiations with America was in 1941, he stated that when he was fighting in the Shanghai-Nanking area against the Chinese, the attitude of the American officials was more or less neutral and he could find nothing criticizable in their attitude. When he met Admiral Yarnell he told him that whatever incidents may break

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33911 Page out the fighting men of Japan and America should cooperate to maintain peace in the Pacific and Admiral Yarnell fully agreed. This was his sentiment * in 1938 and when again asked about his attitude in 1941, he would have to go back to explain this point. In January 1938 the U.S. President made a speech mentioning Japan's attitude toward Asia and her actions and in language with which he found it difficult to agree and he expressed his dissatisfaction to a New York newspaper correspondent.

33912 Asked again if he was in favor of carrying on negotiations with the United States in 1941, he replied that it was his earnest desire that pending issues between Japan and the United States be settled through peaceful negotiations, but what he thought of the situation at the time was almost as though a Japanese-American war had broke out. When shown an article in the Dai Asia Shugi, * he acknowledged that he wrote it.

33913 Exhibit 3500-A, an excerpt from the Dai Asia Shugi, July 1941 issue, being an article entitled " The Settlement of the China Incident and the Problem of the United States" * written by the accused, MATSUI, stated that a lukewarm argument for compromise with the United States was being put out. It was difficult to comprehend, when he heard that today when the hostile feeling of the U.S. was so acute, compromise with her was being taken seriously. When compromise was advocated from one quarter, its influence extended to Chungking, Nanking, Thailand, French Indo-China, and the NEI, and cast a gloomy shadow on national policy. The reason why the NEI suddenly took a firm attitude and the Japanese-Netherlands Parley was on the brink of a break-down, was solely because the NEI received the impression that Japan would submit to the U.S.

33914 The strengthening of Chungking's war attitude, the wavering of FIC, the uneasiness of Nanking, were all the effect brought about by the lukewarm argument for a Japanese-American compromise. To complete the Holy War, strengthen the peoples' spiritual unity, and make the Asiatic races place their confidence in Japan, it was first necessary to sweep away the servile argument for compromise with the United States. * The basis of the argument for a compromise seemed to lie mostly in the idea that by compromising, it would be possible to stop aid to Chungking, make them cooperate in development of the Nanking Regime, obtain U.S. loans, and direct U.S. cooperation, and secure material resources in the southern regions. This was a fantastic mistake. America considered England her first line of defense

Page and also Chungking and Batavia her first line of defense. There was no reason for America to consider a compromise. America wanted to divert the Hawaiian fleet to the Atlantic and then enter the war, but if she did, the tripartite treaty would make itself felt. The U.S. had neither the preparation nor the power to wage a two-front operation. She wanted to hold Japan down for a while by utilizing the Japanese groups advocating the status quo, the pro-Anglo-American groups, and the groups advocating dependency on the U.S. and Britain. She wanted to de-
33915 ceive Japan and prolong matters * without taking a definite step, and in the meantime was making war preparations.

This was their direct intention and if Japan was fooled by such a trick, it would be disastrous and they would fall from a position of certain victory to one of certain defeat. They must not absolutely compromise with the U.S. for if they did, the significance of the China Incident would be lost and the significance of the war for constructing the New Order would come to nought. Also it would violate the spirit of the tripartite alliance and would be a retrogression of Japan's world policy. The spirit rather than the wording of the alliance was the important thing, for its spirit enabled each nation to have its rightful place in the world. Germany in Europe and Japan in Asia were both fighting for a new order and MATSUI asked how they could violate this lofty aim and international faith for momentary profit.

33916 Japan had work to be done regardless of America's attitude. * This work was cutting the route of aid to Chiang, elimination of enemy nations with aid to cooperating nations, and strengthening of the tripartite axis. First was the economic development of China and the exchange of culture, and joint national defense; second was economic development in accordance with the economic agreement with FIC, and joint joint defense; and third was strengthening of friendly relations with Thailand, and cooperation to fulfill Thailand's wish to recover her lost territories.

33917 If one was persistent in the idea of wanting to settle the China Incident early, he became weak minded. A good soldier forgets his enemy. As long as it was declared that Chiang would be ignored, they may as well forget his existence. The best would be to take the attitude of ignoring the Chungking Regime and Chiang, * for their immediate enemies were clearly Britain and the U.S. and the group of democratic nations. This was common knowledge already. If a compromise was reached with Britain and the U.S. and they tried to settle Incident through Anglo-Saxon cooperation, how could they ever face the spirits of departed heroes. In the name of the

Page 100,000 dead heroes, he absolutely opposed compromise with the U.S. If the U.S. declared war on Germany, Japan must also rise unhesitatingly in accordance with the obligation of the tripartite alliance.

EXAMINATION BY THE TRIBUNAL

Reference was made to a statement that on 24 November NAKAYAMA and HIDAKA reported atrocities committed by Chinese troops in Nanking. Asked how many cases were reported to him, 33918 * he stated he did not hear any specific facts, but they only conveyed general rumours in regard to those cases.

33919 * Asked if he knew of any cases in which a Japanese soldier was tried by court martial and sentenced for atrocities committed in Nanking beyond a mere reprimand by his superior, he stated that the witness TSUKAMOTO and OGAWA had testified that the number of officers and men tried before a court martial and convicted reached over 100.

33920 Asked if he had any other knowledge about the number, he replied that he did hear at the time that two or three cases were being tried in Shanghai. After returning to Japan he tried to investigate the matter but as the documents had been burned, he was unable to carry it further and he was unable to ascertain the actual figures. * The offences for which these men were tried were rape, robbery, looting, outrages, and murder.

REDIRECT EXAMINATION BY MR. LOGAN
Counsel for Kido

33921 Reference was made to exhibit 3500-A in which he had spoken about pro-Anglo-American groups in Japan. Asked if he included in that group court officials around the throne, he replied he didn't think court circles were necessarily pro-British or pro-American, but there may have been such people among them. Asked whom he included in the pro-Anglo-American groups, he stated that he did not like to say specifically that such and such a person was pro-American or pro-British, but he thought it inevitable that those with close ties with the two countries should be imbued with such ideologies. Asked if he was acquainted with the views of the Lord Keeper, KIDO, at the time, he stated that he had never talked directly with KIDO on such problems and didn't know much about them.

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Asked if he ever heard what KIDO's views were at that time, he said there were all sorts of rumours so he couldn't say for sure, but from his own observation, he felt KIDO was somewhat more pro-British and pro-American than such people as himself, but at the same time, he was a patriotic Japanese.

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* Exhibit 3501, the affidavit of TAKAHASHI, Michitoshi, stated that he was in Berlin as Secretary of Protocol for the Ambassador from September, immediately before OSHIMA took his post as ambassador, until January 1939. During this time all conversations with high German officials were arranged beforehand by the witness. As far as he could remember, there was never any case about January 1939, that Himmler requested an interview with OSHIMA, nor was any request made by OSHIMA to see Himmler.

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* Exhibit 3502, the affidavit of SUGIURA, Hiroshi, stated that he was Secretary of Protocol of the Embassy in Berlin during January and August 1939 as successor to the previous witness, TAKAHASHI. During this period, every contact of OSHIMA with outside persons, including high German officials, was arranged through the affiant. As far as he remembered, Himmler never asked through the affiant for an interview with OSHIMA, and no request was made by OSHIMA to see Himmler.

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Exhibit 3503, the interrogation of Ambassador Ott, the direct examination only being read by the defense, * stated that Ott identified exhibit 508 as a telegram dated 27 October 1939 addressed from Woermann to himself as the German Ambassador in Tokyo. According to this telegram, the Reich Foreign Minister requested to support in all respects Ambassador OSHIMA, who after his return would work further for Japanese-German friendship.

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Asked if during OSHIMA's stay in Japan after his return from December 1939 until January 1941, Ott or the * German Embassy rendered any support to OSHIMA in the sense of the telegram, Ott replied none whatever. During this period OSHIMA never asked him or the Embassy for any support in the sense of the telegram. Told that according to the telegram Ribbentrop requested Ott to transmit in code and without changes telegrams delivered there by OSHIMA to Ribbentrop personally and take care of the forwarding of letters addressed to Ribbentrop unopened so far as they were sealed, by sure and speedy route, Ott was asked if OSHIMA, during the above period, handed to himself or the Embassy any telegrams or letters addressed to Ribbentrop, he replied none at all.

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* When shown exhibit 511, Ott agreed it was a telegram dated 23 February 1940 addressed from Stahmer and Ott to the State Secretary. To Ott was quoted the telegram which stated that after his arrival he found such Japanese already known to him as OSHIMA, SHIRATORI, TERAUCHI, ISHII, etc., in an unchanged friendly attitude and ready for every support.

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Page Asked why in the telegram which was signed jointly by Stahmer and Ott the singular personal pronoun was used, Ott stated that it was drafted exclusively by Stahmer and had the name Ott attached only according to official regulations to secure transmission of the cipher telegram by Japanese postal authorities.

 Asked if OSHIMA, after this visit of Stahmer to Japan, actively worked for closer relations with Germany under Stahmer's influence, he stated that there was no active work by OSHIMA as a result of Stahmer's influence.

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* When shown exhibit 516, Ott acknowledged it as a telegram dated June 12, 1940, addressed from himself to the German Government. To Ott was quoted part of exhibit 516, which stated that each German and Italian move which revealed concern over the American attitude in the near future would only be a cue to the government and press which was close to it to make new courtship of America. The government would further try, as in the case of the Asama Maru, to impute to them the intention of using Japan as a tool, an argument which would not be ineffective with the known suspicion of the Japanese. The Embassy was still endeavoring to stir up Japanese ill-feeling against America by influencing the press and leading political personalities in a way deemed proper. Ott himself had expressed the thought to leading political personalities as KONOYE, SUETSUGU and KUHARA, that American interests and activity in the Pacific made in the long run a conflict between Japan and America inevitable.

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In confidential cooperation with the Embassy, Ambassadors OSHIMA and SHIRATORI and circles close to them, * were operating in the same direction. With reference to this telegram, Ott was told that counsel for the accused SHIRATORI had previously handed him exhibit 516, dated 12 June 1940, from Ott to the German Government, wherein he spoke of Japanese-American relations. Ott was asked at that time by SHIRATORI's counsel to explain in detail what he meant by references in the telegram to historical background, Japanese psychology, and existing conditions at the time the communication was sent. Ott had explained to SHIRATORI's counsel that the background of the report was that the collapse of France was obviously imminent, and the British situation precarious. The only effective relief which might keep up English resistance and work against early settlement of the war could come from the U. S., and was asked from them very urgently. Therefore Germany endeavored to hamper such relief * and considered as a useful way continued tension in the Pacific which might prevent the U. S. from removing their attention and fighting forces from the Pacific to the Atlantic.

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It was complicated to advance such a policy because the Japanese attitude was much divided. In this situation, Ott got instructions to back an Italian protest against a Japanese measure in favor of the U. S. and contrary to Italian interests. When Ott presented his objections, he had to avoid Ribbentrop's permanent distrust that Ott was inclined to block his aims. Therefore, Ott stressed in paragraphs 3 and 4 in the report that he was working in his own way and pointed to the cooperation of SHIRATORI and other Japanese known to Ribbentrop to impress him and succeed in the objections.

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When asked by SHIRATORI's counsel in the previous interrogation if he meant in the 4th paragraph of the document that the Embassy, OSHIMA and SHIRATORI worked in a common program based upon mutual understanding and common agreement, * he replied, no, he didn't mean that, because there was no such agreement. SHIRATORI, as far as he knew, warned by private talks and sometimes by the press, against courting the U. S. after they enforced hard economic measures upon Japan. This was not a common plan taken by SHIRATORI, OSHIMA, and Ott, and Ott had only private talks with them separately, and OSHIMA kept himself much apart from political activities while in Japan.

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Ott was never in the company of OSHIMA and SHIRATORI at the same time to carry out this political cooperation. * When he stated that there was close cooperation, he used the expression to give weight to the message, and to carry through his objections he used the names of KONOYE, and SUETSUGU for the same reason.

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After these questions and answers from Ott's previous interrogation by SHIRATORI's counsel were read to him, he was asked if he could make for OSHIMA the same statements he made then for SHIRATORI with reference to exhibit 516, and he stated he could do so. * Asked if OSHIMA did anything to stir up ill-feeling against America, he replied he did nothing but share the suspicions of the Japanese press concerning the sincerity of the Anglo-Saxon powers.

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Asked what he meant concretely by "OSHIMA, SHIRATORI, and circles closely connected with them", he meant groups of politically interested individuals with whom they were associated.

* When shown exhibit 560, he recognized it as his telegram dated 13 December 1940 to the German Government.

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Page Ott was quoted the telegram, which stated that he knew that the Foreign Minister had repeatedly offered the Ambassadorial post in Germany to OSHIMA, who declined it to be able to continue his politically active work for the Tri-Partite Pact in Japan. When asked if OSHIMA, from December 1939 until 27 September 1940, while he was in Japan, worked actively for promoting the conclusion of the Tripartite Pact. Ott stated OSHIMA didn't have any part in the preliminary negotiations or the conclusion of the Pact, and he was sure OSHIMA was not consulted.

33937 During or prior to the negotiations for the Pact in September 1940, neither he nor Stahmer asked OSHIMA for advice or opinion. * Asked if OSHIMA, from the conclusion of the Tripartite Pact until his departure for Germany, worked politically for the Pact, Ott replied that the only thing he could recall was an interview with the press on the subject.

33938 * From exhibit 3503-A, the cross-interrogatory of Ott, was read by the prosecution certain telegrams which were introduced in his cross-interrogatory and made a part of his interrogatories. The telegram of 31 December 1939, from Ott to Berlin, stated that the Japanese Government is functioning under the heaviest foreign and domestic political pressures. The three big problems of her foreign policy were, the settlement of the China question, understanding with America, and adjustment with Russia, and all were yet to be solved. Announcement of the opening of the Yangtze up to Nanking did not bring about the change in the American attitude which had been sought. The U. S. Ambassador brought forward further demands with the ostensible objectives of the independence and free trade of China. He was said to have demanded especially, gradual withdrawal of all troops except eight garrisons to be left in N. China, guarantee for the open door and treaty rights, accompanied by the dissolution of the monopolistic Japanese development company.

33940 The U. S. attitude gave rise to disillusionment after the initial high expectations. To avert U. S. pressure, some circles advocated that the China Incident should be solved by making concessions to Chiang Kai-shek, and if possible negotiate with him by abandoning the KONOYE declaration, and utilize Wang Ching-wei as a mere mediator. The Army, particularly the China Army, was until recently still determined to establish a new central government * under Wang Ching-wei, although he demanded a great amount of independence and had serious personnel difficulties.

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Negotiations with Russia were restricted on details without touching the fundamental question of adjustment, in particular the Russian attitude toward China. Minor counter claims of Russia were causing difficulties.

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As foreign political pressure and continued internal differences continued to exist, neither a coalition cabinet nor the affiliation with any of the European power groups was to be expected for the time being. According to the views of Ambassadors OSHIMA and SHIRATORI, who were working hard to overthrow the present cabinet, two or three more transit cabinets would be needed to bring about a more drastic change of course.

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* The telegram dated 23 January 1940 from Ott stated he was endeavoring as the highest objective of his further action to achieve the release of the arrested persons. He had already presented these views unofficially to the Foreign Minister, but step by step tactics alone were the only ones of prospective success. This also corresponded to the urgent advice of Ambassadors OSHIMA and SHIRATORI.

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* The telegram dated 26 January 1940, from Ott to Ribbentrop, stated that he heard confidentially that the Japanese Foreign Office instructed Ambassador KURUSU to ask the German Foreign Office to put off the planned visit of the Duke of Coburg on the ground that time was not sufficient to prepare for such a visit, and all influential political persons were being occupied in the Diet. As no special missions from any foreign countries had been considered for the occasion of the national foundation anniversary, the Foreign Office requested the visit of the Duke as a friendship mission. Ott expressed to a confident his personal anxiety that the Japanese conduct could cause strong annoyance in Berlin. He saw the deeper reason for this stronger attitude in the petty attitude of the government that exclusive representation of Germany by a special mission might damage Japan's neutral status in the eyes of third powers. Also, the court circle was strongly agitated by the anti-British wave caused by the Asama Maru incident, and feared intensification of pro-German feeling by the visit of the Duke at this time. The fact that the government considered

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* shortly before the Asama case to prepare a pompous reception for the Duke justified this assumption also.

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Page Ambassador OSHIMA also pointed to the anti-British movement as the main reason for the sudden retreat of the government from the promise apparently given Berlin. OSHIMA saw, however, in this postponement possible advantage for the German-Japanese policy, as the anti-British movement would be enabled to develop to the full extent if not burdened with the suspicion of its being under German influence. According to information just received, the movement was spreading to broad party circles and could result in bitter fights in the Diet in February and March, probably bringing about collapse of the government. OSHIMA urged the journey be postponed to April or May, but reserved decision as to the final time-table.

33959 * Exhibit 3504, the affidavit of TANAKA, Shinichi, stated that the affiant was from October 1940 until 7 December 1942, Director of the First Division of the General Staff, in charge of operational matters. The affiant had testified previously that in the peace time operational plan of 1941, no concrete plans for attacking Hong Kong, Singapore, etc., were included. Besides this peace time plan, the Army made between January and May 1941 no concrete plans for occupying Singapore, Hong Kong, or the Philippines, and no study worth mentioning was even made.

33960 The General Staff received neither from Germany nor OSHIMA any suggestions or influences in drafting and deciding operational plans, or any plan including attacks on British Malay, Singapore, Hong Kong, the Philippines, NEI and the Southern Regions, nor was there any case that * the General Staff concerning these plans ever asked through OSHIMA, directly or indirectly, any opinions or assistance from Germany. OSHIMA never recommended to the General Staff preparations, or the carrying out of these operational plans.

33961 * Exhibit 3505, the affidavit of KOMATSU, Mitsuhiro, stated that he was appointed in the winter of 1940 Assistant Military Attache and concurrently the Assisting Member of the Tripartite Mixed Commission in Berlin. He arrived in Berlin with Ambassador OSHIMA in February 1941, and was appointed Military Attache and concurrently member of the above commission at the beginning of 1943, succeeding General BANZAI, remaining in that post until the war's end. Japanese members of the Mixed Commission were Ambassador OSHIMA, BANZAI and Vice Admiral NOMURA for the military, and Minister MATSUSHIMA for the Economic Commission.

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These commissions were never convened until after the outbreak of the Pacific War, and even after its outbreak met only two or three times, and were never convened after the beginning of 1943. * BANZAI told the affiant that during the meetings there were only propagandistic reports by the Germans.

Shortly after the Pacific War's outbreak, the military agreement between the three countries was concluded in January 1942. It was purely a military agreement, and according to BANZAI, OSHIMA was not at all connected with it.

OSHIMA consulted the military and naval attaches and other high embassy officials whenever he received instructions from Tokyo or talked with German leaders. He often said that because very little information was received from Japan, it was regrettable he did not know the government policy. OSHIMA thought that it was most important to find out what plan Germany had for the future of the European war, and especially whether and when she was going to carry out landing operations against England and what preparations she was making.

OSHIMA told the affiant that Germany desired Japan to attack Singapore in the spring of 1941, but learned that OSHIMA was only expressing his personal opinion on the basis of military common sense and did not broach the question on his own initiative. The Singapore question was brought out only before the outbreak of the German-Russian war, and therefore Germany changed her mind, asking Japan to attack the Soviet, according to OSHIMA.

33964

The affiant was allowed to see important telegrams OSHIMA sent to Tokyo, but never read a telegram by which OSHIMA recommended such attacks as his own opinion. Those in Berlin, including OSHIMA, received almost no communications concerning the Japanese-American negotiations, and could not understand the situation in Japan well. * OSHIMA's opinion, even when he received instructions to negotiate for the Non-Separate Peace Treaty immediately after the war's outbreak, was that war would not be opened between Japan and the U. S. The affiant was much surprised on hearing of the Pearl Harbor attack, as were OSHIMA and all others at the Embassy.

33965

* Exhibit 3506, the affidavit of TATSUMI, Eiichi, stated that he was Military Attache to Britain from 1936 to 1938 and from 1939 to 1942. He was repatriated in September 1942. Charge d'Affaires MAMIMURA headed the Embassy group at that time, having succeeded Ambassador SHIGEMITSU, who returned in May or June, 1941.

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During his tour of London he was responsible directly to the Chief of the General Staff and was only related to the ambassador in matters of confidence. Under the Japanese military system, the military attache was appointed, supervised, and removed by the military, and was not under the ambassador's authority. A major factor in the appointment of a military attache was his language ability. In his case his language instruction was concentrated on English, and his only foreign assignments were in London.

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Page DIRECT EXAMINATION OF YOKOI, Tadao,
by Mr. Shimanouchi.

33967 * The witness identified and verified exhibit
33968 3507 as his affidavit. The affidavit stated that the
witness was appointed in September 1940 * Naval Attache
to the Embassy in Germany, and remained in Berlin until
October 1943.

About February or March 1943, Vice Admiral
NOMURA and the witness learned from Ambassador OSHIMA of
an offer of Hitler to transfer two submarines to Japan for
study by the Japanese Navy. OSHIMA told them that no
conditions were attached. Thereafter, telegraphic instruc-
tion was received by NOMURA from central naval authorities
that the navy was pleased to accept the offer. Upon
request, OSHIMA saw Foreign Minister Ribbentrop convey
this acceptance, and they understood no special conditions
were attached. The practical procedure of transfer was
completed between the two nations, and during these negotia-
tions also no strings were attached to the matter.

33969 * The witness never heard from OSHIMA, nor from
the Germans, or anyone else, about attacking or annihilating
crews of torpedoed merchant ships, nor did he hear from
OSHIMA or anyone that Germany adopted such policies.

On additional oral direct examination, the witness
was asked if, about the end of November 1941 or the beginning
of December, OSHIMA was in Berlin or some other place. He
replied that toward the end of November OSHIMA left Berlin
for Vienna to attend a music festival.

CROSS-EXAMINATION BY MR. TAVENNER.

33970 * The witness stated that at the time of the
transaction relating to delivery of the two German submarines,
he, as naval attache, was a member of the joint military
commission in Berlin established under the Tripartite Pact.
He and Admiral NOMURA, also a member of the commission,
consulted with the German Navy in regard to the details
for the transfer of the two submarines. Problems relating
to the transfer and other military matters were not settled
by the military commission.

Asked if he and NOMURA who were on the commission,
conferred regarding the matter, he replied that they did
consult, but NOMURA consulted in his capacity as the highest
naval representative in Berlin and the witness in his
capacity as naval attache.

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* He and NOMURA did not consult on military matters as a commission. Asked if he meant to say that the military commission, established to discuss military matters, did not meet and discuss them, he replied that that might have been the purpose of the commission, but actually no such discussions were held, and he had no recollection of ever having discussed military matters.

33972

* He did not know the reason why the military commission did not discuss them. It was not true that the commission failed to function because an informal commission composed of Ribbentrop and OSHIMA took over the committee's functions and military matters were settled on a higher level.

To the witness was quoted a purported statement he made in his interrogation, that another reason that the joint military committee did not function effectively was that an unofficial commission of Ribbentrop and OSHIMA was established, and they conferred in respect to military measures and with these conferences proceeding on the level of the German Foreign Office it was difficult for the subordinate commission to carry out its functions.

33973

* Asked if he did not make that statement, he replied that he thought he said something to that effect. Asked if in March 1934 Ribbentrop requested OSHIMA to communicate to his government the German desire that submarine warfare in the Indian Ocean be intensified, he replied he had not heard that he had demanded that of the government, but did hear that he had expressed such desires to the government.

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* DIRECT EXAMINATION OF OSHIMA, Hiroshi
BY MR. CUNNINGHAM

33974

The accused identified and verified Exhibit 3508, as his affidavit.

33975

* The affidavit stated that the accused was born in 1886, was graduated from the Military Academy; in 1921 was appointed Assistant Military Attache in Berlin, and after his return home in 1925 held various military posts in which he was most concerned with educational matters. From Aug. 1931 until the spring of 1934, he was Chief of the Third Section of the General Staff in charge of internal defense matters. He was then appointed Military Attache in Berlin and after being appointed Ambassador to Germany, resigned his commission as a Lieutenant General. While in the Army * he never belonged to any clique nor did he know if there was such a thing in existence.

33976

In Oct. 1921 he went for the first time to Germany as Assistant Military Attache, remaining there until Feb. 1923, when he was appointed Attache in Vienna. Because Germany was in the midst of depression and confusion after her defeat, he got an unfavorable impression politically, economically and militarily of the country. When he returned to Berlin in May 1934 as Military Attache one and one-half years after Hitler came to power, he found everything changed and considerably improved, and felt there were things in the new Germany worthy of serious consideration. As Attache it was his duty to gather information and report to the General Staff in Tokyo concerning military matters. In this duty he naturally came into contact with leading members of the German Army and air force, with the exception of Ribbentrop, with whom he became acquainted through the preliminary contact for the anti-Comintern Pact. His contact was generally with military leaders. During his two tours as Ambassador, he found that the bulk of his time and energy had to be devoted to matters such as culture, trade, protection of Japanese nationals, etc., and diplomatic contact with the German Government was only a small fraction of the business of the Embassy. His direct approach to the Reich was through Ribbentrop. Ribbentrop was often absent from Berlin and OSHIMA met him no more than five or six times a year. He met Hitler usually upon his request and this was possibly two or three times a year. Other than Hitler and Ribbentrop, he met other Nazi leaders only on ceremonial and social occasions and had no official connections with them.

33978

* The German Foreign Office disliked foreign diplomats making direct contacts with leaders other than foreign ministers or with branches of the government other than the foreign ministry. Ribbentrop having made his wishes in the matter quite clear to OSHIMA, he was careful not to go over his head.

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The Anti-Comintern Pact was in existence during his first ambassadorship, and the Tri-Partite Pact was already in effect prior to his second sojourn in Berlin. As Ambassador, he felt duty bound to concentrate his efforts on the maintenance and improvement of Japanese-German relations in the spirit of these agreements and always acted in line with the home government's policy. For this purpose he tried to maintain as close a relationship as possible with Hitler, Ribbentrop, and other German leaders to make himself an effective channel for smooth exchange of views. He never approved Nazi ideology or policy as a whole, and particularly had no sympathy with the Nazi race theory or their * anti-Jewish and anti-Christian policy. He disapproved of their administration in occupied territories during the war but diplomatic discretion prevented him from expressing his views openly although he thought it was sufficiently understood by the Japanese and Germans with whom he dealt.

The Japanese-German cultural agreement was concluded in 1938. OSHIMA thought the exchange of culture between the two nations would benefit both, although he did not agree with any features of the Nazi party's cultural policy. He supported the enterprises of the Cultural Society and a considerable part of his time was occupied with these enterprises.

33980

* Regarding the parts of his interrogations which had been quoted by the prosecution, since he had practically no knowledge of English, it was inevitable that some misunderstandings or misinterpretations occurred and he found this out later. The prosecution tendered many German documents concerning conversations with Hitler, Ribbentrop and others. The conversations were in German, without an interpreter, and at those with Hitler, Ribbentrop was always present. Stahmer or his successor was sometimes present at the interviews with Ribbentrop at which there was no recorder present. The records of the conversations must have been made afterward from memory and could not always be accurate.

33981

* Regarding the documents concerning his conversations with Ribbentrop, they were generally compiled in a vein favorable for him. Sometimes it was even stated that OSHIMA agreed with Ribbentrop on certain matters while actually they were only talked about and he had expressed no opinion. He thought this was because Ribbentrop had many enemies in the German Government and military circles and in distributing the documents to them he had to resort to internal political maneuvering to show the success of his pro-Japanese policy. The accused knew well that it was only Hitler and Ribbentrop who decided German foreign policy and it was no use to talk to their subordinates. He always talked over important matters either directly with them or through the liaison man, Stahmer, or his successor, when Ribbentrop was absent. Very seldom did he meet other foreign

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Page office officials and rarely talked over routine matters with them.
33982 In the records prepared by Weizsaecker, Erdmannsdorf, etc. of his conversations * with them, there were many matters of which he had no recollection. They evidently drafted the documents to make it appear as if they had important talks with him and then presented them to Ribbentrop.

33983 He first made the acquaintance of OTT in Apr. 1934 prior to going to Germany as Military Attache, when OTT arrived in Tokyo as the Attache of the German Embassy. He had personal contact with OTT during his stay in Tokyo between Dec. 1939 and Jan. 1941 when OTT left Japan for his second tour of duty as Ambassador. They sometimes had informal chats but OTT never considered them seriously as he was completely retired from public life at the time, did not know the government's view, and had no inside information to give. He was much surprised that his name was often cited in Ambassador OTT's telegrams. * From Aug. 1931 until Mar. 1934 OSHIMA was Chief of the Third Section. Since he was in charge of purely internal defense matters, he had no connection with the Manchurian Incident or with the Manchukuo problem, and this situation continued after he became the Attache in Berlin in Mar. 1934. After being appointed Attache, he arrived in Berlin in May 1934. He heard he was chosen because he spoke German well and had some knowledge of Germany as result of his previous stay there.

33984 At that time the C/S was Prince KAN-IN and the Deputy Chief was General UEDA. Prior to his departure, OSHIMA received oral instructions from UEDA concerning his duty in Germany. He was ordered to watch and investigate * the stability of the Nazi regime, the future of the German army, relations between her and Russia, and was further instructed to collect information and report on the Soviet.

According to the Japanese system, the Military Attache belonged directly under the C/S and was not subordinate to the Ambassador.

33985 Exhibit 3509, a certificate showing military attaches and assistant attaches to Embassies and Legations were under the command of the C/S in compliance with military orders, was received in evidence. The affidavit continued and it was stated that regarding OSHIMA's contacts with Ribbentrop * prior to the negotiations for the Anti-Comintern Pact concluded in 1936, the prosecution had offered parts of his interrogation (Exhibits 477 and 478). Regarding this, the contacts he had with RIBBENTROP and Hack as narrated there, were for the sole purpose of collecting information, one of the attache's main duties. They were nothing in the nature of negotiations.

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When he met Ribbentrop in 1935, he had the title of Ambassador unattached. Hack was a salesbroker of arms for foreign countries.

In Exhibit 478 it was made to appear that in answer to the question: Were the Japanese military and naval attaches authorized by virtue of their position to enter into negotiations with the military of another nation, looking toward a pact or treaty or an international agreement between the two nations, he had stated, yes, if it was a strictly military matter, they might discuss those matters without going through the Ambassador.

33986

* To clarify his answer in the above interrogation, the Japanese military or naval attache was authorized to negotiate for and conclude purely military agreements. In this case no participation of the Ambassador was tolerated. As to other matters, the attache could only send information to the General Staff but was not authorized to negotiate.

In Exhibit 478 it was also made to appear that he had stated it was quite true that the army had enough power very probably to sell the pact to the Japanese Government and that he would say no treaty could possibly have been made if the army had not wished it. Regarding this, OSHIMA had no recollection of stating such things. He had only said as to the reason RIBBENTROP approached him was that he might have thought that the Japanese Army was mostly interested in such a matter and this statement must have been misunderstood.

33987

After he reported RIBBENTROP's desire to the General Staff, Lt. Col. WAKAMATSU was despatched to find out the views of the German Government and Army. * He arrived in Berlin at the end of November 1935 and OSHIMA took him to RIBBENTROP and Minister of Defense General Blomberg. In the interview RIBBENTROP proposed an Anti-Comintern Pact on the ground that the 7th Congress of the Communist International in Moscow of that year brought out a resolution to the effect that Japan and Germany were its primary enemies and therefore the two countries had common interests to defend themselves. OSHIMA expressed no opinion to this proposal. WAKAMATSU left Berlin with this information and arrived in Tokyo at the end of Jan. 1936. At that time Ambassador MUSHAKOJI was on leave in Tokyo. He returned to Berlin at the end of Apr. 1936 after the main points of the matter had been decided in Tokyo. Thereafter, negotiations were conducted by MUSHAKOJI with RIBBENTROP in accordance with government instructions and the Anti-Comintern Pact and Secret Agreement with Germany were concluded.

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Concerning the Japanese Government's purpose in concluding the Pact and Secret Agreement, OSHIMA's understanding was * that inasmuch as Japan was internationally isolated after the Manchurian Incident, it was desirable to remove that uneasy feeling by finding an ally or allies. Also, since the destructive activities of the Comintern were rampant in U.S. and Asia, it was felt advisable that as many nations as possible should join hands and take counter-measures, especially in view of the resolution of the 7th Comintern Congress of 1935. In addition, Japan was keenly feeling pressure from the Soviets. Russia had developed her industries under the 5-Year Plan and increased her armament to a great extent and considerably reinforced her army in the Far East. Therefore, Japan wanted to come to a political agreement with Germany which was similarly situated vis-a-vis the Soviet to make her position more secure. With this purpose of the Pact, OSHIMA was in complete agreement.

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* The prosecution had alleged that the Anti-Comintern Pact and Secret Agreement were forerunners of the Tripartite Pact and were aggressive agreements directed against democratic countries and particularly used in the aggression against China. He never heard that the Japanese Government and Army ever had such thoughts nor did he himself. He believed the Anti-Comintern Pact was ideological to check the spread of communism and at the Secret Agreement was of a very peaceful nature, only stipulating that Japan or Germany would not carry out any measures which would relieve the position of the Soviet if one of the two were attacked unprovokedly. The text clearly showed this, and OSHIMA also did not dream of the outbreak of the China Incident at the time the Agreements were concluded.

33990

* The outbreak of the China Incident in July 1937 was a complete surprise to him. He had been in Berlin as attache since the spring of 1934 and was completely out of touch with the China problem. He learned by telegraph from the General Staff after the outbreak of the non-aggravation and non-extension policy and believed it would be settled locally soon. It gradually became clear that it would not be settled quickly and he was much concerned at Japan's position being endangered because of Soviet armament in the Far East.

At the end of Dec. 1937, he received an instruction from the General Staff to request the German Army that peace be offered to Chiang Kai-shek through General Falkenhausen, the military advisor to Germany. OSHIMA approached the German Army at once and General Keitel agreed and initiated action to that end. This peace attempt did not materialize and had to be abandoned when the efforts of mediation by Ambassador Trautmann were terminated.

33991

* Exhibit 489, Himmler's memorandum, said that Himmler visited OSHIMA on 31 Jan. 1939 and talked with him concerning

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Page counter-intelligence activities against the Soviet, but Himmler never visited him then and he could not remember even seeing him then. During his 10 years in Germany he had no special relations with Himmler. He received visits from him only twice: in the winter of 1936 when an official of the Japanese Home Office came to Germany to study measures for controlling communism and OSHIMA invited Himmler to a dinner party to solicit his assistance on behalf of the Japanese official; the other occasion was in Mar. 1941 when OSHIMA went to Germany as Ambassador for the second time and Himmler paid him a courtesy call. About June 1937 while OSHIMA was attache, his office in accordance with the C/S's instructions * began to study the use of White Russians in Berlin to collect information about the Soviet and for propaganda and counter-intelligence purposes in case of war between Japan and Russia. The task was entrusted to Lt. Col. USUI and later to Col. MANAKI of OSHIMA's staff. This was a fairly special service and their office and expenditure account were separated from OSHIMA's, and in the General Staff Office in Tokyo, the section in charge of this service was different from the one handling general matters concerning attaches. OSHIMA's function was to supervise rather than direct, although since he received reports, final inspection for the service rested with him. Instructions of the C/S concerning counter-intelligence were that this matter was only to be studied in consideration of war and not to be executed in peace time.

33992

There was an understanding between the German and Japanese Armies to collaborate in this. On the German side it was exclusively handled by the counter-intelligence section * and was kept strictly secret, even within the Defense Ministry.

33993

Himmler was not concerned with counter-intelligence and he and the Chief of the Counter-Intelligence Section were on bad terms. Therefore, neither OSHIMA nor other Japanese officers ever talked with Himmler or his subordinates about this matter, and OSHIMA never concerned himself with counter-intelligence after becoming Ambassador. He received reports from USUI that he had bought real estate in a Berlin suburb and kept White Russians there who were engaged in small scale printing of anti-Soviet pamphlets. OSHIMA knew nothing more than that and never visited the place. He never knew nor heard of the sending of anti-Russian pamphlets into Soviet territory by balloons from Poland. To carry this out it would have been necessary to secure Poland's collaboration, but he never heard that such talks were conducted with her. He never heard of the buying of motor-boats to send pamphlets into Crimea from Roumania across the Black Sea. To do this Roumanian collaboration would have been necessary and he didn't think relations with her were so cordial as to permit such talks. As to the story of sending 10 Russians with bombs into the Soviet to assassinate Stalin, the contention was fantastic and ridiculous.

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*As to the Japanese army officer stationed in Afghanistan, OSHIMA had no connection with his affair. In this memorandum it was stated he was expelled because he was suspected of wanting to overthrow the Afghan Government but according to what OSHIMA heard he was requested by the Afghan Army to return to Japan as a result of his anti-Russian remarks. The greater part of the memorandum contained matters he did not know about and in view of the fact that the memorandum nevertheless stated OSHIMA talked about them he denied the authenticity of the document and even thought that Himmler or his subordinates concocted the document utilizing his name for some internal purpose.

In 1938 and 1939 lengthy negotiations took place between Japan, Germany and Italy for strengthening the anti-Comintern Pact in which OSHIMA participated as ambassador. The negotiations ended in complete failure and no result was obtained.

33998

*In July 1938 while he was Military Attache Ribbentrop showed him what is purported to be a brief draft of a treaty of mutual consultation and assistance between Japan, Germany and Italy and asked him to find out how such an idea might strike the Japanese Army. OSHIMA dispatched Major General KASAHARA at the end of July 1938 to Japan for a first hand report. After KASAHARA reported to the General Staff and War Ministry things developed with unexpected rapidity. The army brought it to the attention of the Foreign Minister UGAKI, who presented it to the Five Ministers' Conference at the end of August.

33999

At the conference it was agreed that subject to verbal alterations general approval could be given the German proposal provided the Soviet was considered as primary and other countries the secondary objectives, it being understood that the basic idea was amplification of the anti-Comintern Pact. * It was agreed the matter should be transferred to formal diplomatic channels but there would be no harm in communicating to the Germans in the meantime through the army channel the above mentioned decision. This was what OSHIMA learned from telegrams sent him from army authorities and from KASAHARA's report after he returned to Berlin at the end of September. OSHIMA was surprised at the unexpected turn the matter had taken but conveyed this promptly to Ribbentrop.

He was appointed ambassador in October 1938 and did not know what happened in Tokyo prior to his appointment. In September he unexpectedly received a telegram from the General Staff asking whether he had any objection to the appointment and he firmly declined because he would have to resign from active military service and besides had no diplomatic experience.

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34000

* After repeated urgings from the General Staff he finally gave in because as a soldier he could not refuse to comply with the army's wish. The Foreign Minister at the time was Premier KONOYE who held the post concurrently and shortly thereafter ARITA was appointed Foreign Minister. Upon his appointment OSHIMA was placed on the reserve list and practically all his army connections were cut off. He considered it his primary task to bring the proposed treaty between Japan, Germany and Italy to fruition.

34001

At the beginning of November after becoming ambassador Ribbentrop formally presented a German draft of the treaty asking OSHIMA to transmit it to his government and he sent it by telegram to ARITA. ARITA replied that it was a capital idea and would facilitate the settlement of the China Incident, be effective in strengthening defense against the Soviet and improving * general diplomatic position. ARITA's telegram further stated that the government was contemplating a concrete counter proposal which would be cabled as soon decided upon. From this telegram and from the Five Ministers' Conference at the end of August OSHIMA gained the impression that his government was in agreement in principle to the German proposal. Shortly thereafter however a telegram was received which stated there seemed to be a misunderstanding as to the objective of the proposed treaty. OSHIMA cabled back for an explanation but received no clear answer. The Japanese announced counter proposal did not arrive despite his repeated requests and he could not proceed with the negotiations until the arrival of the ITO mission at the end of February 1939.

34002

After HIRANUMA replaced the first Konoye Cabinet at the beginning of 1939 ARITA sent a telegram announcing the dispatch of a mission headed by ITO, a former * minister to Poland, as a special envoy to convey and explain the government's instructions. The mission arrived in Berlin at the end of February and as the instruction was addressed to both the ambassadors in Germany and Italy SHIRATORI came to Berlin and they met the ITO mission together. The Japanese counter proposal corresponded in its main part to the draft treaty of mutual consultation and assistance between Japan, Germany and Italy, the signing protocol and the secret accessory protocol. (Exh. 2619) As far as the treaty to be published was concerned no limitation or condition was placed on the duty of mutual assistance. However, two secret understandings were to be annexed and it was to these they were instructed to try to obtain the concurrence of the German and Italian Governments. These secret understandings were that Japan would not render military assistance if Germany and Italy were attacked by countries other than the Soviet unless these * countries turned Communistic and the explanation would be given to third parties that the treaty was a strengthening of the anti-Comintern Pact. According to this instruction, secret understanding No. 1 was going to limit the duty of military

34003

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assistance to Japan to cases where the Soviet was involved. OSHIMA thought this would contradict what he had already committed to the Germans in accordance with the telegrams received from Tokyo when he was Attache. To present this proposal would not only cause Germany to doubt Japan's sincerity but OSHIMA was also sure that they would not accept it. He therefore cabled his view to Tokyo that if Japan wished the successful conclusion of the treaty it would be necessary to reconsider Secret Understanding No. 1. According to Japanese law an official can present his view to his superior concerning the business under his charge. Exhibit 3510 an excerpt from the Foreign Ministry Year Book being an Imperial Ordinance issued 30 July 1892 in support of OSHIMA's contention was received in evidence. * The affidavit continued and stated that when OSHIMA presented his observations he was only following this principle. In the detailed explanation attached to the instructions was the remark that Japan was compelled to make concessions to the extent of the draft treaty because Germany and Italy had been misled concerning Japan's position in the course of the negotiations. OSHIMA thought this a grave matter for if he had misled Germany he had to take responsibility and therefore he cabled ARITA asking to clarify this point. ARITA replied at the end of March that no one in particular was responsible.

34004

OSHIMA did not tender his resignation at that time nor indicate any wish to resign nor tender his resignation during the whole course of the negotiations.

34005

*Exhibit 501, an excerpt from Ciano's diary and Exhibit 502, a telegram of Ribbentrop stated that OSHIMA refused to carry out the ITO mission's instructions and threatened the government by resignation, but this clearly was not the case. As to 502, it was quite untrue the original draft of the proposed treaty had been drafted by direct negotiations between Ribbentrop, Ciano and himself. He never talked with Ciano concerning it and the draft was drawn up by the Germans without his participation. In answer to OSHIMA's observations as to the instructions brought by ITO, a new instruction revising the original text of the secret understandings was received at the end of March which he immediately conveyed to Ribbentrop. That new instruction provided that Secret Understanding No. 1 was revised and made to read that although Germany accepted the duty of military assistance if Germany and Italy were attacked by countries other than the Soviet she would not be able to carry it out effectively * for the time being. As to Secret Understanding No. 2 Japan wanted the reservation that if inquiries were made by third parties Japan would explain that as far as she was concerned she had nothing in view but the destructive activities of the Comintern in concluding the treaty. Ribbentrop stated it was his interpretation that by the proposal Japan accepted in principle participation in war if Germany and Italy were attacked by countries

34006

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other than the Soviet and asked OSHIMA if this interpretation was correct. He replied that since Japan accepted the duty of military assistance he thought she accepted in principle the duty of war participation although the scope and mode of it would differ from time to time. Ribbentrop said he could not consent to Japan's making a different and independent explanation to third countries concerning the treaty's purpose. OSHIMA tried hard to explain Japan's situation. After consultation with Hitler, Ribbentrop stated that although he would accept the proposal so far as the treaty, the signing protocol and the secret accessory protocol were concerned, * he desired that Japan withdraw the proposal for secret understandings. He suggested that as Germany did not intend to ask Japan to go beyond her capacity details of the obligations should be referred to conferences envisaged in the secret accessory protocol. In short he asked reconsideration on the part of Japan and OSHIMA cabled Tokyo in that sense.

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34008

*Tokyo's instructions thereafter never denied the duty of war participation. Only they gave a very broad interpretation to the term by including measures which could not be interpreted normally as war participation and instructed OSHIMA to secure Germany's consent to that interpretation. The instructions were ambiguous and difficult to understand and OSHIMA was sometimes hard put as to how to make them clear. He found out later that the ambiguity was due to the fact that the instructions were drafted as a result of oral compromise while the difference of opinions remained unreconciled. In spite of these difficulties he tried to explain the Japanese point of view to Ribbentrop who finally recognized the need for Japan to make the two reservations and proposed that proper formulation for them should be studied from a legal point of view. At his request OSHIMA sent, at the beginning of May,

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Councillor USAMI to Chief of the Treaty Bureau Gaus * for consultation concerning the reservations and a tentative plan drawn up by Gaus was cabled to Tokyo. (Exh. 26917) About the time OSHIMA cabled the Gaus plan Premier HIRANUMA sent a personal message to Hitler and Mussolini through the German and Italian Ambassadors in Tokyo, in which he stated that Japan was resolved to stand at the side of Germany and Italy and render military assistance within her capacity even if the two were attacked by countries other than the Soviet but under the circumstances she was compelled to make certain reservations. He requested Germany to make concessions as to the secret understandings and trust Japan's sincerity. The purport of the message was strongly in support of the negotiations which OSHIMA was pursuing. The message was wired him by ARITA simultaneously with its delivery to Ambassador Ott in Tokyo and he had it delivered at once

34010

to the Foreign Office. * When the message arrived, Ribbentrop was staying with Hitler in South Germany and telephoned OSHIMA, saying that Hitler upon reading the message had said that although he was not asking much from Japan he could not agree because of some remaining ambiguities. Exhibit 2230, telegram from Ribbentrop to Ott stated that at the end of May OSHIMA again refused to carry out instructions. OSHIMA told Ribbentrop

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at that time that he cabled Tokyo his observations to an instruction concerning the Gaus plan. Ribbentrop must have misunderstood that and wired Ott in that sense.

It was untrue that OSHIMA received, as stated in Exhibit 2230, a telegram from War Minister ITAGAKI in which ITAGAKI requested him to hold off until later against ARITA in order not to disturb the discussions in Tokyo and that the army was firmly resolved to fight the matter out even at the risk of a cabinet overthrow. Concerning this OSHIMA recalled that Military Attache KAWABE in Berlin wired central army authorities criticizing the government's equivocal attitude. ITAGAKI replied to him that as the atmosphere of the Five Ministers' Conference was inclining to favor the conclusion of the treaty he better keep quiet. ITAGAKI stated he had no intention to overthrow the present cabinet. OSHIMA heard this story from KAWABE and thought he told it to Ribbentrop. He never received telegrams from ITAGAKI concerning these negotiations for this was not permitted and he was not concerned with the exchange of telegrams between KAWABE and ITAGAKI.

34012 At the beginning of June Tokyo sent a new instruction requesting the German Government to revise the Gaus plan. OSHIMA explained in detail to Ribbentrop who showed understanding as to the Japanese view that Japan could render no effective military assistance for some time and might, according to circumstances, remain neutral if Germany was attacked by countries other than the Soviet. * However, Ribbentrop again rejected the exchanging of notes concerning the secret understandings, on the ground that if the notes leaked out the treaty would be deprived of political effect. He said Germany was very anxious about the leakage of secrets in Tokyo. In mid June OSHIMA reported that but received no instruction. The negotiations ended due to the German-Russian Non-aggression Pact on 23 August 1939.

34013 During the whole negotiations OSHIMA's constant idea was that the proposed treaty was purely defensive and its object was not war but was meant to be used as a means in diplomatic negotiations. According to his understanding the reason why Japan wished the conclusion of the treaty was to strengthen her diplomatic position to *facilitate the settlement of the China Incident and to improve her defensive position vis-a-vis the Soviet. This intention was also clearly expressed in the treaty draft drawn up as a result of OSHIMA's negotiations. (Exhibit 2619) In the preamble of this it was stated that Japan, Germany and Italy, in the conviction that the activities of the Comintern threatened peace in Europe and Asia determined in the spirit of the Agreement to strengthen defense against the communistic disintegration and preserve their common interests, had agreed upon certain provisions. As was proper for an ambassador, OSHIMA did his best during the entire period of the negotiations to bridge over the opposing views of the two governments.* For this purpose he conveyed the German views accurately to his own government, while interpret-

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Page ing the Japanese point of view truly to the Germans. Sometimes he represented to his government after sounding German views that if it desired the successful conclusion of the negotiations it was preferable to make some concessions. While the instructions from Japan were equivocal he requested clarification and postponed executing the instructions until the wires were answered. However, he had no recollection of having contradicted or having refused to carry out instructions or going beyond their scope. He received no censures from the Foreign Minister in this respect during and after the negotiations.

34015 About 20 August 1939 Ribbentrop called on OSHIMA by telephone informing him of the decision of concluding the Non-aggression Treaty with the Soviet, explaining this had been made inevitable by the exigencies of the European situation. * OSHIMA told Ribbentrop this was in contravention of the Anti-Comintern Pact and an act of extreme bad faith. When Ribbentrop passed through Berlin on his way to Moscow for signing the treaty OSHIMA repeated his oral protest.

Thereafter ARITA instructed him to lodge a formal protest and he drafted a note of protest and saw Secretary Weizsaecker to hand it to him as he could not see Ribbentrop at that time. Weizsaecker begged OSHIMA to postpone presenting the note because Germany was in a difficult position in connection with the negotiations with Poland. OSHIMA thereupon consented to the request and postponed presentation of the note until mid September when the war situation in Poland was somewhat clarified.

34016 Having received the notification from Ribbentrop about 20 August that the conclusion * of the Non-aggression Pact was imminent he immediately cabled Tokyo offering his resignation. One month later he received orders to return to Tokyo and arrived in Japan in December 1939, and his request for resignation was granted and he was relieved on 27 December. The reason he offered his resignation was because he felt he had not fulfilled his duty in not anticipating the Non-aggression Pact, also he was annoyed at Germany's volte face. He resigned on his own initiative and had no thought of going to Germany ever again. He learned for the first time in the Trial that Ribbentrop worked on the Japanese Government to keep him at his post. He was functioning as ambassador after offering his resignation until his departure from Berlin in October 1939. During this period he

34017 had no important conversation with the Germans except over routine * matters.

Exhibit 507 said that before OSHIMA's departure he expressed full approval to Ribbentrop's theory concerning future Japanese-German collaboration and German good offices for improving Japanese-Russian relations as he thought it desirable at that time to bring about friendly relations with the Soviet. He expressed this idea as his private opinion to Ribbentrop.

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As to Exhibit 508, a telegram from Weermann to Ott, OSHIMA explained that before his departure from Germany he thought Ribbentrop asked him to give any advice for Germany which he thought fit, but OSHIMA never heard from anybody about the secret communications, etc., as described in that telegram. He never committed anything to anybody concerning his conduct after his return to Japan and he never communicated with Ribbentrop through the German Embassy in Tokyo after his return home or through any other means.

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*From his resignation in December 1939 until reappointment as ambassador in December 1940, he never occupied any official position and had no connection with any political, ideological or cultural groups. He was never consulted by anyone in the government nor did he ever see any official documents. As he had been away from Japan for more than five years he wanted to retire completely and devote himself to studying Japan's internal-situation. He received invitations to join political parties or make public speeches but he consistently refused. He did make a few private speeches. He never made any remarks to stir up anti-British or anti-American feeling on these occasions. He had nothing to do with the conception, negotiation and conclusion of the Tripartite Pact in September 1940. He did not even know what kind of negotiations were taking place and was never consulted by Foreign Minister MATSUOKA, Ambassador Ott or Stahmer.

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*Exhibit 1299A, an article published under his name in the Yomiuri Shimbun of 27 October 1940 was an interview he gave to newspaper correspondents and he gave it in accordance with statements issued by the government.

In December 1940, he was again appointed ambassador to Germany. When MATSUOKA offered him his post he refused more than once once but because of his strong urging he ultimately accepted it.

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Exhibit 560, Ott said OSHIMA refused because he wanted to stay in Japan and work politically for the Tripartite Pact but this was completely untrue. He refused because it was hardly a year since he had resigned and he did not want to go again to a distant foreign country. His reappointment took place after conclusion of the Tripartite Pact in September 1940. * The Rescript on the day of its conclusion (Exhibit 554) and the government statement (Exhibit 2734) indicated the pact would form a cardinal point in Japan's foreign policy and he was convinced that his actions as ambassador must be guided by the pact. As to its purpose, he understood from MATSUOKA it was to keep the United States out of the war and facilitate settlement of the China Incident. He naturally thought Japan should be prepared for all eventualities but never advocated the use of armed force for any but defensive purposes.

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34021 In January 1941 prior to his departure he was invited by Premier KONOYE to a party, together with Admiral NOMURA, the new ambassador to the United States. Among those present were Minister, without portfolio, HIRANUMA, War Minister TOJO, Navy Minister OIKAWA, Chief of Staff SUGIYAMA and Deputy Chief of Staff KONDO, etc. At the party KONOYE explained the government's attitude toward the Tripartite Pact, emphasizing * what Japan's prime desire was. The Foreign and Navy Ministers stated that even if the United States-German war should break out Japan would not enter the war unless it was determined clearly that Germany was attacked and asked OSHIMA to collect and report as many accurate data as possible. Besides desires were expressed that Germany's intentions in the European war be ascertained, especially as to landing operations against England.

In January 1941 he met Ott and the Russian Ambassador Smetania at the German Embassy at Ott's invitation. On this occasion OSHIMA emphasized his desire for improving Japanese-Russian relations in accordance with the idea of the Tripartite Pact to which Smetania agreed. As a result of Smetania's communication to his government OSHIMA and his party got Russian visas quickly and this provided other special favors.

34022 *OSHIMA arrived in Berlin on 19 February 1941 and went to Berchtesgaden on 28 February to present his credentials to Hitler.

34023 Exhibit 571 described his conversations with Ribbentrop on 23 February. It was true that Ribbentrop in the interview tried to lead conversations in the direction of inducing Japan to attack Singapore. However, OSHIMA had no recollection of telling Ribbentrop that preparations for attack on Singapore, Hongkong, etc. would be completed by May and he had never received any information on such subjects, nor did he ask MATSUOKA to visit Berlin with a concrete plan to attack Singapore. He knew that such a matter was purely an operational matter in charge of the High Command and no outside intervention was tolerated. When Ribbentrop touched the question of an attack on Singapore OSHIMA expressed his personal opinion and let the talk go along the line Ribbentrop suggested because he as ambassador considered it important to ascertain German intentions, especially toward Britain and thought * these talks would be a good clue for this purpose. He thought also it was to some extent necessary not to give the impression of Japan's assuming an evasive attitude.

Exhibit 580 said that MATSUOKA asked Ribbentrop for help in the attack on Singapore. Ribbentrop told MATSUOKA the question had already been discussed with OSHIMA, however, OSHIMA never talked with Ribbentrop about such matters which were outside his competence.

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Exhibit 573, a directive issued by Hitler's Headquarters on 5 March 1941 concerning collaboration with Japan said that the aim of cooperation with her based on the Tripartite Pact must be to bring Japan, as soon as possible, to active operation in the Far East. OSHIMA never heard anything about this directive from Hitler, Ribbentrop or any other Germans and learned about it for the first time during his interrogations.

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*MATSUOKA arrived in Berlin at the end of March 1941 and after several conversations with Hitler and Ribbentrop left Berlin for Moscow in early April. Prior to OSHIMA's departure from Tokyo the Foreign Minister's visit to Germany had already been talked about but as the matter was not yet decided he did not talk with MATSUOKA about it in detail. After his arrival in Berlin he was never instructed to arrange an agenda of conversations for MATSUOKA and only arranged MATSUOKA's itinerary according to instructions. He attended only the first conversations of MATSUOKA with Hitler and Ribbentrop. At that conversation Hitler emphasized the desire for closer Japanese-German relations and MATSUOKA responded without suggesting anything concrete. There was talk about the attack on Singapore but MATSUOKA made no commitments.

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Thereafter * MATSUOKA had several talks with German leaders but never consulted OSHIMA prior to them nor tell him anything about their particulars. OSHIMA did not ask MATSUOKA about that because he knew the primary object of MATSUOKA's trip was a conclusion of a Neutrality Treaty with the Soviet and no importance was attached to his journey to Germany and Italy. OSHIMA never met MATSUOKA prior to their meeting in November 1940 when he urged him to accept the post of ambassador. During the month before his departure to Germany and when MATSUOKA visited Berlin he saw him only several times. OSHIMA's impression was that MATSUOKA was a man of strong self confidence and did not like to consult anyone. OSHIMA received before his departure from Tokyo no written instructions but only brief oral instructions concerning the Tripartite Pact and he had no conference with him on Japan's foreign policy in general.

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34026 * Exhibits 587 and 1097 were telegrams exchanged on 28 June 1941 between Ribbentrop and Ott. OSHIMA never told Ribbentrop he would recommend to his government military action against the Soviet, nor did he ever make such recommendations, and the contents of those telegrams were not true. After the outbreak of the German-Russian war and after the German army's onslaught began to slacken, Ribbentrop two or three times urged Japan's joining in that war. OSHIMA conveyed this request to Tokyo in execution of his ambassadorial duties and did nothing more.

After the Pacific war's outbreak, also such German requests were repeated, but after OSHIMA refused, upon instruction of the Japanese government this request in the summer of 1943, they were never repeated.

34027 In exhibit 811, one NOHARA testified he was in charge of secret military information concerning the Soviet in the embassy in Berlin. * This man was a Japanese-German half-breed temporarily employed, could not speak English well, and was not a regular member of the embassy.

Exhibit 3511 in support of this statement certified re NOHARA, Komachi, who was not formally a member of the embassy, although in its service, was received in evidence. OSHIMA heard that NOHARA was following overseas radio broadcasts, but did not know him personally nor did he talk with him, and absolutely did not allow him to touch secret matters. As to the Japanese-American negotiations, at the end of May 1941, some time after their commencement, OSHIMA received a brief telegram from MATSUOKA informing him that the negotiations had commenced.

34028 Thereafter no information was received from the government and no reply was received to OSHIMA's inquiries. * The decisions of the liason and imperial conferences after the summer of 1941 and their contents were never communicated to him and he learned of them for the first time in the trial. He was left completely in the dark as to the progress of the negotiations, government's policy and intentions, etc. Ribbentrop often asked OSHIMA about the real situation of the negotiations but, because he was completely ignorant, could give him no information. OSHIMA was not in a position to express concurrence or opposition in the matter of the negotiations. His opinion was that the China problem was the primary cause of Japanese-American difficulties and it would be difficult to ease the tension, unless that problem was solved. As to the

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Page tripartite pact, he thought it would not be difficult for the U.S. to understand it as it was purely defensive. He believed that if the pact had been made on Japan's Pacific policy, adjustment of American negotiations could be made only so far as
34029 it did not contradict the pact. * During the negotiations, rumours were rampant and Germany grew suspicious lest the pact be rendered meaningless. OSHIMA feared that if the negotiations should fail, Japan would fall into worse diplomatic isolation than ever as the U.S. would look upon Japan and Germany and Italy would not trust her any more.

It was his same conviction and hope that peace would be maintained with the U.S. and this opinion was expressed in telegrams to MATSUOKA dated 20 May 1941 (exhibits 1075 and 1076). Ribbentrop told him his strong suspicion as to the contents of the negotiations, and OSHIMA sent those telegrams as he thought it his duty to report the German view, although he had received no communications concerning the negotiations. This was the only time he presented his observation to his home government concerning them.

34030 * Germany also did not wish for a collision between Japan and the U.S. and approved the negotiations so far as they did induce the U.S. to observe neutrality without affecting the tripartite pact. He thought, in fact, that Germany tried to appease America in spite of the dangerous situation in the Atlantic.

Exhibit 603-A was allegedly an intercepted telegram sent on 29 November from Berlin to Tokyo. He did not recall the interview with Ribbentrop referred to in it, nor its contents. If the interception, decoding, and translation by the U.S. authorities was correct, his loss of memory must be due to the fact that the conversation made no strong impression on him. He did not remember Ribbentrop's telling him Germany would join the war immediately if Japan became engaged in a war within the U.S. If Ribbentrop made such a statement, OSHIMA thought it was because he wanted either to ascertain the Japanese attitude towards the U.S. or to influence Japan by strong expressions, as he was always afraid lest Japan would turn away from Germany as a result
34031 * of the Japanese-American negotiations.

Germany's determination not to join the Japanese-U.S. war at once was clear from the fact that Ribbentrop postponed the answer on the pretext of consulting Hitler when OSHIMA approached him on this subject a few days later on instruction of his government. About 29 November 1941 OSHIMA suddenly received a telegram from foreign minister TOGO saying that Hull's reply of 26 November was strong and

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Page uncompromising, but as OSHIMA was unaware of the progress of
the negotiations, he did not dream of the imminence of war and
34033 went to Vienna to attend a Mozart Festival. * In Vienna he
received a telephone call from KAWAHARA, councillor, asking
him to return to Berlin at once and upon his return, the morn-
ing of 2 December, he first learned that a telegram from
TOGO had arrived instructing him to initiate negotiations
for the Non-Separate Peace Treaty. He immediately communicat-
ed this matter to Ribbentrop.

Although the danger of war was mentioned in the tele-
gram, he did not believe the danger of war was inevitable
nor imminent, thinking that Japan's intention was only to make
preparations for an eventuality. OSHIMA thought there was
still possibility of continuing negotiations and the instruc-
tions arrived so suddenly he could not grasp the situation.
34034 * When Ribbentrop asked him whether war was going to break
out with the U.S., he replied it was clear.

To this proposal, Ribbentrop said it was a grave
question whether Germany should immediately declare war if
war broke out between Japan and America and he must consult
Hitler. This situation was described in exhibit 605, OSHIMA's
telegram to TOGO, sent the 2d and arriving in Tokyo on 3
December 1941. The date of OSHIMA's visit to Ribbentrop in
the telegram, 1 December, was obviously wrong and must be
the 2nd. The fact that the telegram was sent in the after-
noon of 2 December clearly indicated that he saw Ribbentrop
on that day.

At that time Hitler was at the front near Moscow
34035 conducting operations himself, * and it was extremely diffi-
cult to contact him. Thus despite OSHIMA's urging, the Ger-
man reply was postponed until 7 December. The afternoon of
that day, OSHIMA received an instruction to hasten the nego-
tiations. After consultation with the embassy staff, he
drafted a telegram explaining the German attitude, ordered
the dispatch thereof, and returned to his residence about
8 p.m. After 10 or 20 minutes he received a telephone call
from one of the embassy staff, informing him that the Lon-
don radio had broadcast the attack on Pearl Harbor. He was
very surprised and could hardly believe it, but as a pre-
cautionary measure, ordered the embassy to withhold dis-
patch of the telegram to Tokyo.

Some time later Ribbentrop asked him by telephone
whether the broadcast was true and he replied he could not
answer lacking official information. Upon Ribbentrop's

Page request, OSHIMA saw him at the foreign office and he also was much surprised and seemed not to believe the outbreak of war.
34036 As the same report continued * to be broadcast, by midnight OSHIMA began to think it might be true. On the morning of the 8th, he received an official telegram informing him of the outbreak of war and conveyed the news to Ribbentrop and they began drafting the Non-Separate Peace Treaty which was signed 11 December.

The proposal of the treaty was not made to Germany until he received these instructions from the foreign office, and prior to that there was no talk concerning it. As to exhibits 601 and 602, he heard for the first time in the trial that such contacts were made in Tokyo between General OKAMOTO and General Kretschmer, the German Military Attache, in November 1941. Ribbentrop never told him about that.

In answer to a question during his interrogation, he had made detailed statements as to the circumstances in Berlin at the time of the outbreak of the war (exhibit 3512),* an excerpt from OSHIMA's interrogation was received in evidence in support of this statement.
34037

34042 * Shortly after the outbreak of the war, he received a German decoration and thought it a gesture, since the two countries were now allies. It was customary in Germany that any foreign diplomat received a decoration after 2 years' stay in Berlin.

On 18 January 1942 the military agreement between Japan, Germany, and Italy was concluded in Berlin. It concerned matters belonging exclusively to the high command and no intervention by OSHIMA as a civilian was tolerated. He had no connection with it. He, as ambassador, was ex-officio in accordance with the memorandum concerning the commission's organization (exhibit 559), a Japanese member of the Mixed Special Commission in Berlin based on Article 4 of the Tripartite pact.

34043 * The commission was never convened prior to the outbreak of the war and even after the war it convened not more than three times. The agenda was confined to an exchange of ceremonial greetings and to general explanations of the war situation by the German members, and no material discussion concerning combined operations took place.

With respect to communication between Japan and Germany, the route through Siberia was closed as a result of the German-Russian war. After the outbreak of the Japanese-American war the communication became more difficult. Only a

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Page few Japanese succeeded to get a Soviet visa and the difficult voyage by German blockade runs or submarines became next to impossible. Communication by air was found impractical and the only means left was radio, which was very inadequate. After the outbreak of the Japanese war, he never received from his government any communication concerning political and military plans.
34044 * As far as he knew, the military and naval attaches received no information either, and it was almost impossible to collaborate with the Germans. No special desire of the government in this respect was communicated to him.

After the outbreak of the Pacific war, military matters were often brought up during his conversations with Hitler and Ribbentrop. As operational matters were outside his duty, and as he received little information from Tokyo, all he could do was offer his personal views on the war situation from general knowledge of military matters and on the strength of other meager information.

The Japanese-German Economic Agreement was concluded in January 1943 and was signed in accordance with government instructions. As he did not have sufficient knowledge concerning economic matters, he entrusted it to a minister attached to the embassy who was a specialist. He did not know the details of the negotiations nor how it worked out after its conclusion. So far as he knew, the agreement remained nothing but a piece of paper, because communication with Japan * was difficult and transport of goods practically impossible.
34045

Either at the end of February or at the beginning of March 1943, Ribbentrop told him that Hitler wished to offer two German submarines as a present to Japan. He told him that Hitler would like to make the present as the efficiency of German submarines was very much improved. OSHIMA conveyed this to NOMURA, vice admiral, then resident in Berlin, and the naval attache YOKOI, and also cabled it to the Foreign Office. Naval authorities in Tokyo telegraphed NOMURA that Japan would be glad to accept the gift. NOMURA asked OSHIMA to convey the acceptance to Hitler, but as Hitler was not then in Berlin, he met Ribbentrop for that purpose. Thereafter, all talks concerning the transfer were conducted by NOMURA and YOKIO without his participation.

In his interrogation (exhibit 2106) were several errors owing to failure of memory and the misunderstanding of the interpreter. The prosecutor said he would receive OSHIMA's statement drawn up on the basis of his corrected memory, and OSHIMA presented him a memorandum on * 19 February 1946. Exhibit 34046 3513, OSHIMA's statement of this date was received in evidence.

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Page In January 1942 he heard from Hitler that * he was going
34047 to issue an order to annihilate crews of torpedoed merchant
ships. As the matter concerned the German navy only, OSHIMA
did not object. He did not convey this story to his government
as this was purely a naval question not concerning the foreign
office nor ambassador. When the offer of the two submarines
was made in March, 1943, neither Hitler nor Ribbentrop talked
about annihilating crews of torpedoed merchant ships.

34048 * In April 1945, when danger became imminent to Berlin,
the German government requested the diplomatic corps to move
to south Germany and they left on April 14. In mid May the
U.S. forces entered the area and they were placed under American
custody and were then sent to the U.S. After their internment
in Germany until their return home, OSHIMA was always treated
by the U.S. as a diplomat under custody.

The prosecution had alleged that he participated in a
conspiracy with the other accused and divers other persons,
or with German and Italian leaders, to secure the domination
of a part of China and the whole world by unlawful acts, and
planned, prepared, initiated, and waged with these people wars
in violation of treaties or wars of aggression. This allega-
34049 tion * was totally groundless. First, he was as ambassador
or attache or an agent on the spot, and not in position to
determine government policy. He did not even receive informa-
tion concerning overall government policy. Secondly, he
never acted with the knowledge that Japan was waging any un-
lawful or aggressive war. He was firmly convinced it was the
highest duty of an ambassador or military attache or Japanese
citizen to contribute to the preservation and development of
Japan in accordance with government policy.

The prosecution alleged he participated in a conspir-
acy of initiating hostilities without proper notice against
the U.S. and other countries, and committed murder by order-
ing, causing, and permitting Japan's forces to make such at-
tacks on 7 or 8 December, 1941. However, he never desired
the initiation of the Pacific war and was surprised on hearing
34050 of * these attacks after they took place. He never consulted
with anyone concerning them prior to their taking place, nor
suggested nor ordered them. He was merely an ambassador with
no power to order forces to attack nor to prevent such attacks.

The prosecution alleged he participated in the conspir-
acies to murder POWs and others, and of committing acts con-
trary to the laws of war and humanity, and ordered, caused,
or permitted the commission of these criminal acts. However,
he never consulted anyone concerning this matter, nor suggested,
ordered, nor authorized anyone to commit them. He was only an

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Page ambassador and had no power to do so. He did not know these acts were permitted nor was he in a position to prevent them. He was indicted on account of the allegation that he participated in a conspiracy with the co-assused, however, from 1934 until 1945 he was only * in Japan one year and had no chance to exchange political views with most of the accused. He had no acquaintance or communication with HIROTA, HOSHINO, KAYA, KIDO, OKAWA, and SATO. He was slightly acquainted with ARAKI, DOHIHARA, HASHIMOTO, HATA, ITAGAKI, KIMURA, KOISO, MATSUI, MINAMI, MUTO, and SUZUKI. With TOJO and UMEZU he served together in the general staff about 1931 and 1932, but their assignments were different and he had no intimate relation with them.

34051

He met HIRANUMA only once prior to his departure for Germany in 1941. He had only a very slight acquaintance with OKA. SHIMADA was in the naval general staff in about 1933 when OSHIMA served there concurrently with his assignment in the army general staff, but he knew him only slightly. He became acquainted with SHIGEMITSU in 1938 or 1939 in Europe. He was with TOGO in Berlin in 1938. He became acquainted with SHIRATORI in 1939 when they were engaged in the same negotiations.

34052

During his two tours of ambassadorial duty, the Japanese foreign minister changed nine times and with any, except TOGO, he had no closer * relations than brief acquaintances. He never discussed with any of the accused nor anyone else on matters contained in the indictment, nor never suggested such matters to anyone.

34053

* Exhibit 3509, which was introduced during the reading of his affidavit, certified that military regulations concerning the organization of general staff headquarters were destroyed by fire.

34054

* Exhibit 3510 (introduced T. 34,003) stated that government officials shall obey public laws and orders and discharge their duties, observe the orders from the chief of officials to whom they were assigned, but could express their own opinion relating to such orders.

34055

Exhibit 3511 (introduced T. 34,027) certified that NOHARA, Komakichi, was in the embassy service but not a * formal member of the foreign office.

34057

* Exhibit 3513 (introduced T. 34,346), being OSHIMA's revised statement after his interrogation, stating that the

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Page previous interrogations had consisted of two points: (1) In 1943 Ribbentrop asked him if the Japanese navy intended strengthening the submarine warfare in the Pacific and proposed to present two submarines to the Japanese as suitable models. (2) He informed OSHIMA that orders had already been issued to kill the crew of any U.S. vessels sunk by German submarines.

34058 Regarding these points: (1) The first point was a fact. OSHIMA immediately notified naval commissioner NOMURA and navy attache YOKOI and they cabled Japanese naval authorities. OSHIMA sent a telegram * to the foreign minister asking him to transmit it to the other naval authorities, who then cabled instructions to the two admirals to negotiate the transfer. Though OSHIMA informed Ribbentrop of this telegram at the admirals' request, he had nothing to do with the matter since the negotiations were exclusively between the admirals and the Germany navy. While under the German system Ribbentrop had authority to talk over such military matters and take part in them, it was entirely different to the Japanese system and neither the foreign minister nor ambassador could do this, as the navy had exclusive jurisdiction. They only transmitted information to the navy and that is why they had received no telegram from navy or foreign ministers.

34059 As to (2), he must have misunderstood and somehow mixed the first and second points. * But after tracing his memory, he recalled that this was told by Hitler in January 1942 in newspaper articles, but was sure the matter was not mentioned at the interview with Ribbentrop in 1943. He did not cable this to his government, because the German government had only told him about such steps without any official request to Japan. Such a measure was against Japan's traditional spirit and not worth serious consideration.

34060 * The problem was under the sole jurisdiction of the navy and not in his authority. He may have mentioned it to NOMURA and YOKOI, but his memory was not clear. When asked on his interrogation if he had received a cable from the Japanese navy dated 20 March 1943, he could positively assert he never received it. He was never notified about the sinking of an American ship on the Indian Ocean on 2 July 1944, and with regard to the massacre of the crew, he had no talks with the German government. Such a problem was under the sole jurisdiction of the navy and foreign ministers had nothing to do with it. In so far as he knew, Japan navy authorities never talked about it with German navy authorities.

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Page 34062 *On further oral examination, reference was made to exhibit 3503, a telegram from Ott to the German Foreign Minister dated 31 December 1939 in which Ott stated that OSHIMA was working for the cabinet's collapse. Asked if he had any idea what was meant by this statement, he replied he knew nothing. Shortly before the date of the telegram, on 10 December OSHIMA returned to Japan after five years abroad and had no knowledge of the domestic conditions. Thus there would be reason whatsoever for him to participate in such movements for the collapse of the government. He might have met Ott but certainly never spoke of such a matter with him.

34063 * Not only then but later he had never participated in any movements to bring about the downfall of the government.

Reference was made to exhibit 3503, a telegram from Ott to the German foreign office dated 23 January 1940, which referred to OSHIMA's opinion as to the handling of the Asama-maru incident. Asked if he recalled in this connection, he stated his recollection was that he had not talked with Ott on this incident ever. At that time he had already resigned as ambassador, the foreign office was not supplying him with any information, and he learned of the incident only from newspapers. He did not express his views to others and presumed probably Ott used his name because the Asama-maru affair did not progress as he had hoped and he feared a reprimand from Ribbentrop.

34064 Reference was made to the telegram from Ott to Ribbentrop dated 26 January 1940 attached * to exhibit 3503, in which Ott stated he asked for OSHIMA's opinion concerning the visit of the Duke of Coburg to Japan. Regarding this, the accused stated he recalled Ott called on him and told him that the Japanese foreign office had requested the Duke's visit but postponed it until after the Diet's recess. At that time OSHIMA was not receiving any information from the foreign office and learned of the matter for the first time from Ott. Not being an important matter, he probably told Ott he might do just as the foreign office advised.

Being only one month after his return to Japan, he had no knowledge whatsoever of a anti-British movement in Japan and there could have been no occasion nor information for his speaking to Ott about it.

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34065 OSHIMA presumed, that to make his telegram more accept-
able * Ott probably included the anti-British movement at his
own arbitrary discretion.

34066 * DIRECT EXAMINATION BY MR. FURNESS
Counsel for SHIGEMITSU

The accused was reminded that KAWABE had testified re-
garding a trip OSHIMA made to London and the accused acknowl-
edged he made such a trip in the course of which he discussed
with Ambassador SHIGEMITSU the proposed pact. OSHIMA gained
the impression that SHIGEMITSU disapproved the proposed pact.
The trip was not made for investigation in connection with the
pact but largely a pleasure tour and so they did not go into
details.

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Page Cross-Examination by Mr. Tavenner.

34068 The accused stated that while he was Section
Chief in the General Staff from August 1 1931 to April
1939, there were occasions on which he conferred with
34069 * War Ministry officials when such matters were in his
charge. During this period, ARAKI, as War Minister,
MINAMI as War Minister, KOISO as Director of the Bureau
of Military Affairs, and SUZUKI as a member of that bureau
were in the War Ministry.

Reference was made to the affidavit where it
stated that he served with TOJO and UMEZU on the General
Staff, and he was asked if MATSUI and MUTO were not also
members of the General Staff while he was in it, and he
replied that MATSUI was not there at the time, but MUTO
was there briefly, although he had no direct dealings
with him. He had not come in contact with HATA, Inspector
of Artillery from August 1931 to 1933.

34070 * With respect to German officials, Weizsaecker
was Vice-Minister of Foreign Affairs while OSHIMA was
Ambassador in Berlin, Knoll was an officer of a low level
in the Japanese section with whom OSHIMA had no contacts;
Tiehl was Director of the Commerce Bureau of the Foreign
Office, Woermann was Director of the Political Affairs
Bureau, Erdmanskorf was Chief of the Japan Section;
Makensen preceded Weizsaecker as Vice-Minister, Scholl was
34071 * a major or lieutenant colonel once stationed in Japan
and later attached to the German Legation in Siam. He
didn't recall who Neumann was, but Thomas was probably a
German general who was Director of Technical Headquarters
of the Ministry of Defense. Rintelen was first a subordin-
ate to Woermann, and later became a member of the Secretariat
of Ribbentrop, and was later Ambassador-at-large. Schleier
34072 held the diplomatic rank of *minister, and was Charge d'
affaires at Paris.

The accused was asked if in addition to the
instructions he had stated he received from the General
Staff concerning his duties in Germany, if he was not
instructed with regard the proposed pact with Germany,
that he should try to discover what Germany would do in
case of war with Germany and Russia before he left Japan
for his post. He stated there were no detailed instructions
of that kind, but in performing his duties he naturally
looked into such matters after arriving in Berlin. He was
not told, however, to try to discover what Germany would do
in case of such a war.

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34073 The accused was reminded that exhibit 477 was an excerpt from his interrogations showing conferences between himself and one Hack * regarding a Japanese-German alliance. The accused stated that the Hack mentioned was not a representative of the Henkel Airplane Company, but was merely in the airplane brokerage business.

34074 To the accused was quoted a part of his interrogations in which he stated that in regard to this pact, before he left Japan for Germany he had been told by the General Staff to keep an eye out on how German-Soviet relations were and to try to discover what might happen so far as Germany was concerned in case of war with the USSR. Asked if he made this statement, the accused stated * he thought the explanations somewhat insufficient. He had stated in his affidavit that he was told to be particularly observing in connection with German-Soviet relations.

34075 Asked again if he made the statement read to him from his interrogation, he replied he didn't recall whether he used those exact words. As he had stated in his affidavit, he was told by the General Staff before leaving Tokyo to watch German-Soviet relations, particularly to those between the two armies. Therefore, it would be natural that an investigation would be made as to what Germany would do in the event of a German-Soviet war. * So in answer to the prosecutor's question, he stated he naturally investigated into German-Soviet relations and how a war between them would develop. He did not deny the interrogation, but he would like to add that the instructions given him prior to his departure for Germany did not so specify.

34076 Hack had spent many years in Japan, and was at one time adviser to the SMR. * Asked if prior to December 1935, the only treaty contemplated in OSHIMA's discussions with Hack and Ribbentrop was one providing that in the event of war with the USSR, the other party should agree not to carry out any measure which would relieve the USSR's position, the accused stated in explanation that in the event Russia attacked either Germany or Japan without provocation, the other party was not to take any measures lightening Russia's burden. The accused was again asked if that was not the only treaty discussed between himself, Hack, and Ribbentrop prior to December 1935. He stated he had no discussions with Ribbentrop and Hack at that time. Hack had nothing to do with this, and there were no repeated negotiations with Ribbentrop on it. At the time the matter had advanced only to the stage where Ribbentrop asked him to find out what the Japanese army thought of this idea.

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34077

* These were the only matters not discussed prior to December 1935. With regard to the treaty contemplated and discussed before that date, in the event of war with the USSR there would be consultation between Japan and Germany on measures they should take for their common interest.

Asked if it was not also true that the German Army did not want a military alliance with Japan made public at that time and in consequence the pact, at Germany's suggestion, was changed to an anti-Comintern Pact, he replied that not only Germany but also Japan had no intention of making it public because the pact was directed entirely against communism.

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The accused was reminded that he had stated that prior to December 1935, the only pact considered and discussed was the one mentioned, and that he was now being asked whether or not the whole plan was changed at the instance of the German Army, which didn't want a military pact made public and therefore suggested it be converted * into an anti-Comintern Pact. He replied that was not so, and explained that the matter first discussed was a secret pact which was not a military alliance. As was suggested, the purpose of the pact was not to the extent of lightening Russia's burdens. The purport of the pact was that it carried only light obligations on the parties.

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* It was not true that Germany suggested that the arrangement discussed should be converted into an anti-Comintern Pact. To the accused was quoted a part of his interrogations, in which when asked if while conducting these negotiations they were contemplating there would be two treaties instead of one he had replied that prior to December 1935 and the arrival of WAKAMATSU in Berlin, the only treaty contemplated was the one wherein the two nations would agree not to enlighten the USSR in case of war. The Germans, however, said this would be a very weak treaty, and thus suggested the anti-Comintern Pact, and this was the * first time that matter came up. Asked if he made that statement, he replied he did not and it was contrary to the facts.

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The accused was asked if WAKAMATSU expressed his views with regard to the results to be obtained by Japan in concluding an anti-Comintern Pact with Germany, when WAKAMATSU testified that by the conclusion of such a pact Japan could forestall Germany from drawing closer to Russia, obtain necessary intelligence and new type weapons from Germany, and keep Germany from taking sides with China.

Page The accused answered that he had heard WAKAMATSU's testimony, but had no occasion to speak on such matters with him. There were various fruits to be obtained by the conclusion of a pact, but the purpose of the anti-Comintern Pact was as he had stated in his affidavit. Asked again whether WAKAMATSU's views were his own views, he replied yes, such fruits would accompany the pact.

34081 * Asked if at the time of the conclusion of the pact, 25 November 1936, Germany had not yet emerged as the powerful nation she later became, he replied that Germany was then in the midst of revival and did later become strong. He knew and recognized at the time the potential military might of the new Germany dominated by Hitler and the Nazi party.

It was not true that he sponsored and aided the conclusion of the anti-Comintern Pact believing that by linking Japan to Germany in the midst of huge military preparations, Japan would be aided and strengthened in its position in Manchuria and in its policy being executed in North China.

34082 * About a year later Italy joined the pact, but he had no connection with that. Asked if he likewise knew that at the time of the admission of Italy to the anti-Comintern Pact and during the negotiations for it, the League of Nations had, on 7 October 1935, declared Italy an aggressor against Ethiopia and that Italy, following Japan's example in Manchuria, occupied Ethiopia on 2 May 1936, he replied that he didn't recall, but supposed the dates were correct. As he had said before, he had no part in the negotiations vis-a-vis Italy joining the pact, but there was nothing to prevent her from common defense against communism.

34083 * Asked if by admitting Italy into the pact he believed and recognized that by so doing Japan would further strengthen her hand in China and secure her rear against Russia so as to have a free hand in China, he replied that as a public official he had no part in these negotiations. At the time the pact was concluded, there was no intention of applying it or utilizing it in connection with China. The preamble of the pact obviously showed its purpose was to form common defense against the communists, who were interfering in internal affairs of other countries. It was not the purpose of the treaty to interfere in the communist parties of each country.

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Page Asked what was the real motive back of the pact, he stated there was nothing underneath or in back of it. While the negotiations for the pact were pending. General Ott * returned to Germany, but not in connection with the anti-Comintern Pact, but did so to attend war maneuvers in * Germany. Asked if during the negotiations the then Ambassador to Sweden SHIRATORI made frequent trips to Berlin for conversations with him discussing the pact, he stated that SHIRATORI was never at any time connected with the negotiations or conclusion of the anti-Comintern Pact. SHIRATORI did make visits, but on other matters, and when he visited Berlin they did not discuss matters relating to the pact. He had not stated in his interrogation that he had discussed the pact several times with SHIRATORI in Berlin, but had stated there that SHIRATORI, during that period, came to Berlin and that the matter of the pact had been mentioned to him, but no discussion as to its contents was held between the two.

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 Asked if he was drawing a distinction between mentioning the pact to him and discussing it, he replied that when SHIRATORI came to Berlin, it was mentioned to him that such a pact was under negotiation, but no mention was made of its contents or what was to be done in the future or any discussions held in connection therewith. This was the first time he had ever met SHIRATORI.

 The accused was told that in exhibit 497, an excerpt from his interrogation, he had stated that in January 1938, Ribbentrop asked him if there was not some way in which Germany and Japan could be brought closer together. Asked if he learned about this time that Germany, which had hitherto opposed Japanese aggression in China, reoriented its view and began to support Japanese policy there, he replied that he didn't think the policy changed after January 1938. * Asked if he didn't know that about this time Hitler assumed his full role as dictator, assumed command of the army, ousted Neurath and appointed Ribbentrop Foreign Minister, he replied there were such personnel changes in February 1938 and he knew about them.

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 Asked if they were not very significant changes, he stated that of course, as a result various policy changes took place. It would be more correct to say that men came underneath Hitler who were capable of executing his policy. He didn't think it was correct to say there was any fundamental change of policy.

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Page With regard to China Policy, there were various arguments pro and con within Germany after the outbreak of the China Affair, especially was there opposition in German economic circles, but their influence waned. This personnel change took place and as a result some policy changes were made, but there was no radical change.

Mention was made that the accused had stated that the influence of economic circles had waned, and he was asked if as a matter of fact it disappeared entirely when Hitler assumed command of the army in February 1938, as far as China was concerned. He replied it was weakened, but did not disappear.

34089 Asked if he had not advocated and supported in every possible way the conclusion of a military alliance with Germany, a nation that he knew in 1938 was bent on aggressive action, he replied it would be difficult to * reply unless he had an understanding as to the character of the military alliance referred to. If the prosecutor was referring to a pact entered into between two countries in which the exercise of armed force was stipulated, he could reply yes or no; but if the prosecutor referred to a military alliance in which the contracting powers stipulated offensive or aggressive action of any kind, then he would have to answer in accordance with that definition.

34090 * Asked if he did not in fact advocate an alliance between Japan and Germany which would obligate Japan to engage in war in the event of war between Germany and Russia, he replied that Japan was obligated to render Germany armed assistance if she was attacked by Russia without provocation. In his negotiations with Germany he contended that the exercise of armed resistance depended entirely on the situation at the time, and that Japan was not obliged to perform such obligations automatically.

34091 * He did not advocate an alliance which obligated Japan to participate in the European war between Germany and England whether Russia was in the war or not, at any stage of the negotiations. Asked if he opposed Ribbentrop's request that Japan unite * in an alliance obligating Japan to engage in a European war in the event England was at war with Germany, he replied that Ribbentrop made no such request. Asked if he did not oppose Ribbentrop's views and what Ribbentrop was requesting, he replied no question arose in connection with the British involvement.

The accused TOGO was Ambassador to Germany during the negotiations for the alliance up to October 1938. Asked if shortly after he was advised the decision of the Five-Ministers' Conference of August 1938, he was directed to

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Page inform TOGO of all matters relating to the proposed alliance, and if he was directed to continue the negotiations in his capacity as military attache, he replied that he had

34093 directions with regard to certain parts. He was informed by the army the result of the Five-Ministers' Conference and directed to transfer negotiations to official channels as soon as possible, and report the progress up to that time to TOGO. While requesting the German side to transfer the matter to official channels, he reported to TOGO the

34094 progress of the talks only one time. * No other reports were made, because he was not carrying on negotiations, and he was not directed to continue them as military attache.

To the accused was quoted a part of his interrogations in which he was asked if matters had reached the stage that he was to keep TOGO informed of what was going on, but still keep negotiations going on in his capacity as military attache, to which he had replied, yes. Asked if he did so answer, he replied that that was not so, because no instructions came, and in their absence there would be no occasions for him to do anything of the kind. The contents of that interrogation were contrary to the facts, and he did not make that reply.

34096 He conferred with TOGO and reported the information regarding the proposed alliance as soon as he was notified of the Five Ministers' decision, as he was instructed to, the first part of September. He did not discuss these matters with TOGO prior to nor after that time. * He didn't report to TOGO all the information regarding the proposed alliance, but only the highlights. TOGO was already in receipt of a telegram from the Foreign Ministry giving the general purport of the matter.

34097 Asked if he discussed the general purport with TOGO, he replied that there was no discussion because there was no desire on TOGO's part, and he merely reported to him. Asked if TOGO expressed himself in accord with the plan of the proposed pact, he replied he had no discussions on this matter with him, but his impression was that TOGO disapproved of it, * but he could not say what points he disapproved and which he did not.

Asked if in his interrogation he had stated that TOGO wished to have the proposed pact only so far as Russia was concerned, he answered not in exactly those words, but only to some extent to that effect. That did not accurately represent his answer. Asked in what way his answer differed from what had been quoted him, he stated that he had said his impression of TOGO was that he could say with certainty he disapproved of expanding the matter to include Britain and France.

Page As to his being in favor as far as Russia was concerned, OSHIMA had no discussion with him, nor did he ask * for his opinions to the extent that he could say so unequivocally. * Asked if it was a matter of disagreement on TOGO's part to extend agreement to England and France if there must have been then discussed between them a plan by which Japan would be obligated to participate in the event of a German-English war, he replied there was no discussion. Germany's first proposal included all countries. From the provisions of the treaty proper, it would appear that the pact was directed at all countries, but in order to put restrictions on this a secret understanding was proposed.

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34100 OSHIMA did not advise the General Staff and War Minister ITAGAKI of TOGO's views that he was not in favor of extending the pact against England and France. * It was shortly after his conference with TOGO that he received a communication from the General Staff suggesting he become ambassador. Asked if War Minister ITAGAKI consulted the Foreign Minister about his appointment, he replied he had no knowledge as to what kind of discussions took place and did not know if his appointment was urged by the War Ministry and General Staff.

34101 * He took with him to Germany his credentials when he was appointed ambassador the second time, but not the first time because he was in Germany then, and it was sent and addressed to Hitler. Asked if the credentials were merely a standard form used for ambassadors, he replied he could not reply with assurance because he had never

34102 * compared his with others, but he supposed they were in the same form as all credentials issued by his government.

34103 After the conference with TOGO he did not carry on negotiations with Ribbentrop regarding the proposed alliance while he was still attache, nor did he discuss the matter with Ribbentrop because there was no data on which to pose such discussions. The first time he consulted Ribbentrop about the receipt of information regarding the action of the Five Ministers' Conference was one or two days after, in the latter part of August 1938. Asked when was the next time he saw him and talked to him about the pact, * he replied there was talk about it but no discussion about the time KASAHARA returned to Berlin around 20 September, while he was still military attache. Asked if he conveyed to Ribbentrop certain information regarding the pact without consulting the ambassador, he replied that the instructions he received from Japan were to convey the information to Ribbentrop.

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34104 Asked if he was not then directed to continue the negotiations as attache, he replied he had no such direction. * A rather detailed report on the conference decision was sent him. The main points of the instructions was that he should talk to Ribbentrop and see to it that the matter was transferred to official diplomatic channels as quickly as possible. Also, there were a number of revisions made to the German proposal.

34105 He didn't recall exactly the date of the instructions from Japan to which he was now referring, but thought it was at the end of August or the 1st of September. The instructions received were to hand the Japanese revisions to Ribbentrop informally and request him to draw up a proposal incorporating the revisions proposed by Japan. Although progress on the matter was rather rapid in Japan, the Germans were not prepared as the proposal had been informal, and they had not discussed the matter or taken it up with Italy, and therefore desired a short wait. Asked if he had not stated that when Ribbentrop submitted the proposal to him in July, 1938, Ribbentrop suggested a mutual aid treaty aimed not only at the USSR but at all countries, he replied that while the text of the treaty so stated, actually it was not so * and there were restrictions applied to it.

34107 Ribbentrop did not make a proposal to him in July 1938, suggesting a mutual aid treaty aimed at all countries, and he had not told a prosecutor in his interrogations that he did. He only told him of the limitations placed on the proposed treaty. To the witness was quoted a purported answer he made to a question in his interrogation in which he said that to the best of his knowledge, Ribbentrop * had said on this occasion that what he was saying was not based on talks with Hitler or any other official, and he felt Germany would not approve a treaty agreeing to consult only and was somewhat one-sided and not strong enough, but suggested a mutual aid treaty aimed not only at the USSR, but at all countries. In other words, what Ribbentrop meant was that a German-Japanese pact would, if strong enough, hope to preserve world peace.

34108 Asked if he made this statement, he said he was supposed to have said that and did. * He didn't recall the date of the Five Ministers' Conference which considered the proposal brought by KASAHARA, but thought it was late in August.

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Witness

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34112 * To the accused were quoted certain questions and answers from his interrogation in which when asked if it was not a fact that the military urged his appointment as ambassador, he replied yes, he thought so. When asked what military officials urged or suggested it, he had replied he believed it was General Staff Headquarters and the War Ministry. He did not know of any other organizations. Those advocating it were the army in particular.

34113 In the fall of 1938 without his knowledge, the army apparently put forward his name for the ambassadorship and he received a telegram from General Staff Headquarters requesting him to take the position. He refused, saying he was a soldier and not a diplomat, but after repeated urgings he finally was more or less * forced to take the job. At that time TADA was C/S and Headquarters had such men as Major General KASAHARA and General HOMMA. There were no others urging his appointment and he was not a member of any army group. The War Minister who urged his appointment he believed was ITAGAKI. When asked if those questions had been asked and if he made the above answers, the accused replied yes.

34114 Reference was made to his testimony on cross-examination (P. 34104) that around or between the 29th of August and 2nd of September, he received a detailed report on the Five Ministers Conference decision, in which revisions were made to the German proposal, the accused stated he did not recall whether the report was made in one or two telegrams * but thought there was more than one. When shown a document purporting to be a copy of the telegram, he stated that it seemed to jibe with the circumstances but he had no definite recollection whether the entire document was correct. He did not know what else was incorporated in the telegram nor know what explanations were added to it and could not confirm the document. He was certain he received a telegram the end of August or 1st of Sept.

34115 * The telegram shown him was dated 1938 and contents to the effect were in the telegram but whether the one he received contained the exact information as here or whether there were explanations added, he could not say.

34116 * Exhibit 3514, the telegram identified by the accused, stated that both the army and navy agreed with the purport of the treaty plan brought by KASAHARA. The opinion to adopt it was made upon the following conditions:

"a. Add the following essentials as the preamble.

"b. Change 'diplomatically' of Article 2 to 'economic.'

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"c. Change in Article 3 from 'there is an obligation to perform' to 'will enter into a conference immediately.'

"d. The phrases, 'menace and attack' of Articles 2 and 3 will be designated as 'unless provoked.'

"e. It is our opinion that we would like to prescribe clearly the methods of execution and limit the sphere of the conditions of military aid to be given in accordance with the secret treaty to be attached to the main treaty.

"2. Since we desire to conclude this treaty as promptly as possible, we wish Germany would take steps to submit this plan formally soon."

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When shown another document and asked if he did not receive this telegram the same day he received Exhibit 3514, he replied that the contents were generally the same * but he could not say for sure whether it was exactly so.

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Exhibit 3515, the telegram identified by the accused being an explanation concerning the previous telegram (Exhibit 3514), he stated * that "The Preamble Draft" was that this treaty was an extension of the Anti-Comintern Pact and a plan making clear the intent that the Soviet was the chief target. Care was taken so as not to give the impression from its wording that England and U.S. were its greatest enemies. The Text Plan, Obligation of Military Aid in Article 3, was not instantaneous or unconditional. To nullify the danger of being involved in a purely European problem against their will, the principle was a conference before entering with military aid.

To allow the purport of this treaty to take on a defensive character "menace and attack" would be limited to "provocation." The text of the plan was at present under consideration.

The accused stated that in compliance with instructions, he communicated the revisions at once to Ribbentrop.

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Regarding his trip to England and Belgium, it was shortly after becoming ambassador * somewhere around Feb. 1939 before the arrival of the ITO Mission. He entered England with an official visa in his capacity as Ambassador. When asked if he had any official mission to the British Government requiring him to be officially received, he said that ordinarily such a thing did not take place according to diplomatic precedent and he was not so received. When asked if his presence in those countries was made known publicly, he stated he went in openly with a visa issued by English authorities * and his presence in England and Belgium was open.

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Page No conference of Japanese ambassadors and ministers in Europe was held in Berlin in 1939. In addition to SHIRATORI, other ambassadors visiting Berlin in 1939 were KURIYAMA, Minister to Sweden and AMAU, Minister to Switzerland.

34122 * He thought the latter came in 1939 after the ITO Commission's visit. There was also occasion for Ambassador TOGO to come from Moscow and SHIRATORI from Italy. He did not recall the occasion for TOGO's coming but this was not so long after the ITO Commission was there and

34123 the Commission arrived late in February. * He could not remember the exact date the ITO Commission arrived. Ambassador SAKO from Poland also came to Berlin after the ITO Commission came. All these ambassadors came at different times. It was a custom of officials of the Foreign Office to take opportunities to visit other posts for liaison and exchange of information.

34124 * TOGO came at his own initiative and he thought that SHIRATORI was present at the time. Asked if it was not true that he held a meeting at which at least TOGO and SHIRATORI were present and that he and SHIRATORI expressed the view that Germany and Italy were rising powers in Europe and to align with them would allow Japan to improve her position in East Asia, he replied it was possible that the three met because SHIRATORI attended the conferences when the ITO Commission came to Berlin and TOGO came about that time. He did not remember what they talked about nor what SHIRATORI said but since he himself entertained such ideas, he believed as a matter of course that he expressed them.

34125 * There were no other ambassadors from Europe present at this meeting. Asked if he did not learn that he and the army had been severely criticized in early Feb. 1939 by Foreign Minister ARITA for carrying on diplomatic negotiations without his consent, he replied he was never cautioned. According to the Japanese system, there could have been no possibility of ARITA criticizing the army. Besides, he remembered no occasion of conducting negotiations without the Foreign Ministry's consent.

34126 Asked if he did not learn that the Foreign Minister charged in Feb. 1939 that OSHIMA sent a telegram to General Staff Headquarters concerning strengthening the Anti-Comintern Pact, the contents of which had not been made known to him, * the accused replied he had never heard of it and there was no such fact. When he was military attache, he sent no wires to the Foreign Office but only to the army. After becoming ambassador, he sent none to the army but only to the Foreign Office. He thought that NAKAJIMA was Deputy Chief of the General Staff in Feb. 1939. Asked if the Deputy Chief in early 1939 warned him that supreme authority of diplomacy was vested in the

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Page Emperor, he replied that the Deputy Chief had no authority to warn him nor was there ever such a fact, and he did not communicate with him either directly or indirectly about his conduct as ambassador.

34127 * Asked if SHIRATORI accompanied the ITO Commission from Italy to Berlin where he had various conferences with OSHIMA regarding the proposed Pact, he replied that he arrived later than the Commission but a conference was held. Asked if there were not many conferences between himself and SHIRATORI while the Commission was in Berlin, he stated that after the Commission's arrival, SHIRATORI and he listened to their explanations for two or three days.

34128 * There was no occasion of himself and SHIRATORI having frequent conferences while the ITO Commission was there. Asked if when the Commission delivered a draft to him of the Compromise Proposal if after studying it he made the statement to ITO that he was unable to convey such a proposal to the German Government for he deemed it far short of what he expected it to be, he replied no, he did not say so to him. Asked if ITO insisted on his delivering a proposal and upon receiving the German Government's opinion instead of his own, he replied that ITO said nothing of the kind.

(Reference was made to Exhibit 497.)

34129 The accused was reminded that if as he had stated the Commission arrived in Feb. and he did not receive a counter-proposal from Japan until the latter part of March, that there was an interval * of more than a month. He was asked if in this interval he officially delivered to RIBBENTROP the draft proposal presented by the ITO Commission. He stated it was only natural that he should not have delivered officially the proposal inasmuch as he was in the midst of addressing opinions to the home government. He did not officially deliver to RIBBENTROP the draft proposal. In this interval he did not receive telegrams from ARITA instructing him to do as recommended by the government.

34130 Reference was made to the affidavit where it was stated that a new instruction was received the end of March, revising the instructions brought by the ITO Commission, and where he described the alleged revision. When asked if the revision described in the affidavit was a revision attempted in June 1939 after the Five Ministers Conference of June 5, he replied it was absolutely not so. * The reply he received in March stated that matters should remain the same as far as Russia was concerned and was the same as in the original ITO Commission report. Asked if the reply stated that in regard to other countries, Japan would go farther than simply stating that the pact would be aimed at nations embracing communism in that Japan would give aid against those countries which would consist of military

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Page advice,* he replied that was not so. Asked if by military advice
34131 was meant trading of intelligence, temporary leasing of bases,
export of fuel oil and other commodities, and in general all aid
outside of actual participation, he replied no.

(Reference was made to Exhibit 497)

34132 * Asked if he conferred at Rome with SHIRATORI and an
Italian representative about 2 Apr. 1939 regarding the pact, he
replied he did not remember the exact date but about that time he
did go to Rome for a discussion. Asked if it was another meeting
on the following day with RIBBENTROP who had been unable to reach
the conference the day before, he replied that the Rome discussions
were participated in only by SHIRATORI and himself, and that Italians
and Germans did not participate. A day or two after he returned he
met RIBBENTROP. SHIRATORI and himself had with them at their con-
ference in Rome the ITO Commission Directive of Jan. 23 and the
final directive of Mar. 25 which was the Japanese compromise pro-
posal.

34133 * Asked if he did not recall that at the first conference
either himself or SHIRATORI informed Count Ciano of the nature of
the directives which he and SHIRATORI had received from Japan, he
replied that he had never met or talked with Ciano. It was not a
conference. He merely called on SHIRATORI and no Italians were
present. SHIRATORI also did not confer with Ciano or any Italian
representative. He heard that Ciano transmitted the directive and
he did not inquire as to what Ciano replied when he received them.
Asked if the matter was not important enough for him to inquire as

34134 to the result of his * conference as far as Italy was concerned,
he replied that the directives were transmitted after he returned
to Berlin. Asked if he made any inquiry as to the result of the con-
ferences between SHIRATORI and Ciano, he replied that he received
notice that the directives had been transmitted from SHIRATORI.
There was no need of any further notification unless there were
changes. Asked again if he inquired as to what occurred between
SHIRATORI and Ciano or whether he afterward learned what occurred,
he replied he did not learn. Asked if at the conference the next

34135 day with RIBBENTROP, if RIBBENTROP made the statement to him that
the proposed pact was weak and * this was very disturbing, he replied
that RIBBENTROP expressed his opinions but not that.

Asked if RIBBENTROP asked him if Japan was to participate
in the war and he replied she probably would participate, the accused
answered that that was not the reply he made, although it was the
question RIBBENTROP asked him.

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* Regarding his reply, the instructions he received from Japan was that although armed resistance would be given, it would not be effective. The instruction was that he was to convey that. That was vis-a-vis Third Powers outside Russia. Thereupon, RIBBENTROP asked him if Japan was going to participate in principle, and OSHIMA replied that inasmuch as Japan was speaking of armed assistance, it was recognized that she would participate in principle. However, inasmuch as the particulars would be incorporated in the secret protocol as to what Japan would do in specific cases when war actually arose, the fact that Japan recognized the point in principle might be understood. It was OSHIMA's understanding that Japan recognized participation in principle.

34137

Asked if he learned that early in Apr. 1939 he was severely criticized by the Emperor for usurping the Emperor's prerogative in expressing an intention of participating in war, he replied he had never heard of it * and there was no possibility of such a thing arising. Asked if he did not also learn that the Foreign Minister recommended to the Emperor and to the Five Ministers Conference that the statements made by him and SHIRATORI should be rescinded as actions overstepping their limits, he replied he had never heard of it and no message was received as to rescinding anything.

34138

He met with SHIRATORI on Hitler's birthday, Apr. 20, 1939, in Berlin, SHIRATORI having been invited. Asked if following this meeting he and SHIRATORI requested the government to recall them from Germany and Italy and the matter was considered at the Five Ministers Conference of 25 Apr. 1939, he replied there was no special occasion and there was no time when both of them tendered their resignations. Shortly after the Five Ministers Conference of 25 Apr. 1939, a further compromise proposal in the form of the HIRANUMA Declaration of * May 4 was delivered to the German and Italian plenipotentiaries in Tokyo, but it really could not be called a compromise proposal.

The accused was asked if within several days after the delivery of the HIRANUMA Declaration, if RIBBENTROP called him on the telephone from Munich on his way to meet Count Ciano and asked OSHIMA if when a contracting nation went to war against another, and even if there was no military aid from Japan, would it be permissible to recognize Japan as being in the state of war, to which OSHIMA had replied in the affirmative, the accused stated that he did not recall whether such a question was asked him by RIBBENTROP but granted he did reply that, since Japan had already recognized in principle her obligation to participate, there would be no possibility for him to go outside that scope in replying. Asked if RIBBENTROP arranged for a joint conference with him and SHIRATORI

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Page in Berlin for 16 June 1939, he replied that about that time SHIRATORI came to Berlin and that both were invited to luncheon by RIBBENTROP but he did not recall the exact date. * He did not recall if at the conference, SHIRATORI said that the government's obstinacy in the question of exchanging notes as regards Japan's limited military capacity, forced him to conclude that the government was still making mental reservations with regard to a military alliance. OSHIMA said he held a conference with SHIRATORI the latter part of July or first of August at Lake Como. Asked if before holding the meeting, he and SHIRATORI issued a joint communique publicizing that such a conference was to be held, he replied that no joint communique was issued but he faintly recalled that newspapermen called on him. SHIRATORI, and not he, met the press.

34141 * Asked if the government neither suggested nor authorized the holding of such a conference or issuance of any public statement regarding it, he replied that there was no authorization or suggestion. He knew nothing about War Minister ITAGAKI's threatening to resign in early Aug. 1939 because of his inability to successfully advance a very strong military alliance with Germany and Italy which ITAGAKI, OSHIMA and SHIRATORI had been working for.

To the accused was quoted part of Exhibit 2198, a telegram of 11 Aug. 1939, from Ambassador OTT to RIBBENTROP, which stated that Chief of the Central Section of War Ministry, MACHIJIRI, who on the afternoon of 10 Aug. 1942, had requested he be received jointly by OTT and the Italian Ambassador, transmitted the following communication of the War Minister ITAGAKI: The army had resumed a bitter battle for alliance at the Five Ministers Conference of 8 Aug. but made no progress beyond the Japanese proposal of 5 June. The army had urgently striven for conclusion so as to reach an early and successful end to the China conflict, conform to popular wishes and alleviate present tension and prevent a serious reaction in the direction of an economically tempting settlement with England. These reasons were so compelling that ITAGAKI was resolved as a last resort to risk resignation which would almost certainly entail the resignations of OSHIMA and SHIRATORI. This action might gradually improve the basis for alliance, but would at first produce violent setback. Nevertheless, resignation was the only possible decision and was due to be reached 15 Aug.

After the above was read to him the accused was asked if it did not refresh his recollection regarding ITAGAKI's threat to resign, and he stated he had never heard of this.

34143 * From the same telegram, an additional part was quoted to the accused which stated that since the Cabinet confirmed the proposal of 5 June, ITAGAKI deemed an early conclusion attainable with

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Page the following mutual concessions: Berlin and Rome would declare to the Japanese Ambassador that the proposal of 5 June was acceptable with the provisos that they provide that no mental reservation was behind the wording; and that the verbal form of a Japanese supplementary statement be found. War Minister ITAGAKI than expected to express confirmation of this interpretation regarding the proviso concerning the mental reservation. Concerning the verbal form of the settlement, the verbal statement to be set forth in the protocol would be prominently mentioned. MACHIJIRI almost entreatingly requested concession before 15 Aug. ITAGAKI would communicate his demarche to O and SHIRATORI bypassing the Foreign Ministry.

34144 * After the above was read to OSHIMA, he stated he had never heard of it.

34145 * To the accused was read a part of a second telegram, Exhibit 2198, of 18 Aug. 1939, from OTT to RIBBENTROP, which stated that the domestic political following in the alliance question continued undiminished. Press reports of supposed compromise possibilities between the Foreign and War Ministers were inexact. In the last Five Ministers Conference, ARITA was assigned the task of again clearly fixing the text for the Japanese proposal of 5 June without any essential change. This draft was to be distributed among the participating Ministers and if accepted at the next Five Ministers Conference, was to be transmitted to the Ambassadors in Berlin and Rome for written delivery to governments.

ITAGAKI rejected the Foreign Minister's proposal and continued to insist on going beyond the proposals of 5 June. Since he was unable to break through the unanimous front of the other Ministers, he deemed a resignation unavoidable, according to the information from the War Ministry. ITAGAKI was strengthened by the pressure of junior officers, who were demanding unconditional alliance.

The accused was asked if reading the above did not refresh his recollection of ITAGAKI's views, and he stated he had not even heard of this.

34146 * In July 1939, OSHIMA's Naval Attache in Berlin was Capt. ENDO. The accused was asked if sometime in July, ENDO explained the Navy's position in regard to strengthening of the Anti-Comintern Pact to the Chief Secretary of the German Navy Ministry, wherein he stated that if war should break out between Germany and Italy and England and France, it would be fine if Japan maintained a friendly neutrality and that upon learning this from ENDO, OSHIMA became angry and inquired of STAEMER if RIBBENTROP knew it. He stated that this was not so.

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Page Wiehl was Director of the Commerce Trade Bureau. He had no recollection of having a conference with him in Berlin on 21 Dec. 1938 in which Wiehl said that RIBBENTROP insisted that preferred treatment be given Germany as compared with third powers in China, and that this should be stipulated in writing in the Pro-Memoria regarding German-Japanese cooperation in China. Asked if Wiehl stressed in the conference that Germany was entitled to preferential treatment * 34147 not only politically but also economically and morally because of her aid given China, such as recall of military advisor, stoppage of war materials and losses resulting therefrom, he replied he had no recollection whether Wiehl said anything like that. Economic matters were in the hands of economic experts and even if they were brought to the Embassy's attention, it would be only by those experts. He did not recall declaring that he had always urged preferential treatment and that the Japanese Army was in favor of it.

 Asked if he recalled that in that conference, he told Wiehl that he had sent a wire report to Tokyo on 9 Dec. that preferential treatment should be granted in writing, he replied he had no recollection and by that he meant that any negotiations with Wiehl were 34148 conducted in principle * by the economic experts in the Embassy. However, it might be possible that the official in charge of economic affairs might have talked with Wiehl about such matters but he had no recollection of himself talking with Wiehl as he had almost no knowledge of economics. He may have sent such a wire to Tokyo on 9 Dec. but as such matters were entirely in the hands of the Economic Department, he had no recollection.

 Asked if he further informed Wiehl that he had sent letters to the same effect to leading personalities of the Japanese Army through a Japanese general who had recently visited Berlin, he replied he might have. Asked if, while a representative of the government, it was not true that he was Chief of all Japanese diplomatic representa- 34149 tives and intelligence * services in Europe, he replied no, that all ambassadors and ministers were independent of each other.

34150 * In his affidavit, he had characterized the conclusion of the German-Russian Nonaggression Pact as an act of extreme bad faith on the part of Germany and had not later changed his views on that subject.

34151 Asked if he had not stated in his interrogation that one of the reasons he resigned as Ambassador was that he mistrusted the German leaders, * he replied that what he had stated was that they had hurt his feelings. He did not change his views in that regard either. Asked if he con-

34152 sidered that the conclusion of the Pact created an extremely critical situation between the two governments, he replied he did not think so but it did cool their sentiments. He said the Japanese only filed a protest against Germany, and he lodged a protest twice with receipt of notification. * He identified the document which was Jan. 1940 issue of the "Bungei Shunju" and in it was an article entitled "The Idea of German Diplomacy" written by himself.

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34153 * Exhibit 3516-A, the document thus identified by the accused stated that German diplomacy was Hitler's diplomacy. Hitler mentioned honor, equality, and freedom as the three principles of diplomacy and, in other words, endeavored bravely to improve such things as impaired Germany's honor, hindered her equality, and took her freedom away. The Versailles Treaty was against these principles. Germany tried hard to break off from this regime and the declaration of rearmaments, the denunciation of the Locarno Treaty, the occupation of the Rhineland, etc., had all come from these principles. Any obstacle to Germany's honor, equality, and freedom must be swept away.

34154 Practical affairs did not always conform with principles and each country had her own diplomatic principles. Weak countries are too powerless to carry out their ideals, while strong ones entrench themselves behind their principles. Germany, however, * might be said to be one of those countries steadily carrying out its ideals and principles. Lookers on might think they were being carried out too hastily and somewhat overbearingly but at least Hitler himself was convinced he was carrying out sound diplomatic policies at opportune moments.

34155 As an example, it was clearly shown in Hitler's diplomatic document exchanged with Britain in the well-known "blank document" in the Polish trouble. Britain desired the withdrawal of the German forces when they advanced into Poland suggesting that Germany and Poland negotiate on a fresh slate and proposed that Britain also join in these negotiations. Hitler, however, flatly refused this request. The German forces might give ear to such requests of Britain and France after they had secured victory, but while the objective of their advances was not achieved, for the sake of German honor it was impossible to withdraw her troops even for the convenience of diplomatic * negotiations. This showed how important they thought of honor.

In the complicated international relations of today, mere speech could not secure a country's safety. It could be understood that she had tried to maintain a strong army in a short time to carry out her diplomacy of three principles. She had often achieved bloodless victory because she attended to affairs, being prepared for war. The difficult work of the present reconstruction of Germany had been accomplished entirely because of the sagacity of the statesmen to perceive the development of things.

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Page Decisions in the right moment, powerful army, perfect command with the whole nation under it. It deserved admiration that Germany had made herself what she was. Could it be considered that the bloodless diplomacy which dealt with Austria and dealt with Czecho-Slovakia twice, failed in its diplomacy by giving rise to the second world war by finally making a foe of England and France by annihilating * Poland on the pretext of the Danzig problem?

34156

Diplomacy presupposes the other party. About its nature, it was adaptable to any changes to suit the occasion, and it was not necessarily right to think that German diplomacy failed or made a miscalculation in coming to the present war. Germany was always prepared for war and carried out all policies on that basis. She was determined to resort to arms at any moment according to the other parties' attitude to her when she carried out her own positive policies. In this way the victory of bloodless diplomacy came about and her firm resolution was the same as before.

There was nothing more necessary at present than such close connection of diplomacy and military force. The conclusion of the Nonaggression Treaty between Germany and Russia gave an impression that both countries were two crafty. OSHIMA thought that they could not rightly oppose this as the last measure Germany resorted to in her critical situation when by this means she would either be forced to make operations on two fronts, or by only one front, or be able to avoid war. Was not the Soviet at present desiring merely to advance to the Baltic Sea and reach a rapprochement with Japan in the Far East on the other? Diplomacy admitted of no conjectures, but he thought it possible at this juncture to make the Soviet wash her hands of China.

34157

Hitler carried on diplomacy himself with Ribbentrop as a good assistant. While Hitler had had no experience as a diplomat, he had become a first-class personage and diplomat in the world. He studied histories and philosophical works while busy in state affairs, meditated hard and was devising all policies from the principles which had crystallized in his head. Ribbentrop was one * with Hitler and had a good understanding of Hitler's diplomatic belief, and it was not too much to say that German diplomacy lay in the hands of those two. Such being the case, quick daring diplomacy could be carried out which astonished the world. Ribbentrop had an acute intellect and a quick perception which Germans seldom had. He had a very strong will and was exactly the right diplomatic assistant who had no match in the positive diplomacy which was the upshot of the Nazis ideology.

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Page Ribbentrop's trait was to spare no pains and he was truly a modern international statesman who handled matters quickly. Being active, he did not stick to trifles but tried to grasp main points in negotiations or disputes, and OSHIMA recognized his quick perception and he was quite a different type of statesman * from the so-called petty officials.

34158

OSHIMA had much intercourse with Goering and other military men while a resident officer, and had been acquainted with Ribbentrop and other diplomats since becoming ambassador. These men impressed him that the Nazi leaders were settled in resolution and were young. Since the Munich disturbance in 1923 the Nazis had been under the oppression of communism and social democracy, had exposed themselves to constant danger, and had busied themselves to make the defeated Germany what she was today. This had trained them and made them statesmen, sincerely anxious about their country's future.

34160

As Germans usually did, Hitler strongly trusted and respected Japan. He had political interests, but he depended much upon the Japanese nationality and character. Hitler paid attention to German history and traditions. Perhaps * because he knew a man could not perform his duty as a citizen unless he respected his country's history. It was quite natural that he respected Japanese history of 2600 years.

Hitler taught constant bravery and his speech of 1 September in the Reichstag he said, "Let Goering be commander when I am killed at the front; let Hess succeed Goering when he dies; and choose the bravest Nazi when Hess dies." He then went immediately to the front. The Japanese were likewise very brave and did not fear death. It was quite natural that even the parties concerned should be unable to foretell what would become of the European War. The prevalent view was that a modern war was a protracted national war and Germany was well aware of this.

34161

Since she had entered into war it might be thought she was prepared for a protracted war and also had confidence in her operations to win it in a short time. However, victory was an uncertain affair. It was dangerous to judge the present war by * the standards of past wars. Each country was trying to localize the war and they must constantly watch how the world was moving, study war and ponder its results. Whether they were participants or not, all powers were affected by the war in question. The Japanese government at this juncture must establish national policies and exert itself to carry them out.

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Page Japan's policy toward the U.S. and the Soviet must be grasped in a wide sense as links of their world policy. A far-sighted policy had to be formulated for future Japan so as to win the consent of the people. The European War occurred after a lapse of 25 years, and everyone must take this opportunity to lead Japan to greater prosperity in the world.

34162 The accused was asked if in January, 1940, the month after his return from a 5½ year sojourn in Germany if he knew of the founding of the Gestapo under Goering in 1933 and he replied that he didn't know when it was founded but knew of its existence. When asked if he knew Hitler's Mein Kampf, * teaching the right of pure Germans to dominate all races, and that force was necessary to solve international problems, had been used in the schools and colleges throughout Germany and distributed to all government officials, he replied he knew the book was widely read, but not that it was distributed in this way.

He knew it but did not know the cause of the murder without warning of those opposed to Hitlerism doctrines in the "Blood Bath" of June, 1934. Asked if this blood bath had its counterpart in Japan in the various assassinations between 1931 and 1936 of those who opposed the policy of the Japanese army, he replied that since he was not in Japan after 1934 he had no knowledge on which to base opinions with regard to these incidents.

34163 * Asked if he also witnessed the establishment of the notorious concentration camps in Germany and if he was familiar with the line of terror following, he replied that he knew of the camps but had never seen them and had heard rumours of maltreatment but had never investigated the facts. The accused was asked if with all this knowledge and more on his part, he prepared this article relating to the so-called Hitler diplomacy of honor, equality, and freedom for the purpose of aligning more closely the Japanese government and people with Hitlerite Germany, he replied no, there was no particularly deep meaning for writing the article. He wrote it because the Japanese at that time were interested in conditions in Germany and about German leaders. He wrote it to introduce the German's better side. In all things there were good and bad aspects and in this case he introduced the good aspects.

34164 * Reference was made to the article in which OSHIMA had asserted in effect that Germany had established a strong army in order that Hitler's three principles of honor, equality, and freedom would have the support of real power

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Page and by it Germany had often achieved bloodless victories. He was referring to such events as the Nazi Putsch in Vienna in July 1934 when Dolfuss was assassinated, the occupation of the Rhineland in March 1936, the Austrian Anschluss in March 1938, and the incorporation of Austria into the Reich in March 1938, and the occupation of the Sudeten area of Czechoslovakia in October 1938.

34165 Asked if he considered these incidents and, as he had stated in his article, the annihilation of Poland on the pretext of the Dansig problem were the better parts of Germany he wanted to recommend to the Japanese people, he replied that in his thinking such matters as the significance of an incident of this kind should await the comments of future historians. Reminded that he himself was not awaiting on future history to comment and was imparting his conception * of Germany to both his government and people through this article, he explained that he wasn't urging it on the Japanese people nor was he helping history along by encouraging it and presenting it to them.

34166 What he had written in the article was the actual state of affairs. It was not true that he was trying to warm up relations between Germany and Japan, which had cooled off because of the Nonaggression Pact. He wrote it because there were many Japanese who desired to know about German conditions. He did not write it on his own volition, but the magazine company asked him to. He was never asked by * the General Staff or anyone connected with it.

Reference was made to the article where it described that Germany as a nation was prepared for war and was determined to resort to arms to carry out her positive policies. Asked if the same thing was not true in Japan after the Manchurian Incident, he replied that he thought any country was armed for any eventuality. Asked if in the article when he added "There is nothing more necessary at present than such close connection of diplomacy and military force" if he was advocating a military partnership between Japan and Germany in order that both might better carry out their positive policies, he replied that this was not a diplomatic document but article written at the behest of the magazine and had no deep significance. It was not written to influence Japanese policy.

34167 * It was not written with the purpose of advocating a military partnership to enable the two nations to carry out their positive policies.

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Page Reference was made to the affidavit where it was stated that his constant idea was that a military alliance between Japan and Germany was meant to be used as a means in diplomatic negotiations, and he was asked if he did not actually mean, in keeping with the sense of this article, he would not hesitate to hold a loaded pistol to the head of his neighbor determined to pull the trigger if he refused to obey directions, he stated there was no connection between what he wrote in the magazine article and what he wrote in his affidavit with regard to this as a means in diplomatic negotiations.

34168 Asked if his statement in the article that Japan at this juncture must establish national policies and exert herself to carry them out was intended as a criticism and attack on those in the government who were opposed to the Tripartite alliance, he replied that because he was unfamiliar with conditions in Japan * he was not offering any concrete plans. He merely wrote in a very abstract manner that the Japanese should not be disturbed or remain confused. He was not advocating any alliance.

34169 Asked if this public demand made by him that the government establish national policies reached fruition in the replacement of the YONAI Cabinet by the Second KONOYE Cabinet in July, 1940, and the conclusion by it of the tripartite pact on September 27, 1940, he replied that these incidents occurred one after another but he had no connection with them. Asked if after he returned to Japan from Germany he had conversations with SHIRATORI in which he discussed various aspects of the tripartite pact, he replied that being acquaintances they of course met but at no time did they combine together to promote a tripartite alliance.

34170 * Asked again if they talked on occasions about various aspects of the tripartite alliance, he replied that he thought there might have been such occasions but they never discussed any concrete measures for it. SHIRATORI at that time was still ambassador without assignment. SHIRATORI did not discuss with him from time to time about what was going on about the pact. The accused was asked if he hadn't stated shortly before that they had talked on the matter on occasions, and he replied that that wasn't so, that because they were acquaintances they had met socially and the subject might have come up, but they never discussed the subject of the tripartite pact in * particular.

Asked if Stahmer, special envoy of Ribbentrop, conferred with him in Japan the summer of 1940, he replied that he met Stahmer in early September shortly after he arrived, but had no occasion to discuss with him. There were no

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Page negotiations for the pact begun at that time and Stahmer did not talk to him about it. OSHIMA said he had told Stahmer to go and discuss the matter with MATSUOKA. Stahmer said he had come with preparation to talk on the matter, to which OSHIMA replied he was in no position to be concerned with it so he had better see MATSUOKA. He thought Stahmer then went to see
 34171 MATSUOKA. * Shortly after that OSHIMA was invited to dinner at the German embassy and Stahmer told him at that time that he was negotiating with MATSUOKA about the pact. He said that negotiations were under way and MATSUOKA wanted to issue a statement to which he, Stahmer, said that that would be troublesome or objectionable.

OSHIMA did not hear the contents of the matter broached by Stahmer, and they did not go further into the question. OSHIMA merely told him that he had better see MATSUOKA for he himself was not in a position to give assistance in the matter.
 34172 * Stahmer was not asking for his advice regarding the step in the negotiations, and he did not advise Stahmer to express his views clearly to MATSUOKA. If he were to give him advice he would first have to know the contents of the German proposal and what MATSUOKA said in regard thereto. When he told Stahmer to express his views to MATSUOKA clearly to matters it was not advice, it was merely only a reply in the course of the conversation.

Asked if he was drawing a distinction between advising him and telling him to do it, he replied he was only saying that he did not feel that he gave any views. Asked if MATSUOKA or either of the diplomatic councilors of the Foreign Office, SHIRATORI and SAITO, were present at the conference at the
 34173 German * Embassy, he replied that no one was there. Only he himself was invited to the dinner. However, Ott was present.

34174 * He did not know if the signing of the tripartite pact and the formation of the IRAA was jointly celebrated by Japanese and Germans throughout Japan on Sunday morning, 13 October 1940. He was not present at any such occasion. Asked if he was in favor of the tripartite pact, he replied that he supported it because it had been decided on national policy and supported by the Japanese at large. At the time of its conclusion he expressed favor of it.

34175 Asked if there were substantial elements in Japan which did not approve of the pact he replied that since this question was important, he knew there were some who opposed it, he * thought there would be some opposition to it, but he didn't realize there were as many opponents as he learned about before this Tribunal. Asked what means were used by government leaders to silence this opposition, he replied that being out of office he knew nothing.

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Page Asked if he did not know that an Imperial edict was secured which had the effect of compelling the Japanese nation to follow the provisions of the alliance, and if he didn't so inform Hitler or Ribbentrop, he replied that he made no such report, but the Imperial Rescript was used to unify the people and of this he had informed the leaders of Germany upon his return to that country.

34176 Asked if he advised the Emperor be used in this manner, he replied that being out of office he had no connection with such matters. To the accused was quoted a part of exhibit 562, a telegram from Ott of 31 January 1939, which stated that "Unity of government and nation* behind the Tripartite Pact has been unmistakably proved in the Diet negotiations." Asked what he did to secure the unity of the Government and nation behind the pact, he replied he did nothing.

34177 * When handed a document, the witness conceded that it was a copy of the November, 1940, issue of the magazine
34178 Dai-Asia Shugi, * which included an article entitled, "Tripartite Alliance and the United States" written by him. He had no recollection as to ever having given such a talk to a representative of the magazine. It appeared that the article was based on something he said somewhere else. Asked if he had not said in his article that he had published an article in the fall of 1940 in this magazine, he replied that his recollection was that he spoke of two other magazines and not the "Dai-Asia Shugi Magazine."

34179 His name was printed here, but he had no recollection of the article. Probably it was the society in which the accused MATSUI was associated, but * he had no connection with this society at all. After looking at the contents of the article, however, the accused stated it appeared to be something written by him and it appeared that the magazine was published by the Greater Asia Association. It was true that it stated there that the following accused were officials of this association: MATSUI, Iwane, HIROTA, Koki, SHIRATORI, Toshio, and MATSUCKA, Yo'usuke, and SUZUKI, Teiichi.

34180 Exhibit 3517-A, the document so identified stated
34181 that the fact that the tripartite alliance was concluded recently and the Imperial Rescript graciously * promulgated, truly fills one with gratitude. As was made clear in the rescript, the object of the recent alliance treaty differed greatly in spirit from that of other alliance treaties. In Japan they had always striven for the manifestation of Hakko Ichiu. The Sino-Japanese War, the Russo-Japanese War,

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Page and the Manchurian Incident were carried out with this spirit. Needless to say the present China Incident was too being carried out with the idea of improving China and trying to establish a new order in East Asia. *In Europe too the object of Germany and Italy in starting the recent war was quite different from those of previous ones. Hitler had said God did not create the world for one or two races and those that were born into the world had the right to live at the same time. The world's resources existed to realize the right of mankind to live. The term "right" was an incorrect expression, but his idea was to enable all people to obtain their place in the world. After the commencement of the European War, Hitler said that its aim lay in the establishing of a new order in Europe which excluded the restrictive interference of England.

34182

In this way, the war aims of Germany and Italy lie in correcting the illogicality of the old system. It was similar to the Japanese object in dealing with the China Incident and this is why the alliance was concluded. In other words, Germany and Italy also comprehended the manifestation of Hakko Ichiu, which is the great spirit of the Japanese national foundation. Consequently the alliance differed from the previous ones. *Looking at history they could see that, up until now, there had been many treaties with various nations, but they were all concluded to fulfill personal desires and Britain was a good example of this.

34183

* The fact that the recent alliance was concluded with the grand object of establishing a new world order was a great feature of the treaty. They must fully realize this and OSHIMA believed that the entire nation must unitedly support the government to make the treaty effective and appropriate. Concerning its contents, in it Germany and Italy recognized and respected Japan's leadership in Greater East Asia. Since the Meiji Era, Japan, as the stabilizing force, had contributed to the happiness of the peoples of East Asia, and was striving further for this.

34184

If Japan did not exist, what would have been the condition of East Asia. There were countries in the world where culture developed early. These countries had advanced to Africa, America, and finally to Asia, and many Asiatics had been conquered by * the leading European and American nations. Conditions of semi-colony or of slavery have come about, and natural resources had been monopolized. The fruits of the natives had been taken away by the American and European nations. Their force knew no limit, and at one time the partitioning of China was even advocated. However, Japan by herself had been stopping and preventing the greed and ambition of them.

34185

Page Recent changes in the world situation had intermingled the interests of the various nations. Since the establishment of the new order in East Asia was influenced by situations in Europe and America, he believed that the conclusion of the alliance was extremely advantageous for accomplishing their plans. The alliance was advantageous to Japan. But they must give cooperation to the establishment of the new order of Germany and Italy and responsibilities had become greater.

34186 How to realize Japan's leading position * or what sort of a new order should be established in leading East Asia? This was a grave mission. The conditions in NEI and FEI and perhaps India and the South Sea Islands must be improved. It was essential that they immediately plan with Germany and Italy an established concrete policy. The question of the understanding in the treaty concerning attacks made by third Powers not connected with the present conflict was in line with frequent government statements that the treaty would not have war as its object. Anyone could see this by reading the text. But according to the newspapers and cables, it seemed that the people of the U.S. claimed the treaty was a challenge.

34187 This was puzzling since it was common knowledge that Japan had never thought of laying a hand on any U.S. territory or made any preparations for it. * For three years Japan had devoted herself to settling the China Incident and so what need had she of making an enemy of the U.S. The U.S. herself should fully understand this. They could not help but conclude that to regard this treaty as a challenge to the U.S. meant either that she was unhappy about the establishment of a new order in East Asia or that she harbored an ambition towards East Asia.

34188 The U.S. was by no means the judge of the world. If she, rich in resources and productive power, crossed the Pacific and thought of advancing into East Asia, it would violate the law of nature and would be fully punished by Heaven. The preamble of the treaty mentioned that there should be no hesitancy to cooperate with any country wishing to establish a new order. If the U.S. truly desired peace, she would cooperate in a new order in East Asia. If the U.S. thought she could make Japan * yield by threats, it was a great mistake. The U.S. attitude was practically unbearable ever since the outbreak of the China Incident, but Japan had been devoting itself to settlement and had been awaiting tolerantly the U.S. to reconsider. The U.S. must consider the tripartite alliance an opportunity for her reconsiderations. The Japanese were a patient people, but there was a limit. If the U.S. with her rich resources would

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Page endeavor to establish a new order on the American continent and would carry out a fair policy of exchanging resources with other continents, then not only she would contribute to world peace, but also much happiness would be brought to the American people.

34189 Japan had made a start towards new diplomacy with the alliance. Success or failure would not only decide the destiny of Japan and the welfare of the peoples in East Asia, but also would have much effect upon the establishment of world justice. All the Japanese people should make combined efforts for the * great Imperial ideal of the establishment of a new order in Greater East Asia in accordance with the Imperial wishes which had been recently promulgated.

Asked if in the previous article (exhibit 3516-A) the great weight of his influence was again used in another critical period in an effort by this article to unify both the Government and the Nation behind the Tripartite Pact, he replied he did not think those two articles could have such an influence on society. The latter article was written on the basis of the Imperial rescript and the statement issued by the Japanese Government generally.

34190 * Reference was made to the article where it was stated that the alliance was concluded with the object of establishing a new order constituting the great feature of the treaty, and he was asked what provisions of the treaty provided for this. He answered that not being a drafter of the treaty, all that he knew was what he learned later, and from his own studies of this alliance pact. In the article there is a phrase, "To enable each and every people to have their proper place in the world," and the ideal of the new order was expressed therein. That was what he was referring to in his article.

34191 To the accused was read the exact language of the provision of the preamble relating to the new order which stated that the three governments had made it a fundamental principle to establish a new order for coprosperity of its own race in Great Asia and Europe, and to maintain the same end had reached the decision to cooperate and coassist each other in carrying out this basic fundamental in each respective field. Asked if this was the provision which constituted the great feature of the treaty, he replied that since several years had elapsed since the conclusion of the pact, he could not recall with exactitude * the language in the preamble. However, the expression the "new order" was the new feature of the treaty.

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Page To the accused was quoted another part of the treaty which stated that Japan, Germany and Italy would agree to cooperate with one another in carrying out the aforementioned policy. Asked if this new feature he spoke of was the new order provided for in the preamble and which was implemented by the provision just read, he replied that the three Powers should cooperate for the new order was **not** all. Its establishment was the ideal and for this purpose various steps were to be taken.

34192 * He had been asked in what sense does this pact contain new features, and so he spoke of the conception of the new order as mentioned in the preamble, but he had not
34193 spoken as to what the new order meant. * The new order expressed the desire to create a new and unoppressed society. Asked what Hitler and Mussolini did to carry out this fundamental principle of a new order, he replied he thought that what they were doing accorded with the principle.

34194 Asked if, in other words, Hitler and Mussolini continued to wage the war of aggression in Europe at the time of the conclusion of the pact, * he replied that depended on different individuals in the way they look at it. He himself did not necessarily consider this action aggressive. As to the matter whether this was an aggressive war, he replied that it had no direct connection with Japan so he had made no detailed investigation.

34195 * There were efforts made at Geneva to define the word aggression and a treaty was created but not one country ratified it. Asked if with all his experience and knowledge of German affairs if there was any doubt in his mind that
34196 the annihilation of Poland on the pretext of the Danzig affair was aggressive or defensive, * he replied that even Geneva was unable to decide the meaning of the word so it was unreasonable to ask him to define the term. However, it was undeniable that it was Germany that opened the attack on Poland.

34197 The accused was reminded that Hitler's General Order No. 24 (exhibit 573, T. 6470) provided that the aim of the cooperation based on the Three-Power Pact must be to bring Japan as soon as possible to active operations in the Far East. Asked if in his interrogation he had not stated that by the issuance of this order, Hitler may have intended to invoke the statement in the preamble about the building of a new order in East Asia. He replied that he did not answer in that sense. He did not know how the other party replied and did not even know of such an order.

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Page When the question was repeated, he replied that he never
thought of it in that way and did not know how Hitler thought.
He had no recollection of making such a reply in his interroga-
tion. To the accused was read a part of his interrogation why
Hitler did issue such an order and base collaboration upon the
34198 Pact unless there was something in it or an understanding *
between Japan and Germany, he replied that he did not know why
Hitler said so. Maybe he intended to invoke the statement in
the preamble about the building of a new order in East Asia but
he did not know.

 Asked if he made that answer to the question that had
been read to him, he replied there must be some mistake. He had
no recollection of having made such a reply. It was true that
he showed Hitler a military map of Singapore containing the lo-
cation of field fortifications and gun emplacements, but he
never discussed with him the method of attack. Hitler asked
how long it would take to reduce Singapore but there was no
discussion of the difficulties of an attack.

 The accused was asked if in his interrogation he did
not justify the delivery of the map by stating that it was in
34199 accord with the agreement * at the time of the conclusion of
the tripartite pact. Even if he did say so, however, he
thought that what he did was justifiable for there should no-
thing wrong in showing them a map in answer to their wish.

 Asked if that was what he considered to be in conform-
ity with the fundamental principle of the pact relating to
the establishment of a new order, he replied there was no
connection whatsoever.

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* Asked what Japan did to carry out the fundamental principle of the pact relating to the establishment of the new order, he stated that although the idea of the principle was one of the pact's purposes, work did not proceed to the point where it was concretely materialized. Asked if this was because they lost the war, he replied it was his interpretation that Japan engaged in a war of self-defense and not for the purpose of creating a new order.

Asked if Japan did not continue the war with China which had been in progress for many years prior to the conclusion of the pact, he stated that Japan referred to these hostilities as the China Affair, but it was true that they continued. Asked if Japan continued its efforts to establish the new order in East Asia under the pact's provisions by military occupation of FIC, where naval and air bases were secured, he replied that because he was then in Germany he could not testify with regard to the details of what Japan was doing or for what purpose she did certain things, because he was not informed.

34203

Reminded that in his article in the November 1940 issue of Dai-Asia Shugi (exhibit 3517), he informed the Japanese nation it was necessary that they cooperate * in the establishment of the New Orders of Germany and Italy, he was asked if this was not based on these provisions of the Pact. He answered that the pact had been concluded and a Rescript and government statement issued, and his statement in the article was a mere repetition of what had already been announced. He had not referred to what must be done concretely to carry out the pact, but was mentioning these matters more as an idea.

The accused was asked if Article 3 of the pact, regarding aid in the event of an attack by a power not presently engaged in war was, in fact, designed as a cloak and shield to protect the participating powers in the course of conduct in which they were then engaged in Europe and China, and he stated that not having participated in the drafting of the pact he did not know what the actual intentions were, but his understanding was that there was no intention of concealing anything.

34204

* The accused was reminded that exhibit 559 was a memorandum between Japan, Germany, and Italy dated 20 December, 1940, providing for the establishment of a military commission and an economic commission. Asked if he was head of the General Commission embracing these two, he stated, yes, but just as a member as there was no chairman.

Page

His commission was not charged with the responsibility of determining in the event of war whether a party to the pact had been attacked within the meaning of Article 3. Its work was to assemble all possible data, report it to the home government, and the decision was to be made by the latter.

34205

* To the accused was quoted a part of his interrogation. In it he had been asked if it was not a mutual aid pact providing in effect that if one of the three was attacked then the other two would help the one attacked. He had replied that in substance he knew that was what it meant. The right to decide whether one of the signatories was attacked and whether the others would furnish aid was left to the commission. If the U. S. and Germany had gone to war, for instance, Japan was not obligated to furnish aid unconditionally. The commission was to decide whether the attack had occurred or not.

34206

Asked if the above question and answer had not been given, he stated that such a question and answer took place, but there must have been some misinterpretation. The memorandum clearly stipulated that the decision was to be made by the contracting powers. * It would be quite possible for the question as to who attacked would come up for discussion at the general commission conference, but the procedure was that reports of the data be sent to the home governments to make the decision. The general commission was never called into session to determine who was the aggressor between a party to the pact and a third power.

34207

He was asked if he received a joint order from the War, Navy, and Foreign Ministers when the commission was established under the pact which changed the existing rule relating to ambassador's duties by providing that in the case of the ambassador to Germany permission was given to discuss matters of a military nature with German officials if the military and naval attaches and members of the military commission accompanied the ambassador to such conferences. The accused explained that the duties were not changed, and there was no change in the principle that the ambassador, being a civil official, was not to participate * in military matters; because, however, high command matters were not handled in Germany and Italy as they were in Japan, if such matters were ever to come up for discussion at the meeting of the general commission it was unavoidable that the ambassador must take up the matter and restriction was placed so that the ambassador on such occasion must be accompanied by the attaches.

Page

Told that the question was not confined to the meetings of the commission but referred to discussions generally with German officers, the accused stated that this was the power given to the ambassador in discussing at the general commission, and he was not given power to discuss military matters with German officials generally.

34208

Asked if he did not frequently discuss military matters with Hitler, Ribbentrop, and other high ranking Germans without having present at such conferences any of the officials required under the joint order, he replied * that at times the Germans brought up matters of general nature, but they were never discussed when they came up as they did not require negotiations with the Japanese government, he transmitted them to the military and naval attaches, who in turn communicated with their Tokyo headquarters.

34209

* Asked if, in other words regarding military matters he was a mere embassy messenger, he replied that military matters were spoken of, but the scope was very wide. There were some such matters in the competence of a civil official, but there were also military matters of a very special nature requiring handling by military men. With respect to the latter, he did act as a sort of messenger boy. As far as most matters were concerned, they were discussed and disposed of between the attaches and the competent military and naval officials of the German side.

34210

Asked if on 2 January 1942, he informed Ribbentrop that he had received instructions permitting him to concentrate in his hands all questions regarding the general line of cooperation in a common war, and that only * questions of details in military and economic fields would be dealt with by the military and economic member of the special commission under the Tripartite Pact, he stated he received no such instructions. The Germans did desire that he have such instructions, but the Japanese system did not permit them. The general commission, the economic commission, and the military commission were independent. The general commission could seek the cooperation of the others, but had no power to command.

34211

Asked again if he didn't recall that at this conference Ribbentrop said he welcomed the concentration of authority in his hands because it switched the center of gravity of the Tripartite Commission to Berlin, he replied he didn't recall exactly, but did know that * Ribbentrop had such ideas.

Page

He didn't recall that at a conference with Hitler on the next day, 3 January, Hitler said he would discuss military affairs only with OSHIMA personally. He didn't say to Hitler at that occasion that he was empowered by his government to discuss the prosecution of the war with Ribbentrop. He was only empowered with handling political aspects, and he thought he naturally told Hitler this.

34212

* Asked if he didn't further state to Hitler that while individual questions might be discussed between the army, air force, and navy, it was of prime importance that the principal policy be laid down exclusively by himself and the Foreign Minister, he replied that he didn't know the expression used, but he thought he himself said that policy matters were under his charge. Asked if this was not in fact actually done and often matters of prime importance and principal policies were settled by him and Ribbentrop, he replied that they talked, but there was no case of deciding new policy.

34213

He didn't recall stating to Hitler that this same method should be applied to economic and political questions, but it was within his authority to handle them. Prior to Pearl Harbor, Japan and Germany, on a small scale, exchanged raw materials for use in the wars then being waged by those two countries. * So far as his own participation was concerned, they did not exchange military and technical knowledge prior to Pearl Harbor. If this took place, it probably was between the respective armies and navies.

34214

* He had stated in his affidavit that he approved the exchange of culture between Japan and Germany, but this did not include scientific knowledge and inventions useful in the waging of war. Asked if many German agents migrated to Japan between 1938 and 1942 in the guise of business men, technicians, teachers, etc., for the purpose of instructing the Japanese in the Nazi way, he replied that so far as he knew there was no case in which Germans were employed as teachers in Nazi methods. He knew that some technicians were employed to study technical matters. The period referred to included the period in which he was a military attache in Germany. At least during his tenure, not one German officer came to Japan as an instructor.

34215

Asked if there were not many officers in the army and navy sent to Germany for study, he replied that * they sent young officers not only to Germany, but to France, Italy, U. S., Britain, and other countries. So far as he knew, there was no Japanese army officer who studied at a German university.

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Civilians studied at various universities, and there may have been some at Munich University. Asked if Karl Haushofer was known as the leading German authority on Japan and if his works were read and studied by Japanese both in Germany and Japan, he replied that in Germany he was one of those who knew Japan, but could not say whether his works were read widely in Japan. Asked if he had not stated in his interrogation that his works were read widely by Japanese students in Japan and Germany, he
34216 * replied that his works were read by Germans in Germany and to some extent by Japanese in Germany, but they had no influence whatsoever in Japan.

The accused was told that in his news article of January 1940, (exhibit 3516-A), he had referred to the possibility that the Soviet desired to reach a rapprochement with Japan in the Far East after the conclusion of the German-Russian Non-Aggression Pact. Asked if it was to
34217 * be understood by this that in January 1940, he favored a rapprochement with Japan and the USSR, he stated he had no recollection, but did desire it.

Asked if shortly after his return to Germany in February 1941, on his second mission as ambassador, if he learned of the probability of a German attack on Russia, he stated he did not imagine such a thing at that time. He had no conference with Hitler in February or March 1941, in which Hitler advised him that Germany probably would attack Russia. However, when MATSUOKA came to
34218 Berlin, * either Hitler or Ribbentrop said something to that effect, although very vaguely, at a meeting which he attended.

* Asked if he recalled telling his naval attache, YOKOI, in March 1941, of a conference with Hitler in which Hitler told OSHIMA of the probability of a German attack on Russia, he replied that he probably told YOKOI of a conversation between MATSUOKA and the German leaders, but the meaning was different. The question suggested that the German attack on Russia was already decided, but the expression used by Hitler or Ribbentrop was not that certain, but very vague. Aside from any direct statement to him by German leaders on this matter, OSHIMA did have reason to believe from the concentration of large bodies of troops on the Russian border and extensive military preparations that Germany would probably attack Russia. The reason he considered this probability was on the basis of the great increase in forces, but could not arrive at the conclusion that such movements would inevitably lead to war.
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* It was his impression the latter part of March and early April that the relations between Germany and Russia were undergoing a change. Asked if he did not conclude that in the light of that situation it would be better to think things over carefully before Japan and Russia should enter into a non-aggression pact, he replied they must not be too hasty.

34221

* When he accompanied MATSUOKA to the border when he left Germany for Moscow, he advised MATSUOKA accordingly.

34222

* After MATSUOKA arrived in Moscow, he recalled receiving two telegrams regarding the progress of the negotiations with Russia for the non-aggression pact. MATSUOKA did not always advise him regarding the progress of his negotiations with other countries.

34223

Reminded that he had testified, (T. 34147), that economic matters were entirely in the hands of economic experts and that (T. 34148) he had almost no knowledge of economics, he was asked if it was not true that he was very active in economic cooperation in the joint pursuit of war. He replied that with the war traffic between Germany and Japan completely suspended, there was no economic cooperation. Regarding his activities and negotiations relating to economic matters, he handled these when instructions came from the government, but because of the * suspension of traffic he had no recollection with regard to his activities in this, as there was nothing to negotiate about.

He didn't recall, but might have presented a memorandum suggesting certain concrete negotiations regarding the mutual use of German and Japanese economic power, at a conference with Ribbentrop on 2 January 1942. Asked if he recalled presenting a plan providing for a German credit to Japan of one billion yen and a provisional credit of fifty million yen to enable Japan to obtain machines and factory equipment, he replied he didn't recall, but there may have been such. Plans on matters of this kind were prepared and drawn up by the economic section of the embassy, and he merely took the document when he approached German officials.

34225

* Asked if he acted purely on his own initiative in presenting the plan and without government authority, he replied he had no correct recollection, but that was not quite possible. He did not recall if Ambassador Ott and Wohltat, on 23 January 1942, questioned his authority to initiate the plan. He had never seen the telegram from Ribbentrop to Ott questioning the authority, nor heard of it through German sources.

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34226 Asked if MATSUSHIMA, head of the Economic Division, informed Wiehl on 24 January 1942 that OSHIMA had presented a draft of the economic treaty of assistance without his * government's approval, because OSHIMA believed it would unduly delay the credit arrangement if the Japanese government's consent would have to be obtained first. he replied it was true that MATSUSHIMA was in charge of Embassy economic questions and was drawing up various plans, but he didn't recall their contents. However, assuming this was so, it was quite possible for such matters to be brought up in bargaining with the Germans, but he could not give any definite views.

34227 Asked if he didn't present that plan of economic assistance without first obtaining authority from his government, he replied he didn't recall, and there would be no possibility of an occasion for it. * He didn't recall himself and Ribbentrop discussing future economic cooperation between the European-African sphere under Germany and Italy's leadership and the East Asia sphere under Japan's leadership, at a conference on 23 March 1942. He didn't recall their contemplating the establishment of an economic agreement between the three aimed at establishing advantages and privileges to the exclusion of the U. S. as much as possible.

34228 Asked if he recalled at a conference between himself and Ribbentrop on 9 May 1942, that Ribbentrop's position was that the Tripartite Pact was the starting point for all economic and political discussions and plans for international relations, even after the period of the war, he replied Ribbentrop might have, but he didn't recall, nor did he recall enthusiastically concurring in Ribbentrop's statement.

34228 * He didn't recall that he envisaged war with the U. S. in the field of economy by a Japanese-German pact, to be enforced after the shooting war ended. He didn't recall in this conference of 9 May 1942, discussing the facilitation of economic cooperation between the two great economic areas defined in the Tripartite Pact by establishing strict control of the economy of those nations. Asked if the discussion did not even extend to the question of how they would control the economy of independent states located within the spheres defined under the pact, he replied there would be no occasion for discussing such a thing, nor did he recall discussing it.

He didn't recall a discussion going to the extent that it involved a plan on the part of the Axis to exert influence on independent states so as to compel regulation of their individual economies.

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* He didn't recall himself and Ribbentrop at this conference agreeing that so far as the U. S. and Central and South American countries were concerned, a binding arrangement should be made that after the war the resumption and continuation of economic relations should only take place after mutual agreement between Japan, Germany, and Italy.

34230

When handed exhibit 50, an announcement by the Board of Information of the agreement between Japan and Germany concerning economic cooperation, he recalled that * there was an economic agreement similar to that mentioned in the document, and it was also true that all economic agreements signed in Germany were signed on his own responsibility. He thought he signed this exhibit. He did not handle economic negotiations, but had the responsibility for them. He thought probably that this was the same economic agreement of assistance to which he had referred in his affidavit as being concluded in January 1943, but didn't recall the contents.

34231

* Asked whether there was a secret protocol, he replied he didn't think there was any secret agreement attached to an economic agreement, and didn't recall there being a secret protocol. After MATSUOKA's return to Japan in April 1941, he received notification for the first time in the latter part of May, that talks were being conducted between Japan and the U. S., nor was he aware before this that talks were being conducted.

34232

* He didn't oppose the diplomatic policy of MATSUOKA with regard to the U. S. Asked if he didn't inform MATSUOKA that in his opinion Japan would lose the chance of establishing her leadership in East Asia if Japan concluded the anticipated agreement with the U. S., he replied he didn't state anything to him in that manner, nor his opinions on it. * He did submit to MATSUOKA two plans he prepared from the German viewpoint, one contemplating the refusal of the U. S. proposal and the other binding the U. S. to abandon the convoy patrol plan. He also reminded MATSUOKA that the European war was developing favorably for Germany, and in a few months very important developments were expected.

34233

He said something to MATSUOKA that if Japan should lose the confidence and trust of Germany and Italy it would be very unfortunate for Japan.

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34234 Asked if he didn't also suggest to MATSUOKA that his policy was two-faced diplomacy which would lead Japan to international isolation during the critical period which might arise after the war, he replied he didn't think that MATSUOKA's policy was two-faced, but did say that this * would result if he did undertake a two-faced diplomacy. It was not true that he was doing all he could in presenting his views to MATSUOKA to discourage and defeat a rapprochement between Japan and the U. S.

Asked if he did not explain to MATSUOKA his apprehension that should Japan lose this opportunity to expand southward and the possibility of attacking Singapore she would invite the contempt of England and America and also Germany and Italy and if he did not urge this explanation to discourage negotiations between Japan and the U. S., he replied he made no efforts to discourage anything. He informed MATSUOKA of these matters, but there were important preliminary remarks.

Asked if he did not charge that if MATSUOKA persisted in this policy it would mean Japan had abandoned her mission to establish a new order in East Asia, he replied he didn't say the mission would be abandoned if MATSUOKA's diplomacy were continued. The opinion which he sent to MATSUOKA was to secure neutrality of the U. S. and seek a rapprochement with her. Asked if he didn't then call upon MATSUOKA to establish the idea of the Tripartite Pact by upholding the principle that Japan was to facilitate the battle of Germany and Italy against Britain, he replied that this was Japan's natural obligation under the Tripartite Pact, and for this purpose it was necessary to have the U. S. remain neutral. As Ambassador in Germany, he was instructed to act with the Pact as the standard, and it was therefore his obligation to see to it that Japan did not violate this, but he did not undertake to control the diplomacy of the government by his communications to MATSUOKA.

34236

* Asked if he did not state to MATSUOKA that he begged him to take these circumstances under consideration, he replied he sent a wire to MATSUOKA with the intention that he would give it his consideration. (Attention of the Tribunal was called to exhibit 1075).

He didn't know if early in May 1941, MATSUOKA contemplated a trip to the U. S. regarding these matters. When handed a document purporting to be a telegram of 4 May 1941, from OSHIMA to MATSUOKA marked "secret", he stated the message was sent from the Embassy in Berlin and naturally would come under his direction, but it was purely a rumor.

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* Exhibit 3518, the document so identified, stated that a rumor that MATSUOKA was planning to go to the U. S. was lately in circulation, and on 30 April the Domei newspaper carried the speech of ISHII to the effect that Germany and Italy would be asked if they objected to MATSUOKA's trip to the U. S. and that the U. S. was a neutral nation. This gave the people an impression that the rumor was well grounded. It was now common sense that the U. S. had completely become a hostile country against Germany and Italy by aiding Britain. At this time when German papers were severely attacking Britain and the U. S. the German Government had made no expression of her will outwardly on this rumor and the papers are keeping silence. It could be judged that they had great concern inwardly. OSHIMA asked MATSUOKA therefore to inform him of the truth by return cable.

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* He thought his military attache in May 1941 was Lt.Gen. BANZAI. Asked if he discussed with BANZAI his objection to MATSUOKA's proposed visit to the U. S., he replied he had not objected to it. He didn't recall discussing the question with BANZAI, nor did he convey any information to BANZAI to lead him to the conclusion that there was a possibility of his resigning as ambassador.

When handed a document, he stated it was a telegram sent by the attache to the General Staff. He had no knowledge of it whatsoever. The military attache, BANZAI, on his own, entertained a feeling whether MATSUOKA's proposed trip would come to pass. It was written by BANZAI, but he did not know with what meaning he wrote it.

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* It appeared to be a document from the Army to the Foreign Office for reference, but was not in the normal Foreign Office form. There was a Foreign Office seal on the document, but it was an army telegram, and he thought it was referred to the Foreign Office for reference.

It said "Vice-Minister" on it, and it might be that OHASHI saw it, but he could not say.

(The document was rejected in evidence.)

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34243 * The accused identified a document handed him as a
telegram dated 5 May 1941 from Foreign Minister MATSUOKA to
34244 OSHIMA. *Exhibit 3519, the document so identified being a reply
to exhibit 3518, OSHIMA's telegram, stated that concerning this
matter, MATSUOKA had received several inquiries from the Ger-
man and Italian Ambassadors in Japan. Though the U.S. may pre-
sumably want him to visit America, he had no such intention.
He replied to both ambassadors to this effect and had them
cable this to their governments.

When he was asked questions by Japanese pressmen he
answered that since he was very well acquainted with matters
concerning the U.S., there was no necessity to visit there but
would rather have Roosevelt and Hull visit Japan to rectify
34245 their cognizance of Japan. * OSHIMA was to let both attaches
know about this.

The accused stated that he did not recall but naturally
thought he informed Attache BANZAI about MATSUOKA's message.
When he informed BANZAI he did not discuss with him the reason
for the message from MATSUOKA to him and he did not learn then
that BANZAI had sent through a message to Japan regarding the
matter. The reply from the foreign office was to his own tele-
gram and he presumed he showed it to the two attaches. He did
not talk with BANZAI about it.

34246 When handed a document * the accused recognized it as
a copy of the secret protocol in connection with the economic
agreement for assistance between Japan and Germany and it was
received in evidence as exhibit 3520. (Read in evidence later,
34248 T. 34267.) * The accused stated that he conferred with Ribben-
trop on 23 February 1941 but did not know whether he discussed
with him plans for close cooperation in all spheres of activity
in carrying on the war. There were plans discussed, particu-
larly with regard to new service and newspapers.

He did not recall Ribbentrop's suggestion that coopera-
tion should be in the same manner as was already being done in
Italy, Rumania, Hungary, Slovakia, and Bulgaria, although that
matter was discussed. He did not recall himself stating that
he intended to create a plan for more intensive Japanese pro-
paganda. His reason for so stating was that such matters were
brought up for discussion but because they were not carried out,
they did not remain in his memory.

Asked if he recalled setting up a newspaper division
within the embassy and Minister SAKUMA was brought over from

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34249 Japan to take * charge, he replied it was true that SAKUMA came to the Japanese Embassy as chief of the press division, but he did not come for that purpose. He did this as a part of his work. The results of the propaganda work in the embassy in Berlin were not sent to Japan. Asked what the source of the information used in the propaganda was, he replied that publicity activities were actually not carried out but they gave information coming from Japan to the news agencies in Germany.

34250 He did not recall discussing a general plan of extension in Japan of the propaganda idea with Ott in Germany in March, 1941. The question * might have been broached but he had no recollection. (Reference was made to exhibit 571.) He did not recall in his discussion with Ott approving a plan drafted by the German Foreign Ministry which provided in part for the building of a demonstration hall in Tokyo, however he wanted to state that because there was a project under discussion with reference to the erection of a Japan-German Association building in Japan, the subject might have been brought up.

34251 The purpose of intensification of propaganda was to foster good will between Germany and Japan. Asked if he had a conversation with Ribbentrop shortly prior to 4 January 1942 regarding cooperation between the Axis and Japan in the field of propaganda directed especially toward India and the Arabian countries, * he replied that he recalled discussion in connection with India and other countries, but none of the things discussed were ever carried out.

Asked if a joint military commission was set up in December 1941 to decide matters of tactics and operations, he replied he did not participate in the establishment of it, and as far as he knew he had not heard that it was held. He had never heard of the military commission of which NOMURA and YOKOI and BANZAI were the Japanese members, and Keitel and Doenitz the German representatives. This was not a military commission because the Italian representatives were not mentioned in connection with it.

34252 * Such persons often met, but this was entirely outside the scope of his duties and they had no responsibility to report to him. The group should not be called a military commission for they merely undertook the discussion of routine matters between the military and naval attaches and the military and naval authorities on the German side.

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Page. The agreement between Japan, Germany, and Italy of 18 January 1942, dividing the world into two zones for military and naval operations, was not merely a military agreement. OSHIMA, as a civil official, had nothing to do with it. Asked if it was not true that a common code was arranged for the use of the Japanese and German navies, he replied that after the agreement was concluded, he heard informally that methods of communications had been decided upon.

34253 * Asked if he was informed in a conference between himself and Hitler of 3 January 1942 of the German invention of a new armor-piercing hollow grenade, and if it was not offered by Hitler to Japan, he replied there was some talk of a matter of a similar nature. This talk was that a new shell that was capable of piercing a tank had been created and was to be presented to Japan. He talked of the matter to the military attache and all negotiations thereafter with the German army were conducted by the attache. He did hear that this shell was given to Japan.

34254 He had no recollection but thought Hitler entertained such an idea as stressing the importance of the exchange of military activities. Asked if he did not enthusiastically agree with this idea and if he did not state that the Japanese army was skilled in landing operations, having carried them out for 50 years, and offered to the German army Japanese officers who were experts in army operations, he replied he had no recollection, but * since the carrying out of operations had been decided, he presumed he mentioned something to that effect.

He did not recall that the Japanese army did seek to occupy Burma, and he considered it important that Germany and Japan make a joint declaration against India. He did not recall saying that once English bases in India were eliminated Japan could easily send convoys to the Persian Gulf. What he meant was that whenever he met Hitler, he was asked by the army to say certain things to him and was requested by the two attaches to bring up certain matters. Therefore, he might have said such a thing to Hitler but had no exact recollection.

34255 * He did not recall but probably did, at the conclusion of the conference, express the hope that Germany and Japan would enter into close cooperation after the war. Asked if he recalled Hitler stating to him that this was probably the first time in history that two such powerful military powers were situated far apart and were engaged in joint battle, he replied that Hitler might have said so, but he did not recall.

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Page Asked if on 6 March 1943 at a conference with Ribbentrop he stated that Japan intended to increase submarine attacks and would set about immediately making the necessary preparations, he replied if he did so he was conveying the intentions of the Japanese navy. Asked if he did not mention the Japanese submarines were not suited for shipping attacks and the navy had to revamp its construction program, he replied that he may have and if he did he was conveying the message of the navy authorities. Being an ambassador abroad he knew nothing about submarine construction and * if he did say anything of the kind, he was conveying the message of the naval authorities.

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34264 *Asked if he stated that the Japanese navy would be grateful if it could obtain two submarines from the German navy, he replied the navy desired the transfer of them. Asked if Ribbentrop agreed with him and stated that he would speak to Admiral Doenitz about it, he replied he did not know what Ribbentrop actually said -- told Doenitz, because after that the matter was transferred to the naval attache and he conducted negotiations. He presumed Ribbentrop may have * said that, but he didn't know.

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Asked if he recalled that Ribbentrop again summoned him explaining that the government, after a consultation with the navy, was prepared to place one or two U-boats at the disposal of the Japanese navy, he replied that Ribbentrop, quite a while before, had said that Germany was prepared to give one or two submarines, but he had no recollection whether he repeated that again.

Asked if at this time Ribbentrop further stated to him that the German government further offered these submarines on condition that the Japanese navy tackle immediately submarine construction on a large scale and carry mass production into effect, he replied he did not know what Ribbentrop later said, but in connection with the transfer, no conditions were attached. Ribbentrop expressed the desire that Japan utilize submarines for the purpose of * destroying lines of communications and also the hope that Japan would expand the construction of submarines, but he did not attach any conditions with the presentation of the U-boats.

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Asked if about that time there was a distinct change in policy in Japanese naval warfare which placed emphasis upon the destruction of tonnage warfare, he replied that was something with which the ambassador had no connection whatsoever and was never informed.

Page 34267 * Exhibit 3520, the secret protocol in connection with the economic agreement for assistance between Japan and Germany (in evidence, T. 34246) stated that in carrying through article 2 of the agreement, Germany and Japan did guarantee mutually for three years the payment of 586 million Reichsmarks and of a thousand million yen. Each would respect the guidance of the other in economic activities and their economic spheres. In building up their interior economic sphere for economic exchange, each would respect the needs of the other in preference to lands outside the spheres.

34268 * The parties would treat goods from the other party's sphere as far as possible more favorably compared with goods outside the two spheres. In territories occupied by them, they would grant the protection to each other's nationals and firms in the spirit of the tripartite pact and would accord preferential protection over nationals and firms outside the international spheres. With regard to detailed agreements after the war, they were to consult each other. At the end of the war, they would resume economic relations with those states which were at war with them or with whom they had broken off diplomatic relations, only after mutual consultations.

34269 The parties will take these principles into consideration in their treaty agreements with each other as well as with the remaining independent states of the economic spheres * and work toward having these principles respected by the other independent states. If one of the parties reached treaty accords with independent states of the other economic spheres, it should consult with the other party in advance.

This protocol had a force of the inseparable constituent part of the treaty between Germany and Japan on economic cooperation, but it should be kept a secret. The accused stated that this was the secret protocol to the agreement but had no sure recollection. Reference was made to the affidavit where it stated that Germany first officially requested Japanese participation in the war against Russia in the summer of 1943, and he was asked if this was not in the summer of 1942. He stated that the last official representation from Germany on the matter and the last time that Japan officially denied the request was in the summer of 1943.

34271 * Only one official request was made for Japanese participation and the request was made in the name of the government. He still thought that the official request was made in the summer of 1943. Even after a statement in his interrogation in which he said that in the summer of 1942 Germany officially

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Page requested Japan to enter into the Soviet war was read to him,
34272 he still thought 1943 was correct.* He had never expressed an
opinion in favor of a Japanese attack on Russia prior to the
summer of 1942. Several times he had conveyed German desires
in this regard. Asked if, prior to the summer of 1942, he
34273 had numerous conferences with various German * officials re-
garding the progress of the war against Russia, he replied
that regarding its progress, he gained information from the
army who got it from the German army and from talks with
Ribbentrop.

At the end of July or the beginning of August 1942,
when he asked Ribbentrop concerning the progress of the war,
he called Marshal Keitel in and had him explain the war situa-
tion. Asked if he spoke to the German civilian officials
about the progress of the war in Russia other than Ribbentrop
and Keitel, he replied that he did hear secondhand from the
military attache but he himself had never heard anything from
the German Army except from Keitel.

34274 * He would ask from time to time about the progress
of the war, but had no recollection of ever conducting dis-
cussions with persons other than Ribbentrop on that point.
Asked if shortly prior to 17 November 1941 he had a conference
with Erdsmandorf of the Japanese section of the foreign office
relating to the war against Russian, he replied that there
was never any occasion on which an ambassador would talk with
a section chief and he had never asked Erdsmandorf anything
34275 in regard to this. He might have had informal conversations
with him but had never discussed that matter with him.

34276 He determined that Erdsmandorf obtained such infor-
mation from conversations held at social gatherings. * He did
not recall telling Erdsmandorf that he had no information con-
cerning the intention and deliberations of the Japanese Gov-
ernment, but according to OSHIMA's personal opinion, Japanese
military operations against the Soviet could take place only
on a limited scale. Asked if in a conference with Ribbentrop
on 23 March 1942 the latter mentioned to him that an advance
of Japanese armies against Vladivostok towards the Baikal
Sea would be advisable if Japan felt that she was strong
enough, he replied that may be so, but he did not remember it.

34277 Asked if he did not fully agree with Ribbentrop's
suggestion and state that although he had received no official
communique, he favored an advance against Vladivostok within
East * Siberia within the year as he was of the opinion a
more opportune time might never arrive again, he replied he
had no recollection of saying this and had never had such

Page thoughts. He did not recall any conversation with Weiszaecker on 21 April 1942 stating that it seemed then that Japan should attack the Russians in East Asia. Asked if in this conference he assured Weiszaecker that he was working hard to put an end to a unnatural situation in which Japan was still living in peace and neighborliness with the Russian Army so furiously engaged by Germany, he replied he never had such a conference. He knew more than anyone else that it was impossible for Japan to fight a war on two fronts. He did not make such remarks.

34278 * According to his recollections, the official request for Japanese entry into the Russian War was made in 1943. If a request was made on 9 July 1942 he believed it was denied and not official. He did not recall at this conference stating he was well pleased with developments in Russia and North Africa and that he was convinced of the imperativeness of a Japanese attack on Russia. Asked if he did not indicate to Ribbentrop that he was very enthusiastic over the idea and
34279 would immediately report the request to Tokyo, *he replied that if on that date there was a request from the German side he must have transmitted it to the Japanese government.

Asked if he also indicated he was enthusiastic over the idea of Japan participating in the Russo-German War, he replied he didn't convey anything except expressions of diplomatic courtesy. He did not mean to say that his approval of Japan's entry was anything more than a diplomatic gesture. The duty of an ambassador was to faithfully convey whatever one government wanted to convey to another. What he said was that even though he knew in his own heart that Japan was unable to carry on war on two fronts, it was his duty to convey any German request in this regard, and to preserve the formal diplomatic procedure.

34280 * But he did not advise Ribbentrop that he was en-
34281 thusiastic of the prospect of Japan entering the war. * Asked if on 30 July 1942 he conveyed to Ribbentrop the Japanese reply to the official request for participation in the Russo-Japanese War, he replied that if on 9 July Germany actually made that request, naturally at some later date the Japanese government would have sent refusal. He thought he must have conveyed this refusal saying it was impossible. At the time he conveyed the reply to Ribbentrop, he did not recall advising Ribbentrop he had cabled Tokyo details of the last talk with him and he had his own point of view that an early intervention against Russia and intensive action to paralyze English shipping in the Indian Ocean was proper.

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34282 * He did not recall on this occasion stating to Ribbentrop that he had personally shared Germany's understanding that a uniquely favorable opportunity presented itself to Japan to deal a blow to the Russians and moreover that the Japanese Army had always advocated the opinion that such action against Russia was necessary. He did not recall telling Ribbentrop that undoubtedly there were various opinions in Japan on this matter and that he did not consider the answer that had been given to be final. He did not also state that he had proposed again and again to utilize the opportune moment and this would be borne in mind in Japan.

34283 He did not remember stating that in spite of the large operations in the south he favored conducting a thrust against Russia too. He had no recollection of closing his remarks at this conference with the assurance that in his opinion the advance to the north was Japan's fateful question which OSHIMA had always reiterated to his government. He did not recall at a conference with Ribbentrop on 6 March 1943 he advised Ribbentrop that although OSHIMA did not know the intentions of the military leaders in Japan, he knew for a long time Japan had the intention of turning against Russia.

He did not recall at a conference between he and Ribbentrop at Fusel on 18 April 1943 he stated that he knew the Japanese Embassy at Sofia had reported to Tokyo rumours about a separate peace between Germany and Russia in consequence of which OSHIMA had arranged for all such telegrams from Sofia to be given to OSHIMA and that he had taken measures against its repetition.

34284 * He did receive in September 1944 an instruction from his government suggesting conclusion of a separate peace between Germany and Russia. Asked if in his conversation with Ribbentrop regarding this matter, if he stated that Japan would fight on Germany's side until the final victory, he replied he didn't recall making this statement but since Japan was Germany's ally, it was but natural that he should have. Asked if he approved Japanese exploitation of FIC in September 1941, he stated that he never heard of that. He received home instructions that the government desired the German government through its ambassadors in France to support Japanese representations vis-a-vis French Indo China. He conveyed these instructions and that is as far as he knew of the matter.

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- 34288 * The accused stated he did not recall saying to Weiszaecker about 12 July 1941 that he had recently advised MATSUOKA again to break off negotiations with Washington. He was convinced he did not say such a thing. * Asked whether he received a wire from MATSUOKA on 17 Feb. 1941 requesting him to take appropriate measures to bring about German pressure on France to accept Japanese mediation in the FIC-Thailand dispute, he replied that at that time he was not yet in Germany. When shown a document purporting to be a copy of this telegram, he stated it arrived in Berlin before he arrived there and believed the Charge d'Affaires took care of it. He thought he must have seen it after assuming his post but had no clear recollection. Since the telegram bore neither the seal of the Foreign Office nor of the recipient, he could not verify it was from the Foreign Office. At the time the telegram was received in Berlin, he was enroute to there from Japan.
- 34289 * His recollection was that he assumed his post on 19 Feb. 1941.

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- 34295 Exhibit 3521, the telegram from MATSUI to OSHIMA in Berlin, dated 17 Feb. 1941, stated * that concerning the current mediation in the Thailand-FIC border dispute, OSHIMA was to propose to Germany to use its good offices to have Vichy accept the mediation plan after explaining that the success or failure of Japanese mediation would not only gravely affect the political situation in East Asia but the positions of all Axis powers. This was not merely a local problem, for in case of rupture of the mediation, fighting between Thailand and FIC would inevitably start again and might lead to Japanese armed intervention. In such case it would be impossible to obtain the products of that area necessary to both Japan and Germany. This not only would be a great obstacle to the national policies of both nations but would enable England and America to take advantage of this opportunity to throw the South Seas into confusion through intensification of their activities toward NEI and FIC and through carrying out their favorite propaganda. This would upset Japanese southern policy and cause a serious setback in the operations of Germany and Italy. In this instance, the situation would be such that it would be difficult to guarantee England would not steal a march on them and take action to occupy strategic Thailand points. If the mediation was a success, they would be able to peacefully establish their influence in Thailand and FIC and establish the grounds upon which to request various conveniences besides leaving no room for the activities of England and America. The question as to whether Japan's position in East Asia would be strengthened depended directly on the success of this mediation and also affected the question of the extension of Axis influence against England and America.

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The question as to whether Japan's position in East Asia would be strengthened depended directly on the success of this mediation and also affected the question of the extension of Axis influence against England and America.

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* There was too great a gap in French and Thailand assertions and there appeared no sign of their compromise. Further delay in settlement was not permissible and after taking the assertions of both into consideration, they decided on this mediation plan. Its gist was to return to Thailand the greater part of the territory lost in 1904 and 1907. The former was taken by France as compensation for the abolition of extraterritoriality. It was illogical to make Thailand cede this territory and it should be corrected. The latter was taken from Thailand as an exchange for several small areas but there was no basis for it. It was merely a case where France stole it.

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In the Japanese mediation plan, they had decided to return only a small portion of the latter to Thailand in the form of a sale and reserve for FIC the historic sites of Cambodia and * recognition of FIC's cultural achievements. Reasons for deciding on a mediation plan were that for France the question of restoration of lost territory having no natural connection when considered from all aspects, but for Thailand it was a problem of her domain and racial alienation.

Although France pointed out that Thailand had suddenly enlarged upon her demand made prior to acceptance of Japanese mediation and asserted it was unreasonable, that there might be such a change with the development of military action was inevitable. Hence, the question lay in whether the present Thailand--FIC border was correct.

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Although Thailand was defeated in sea battles, she had been victorious on land * and if the Japanese had not proposed to mediate, the Thailand Army would have over-run all Cambodia. Japanese soldiers inspecting the locality unanimously stated that the morale of the Thailand Army was high, while the FIC Army had no fighting spirit and the same opinion existed among the French officials. In view of this and from the fact that the FIC Army was unable to oppose the Thailand Army while the Japanese Army was stationed north of Hanoi as at present the defeat of the French was nearly certain. Consequently, it would be wise for France to forget sentimental arguments and seek a rapid solution with the magnanimity worthy of a great nation, rather than discuss peace after being defeated. In regard to the territory lost by Thailand in 1904, although it seemed France had a true intention toward restitution on the whole, she showed considerable disapprobation in regard to the territory lost in 1907. * As for Thailand, there was a view that the former could have been acquired without depending on Japanese mediation and if Japan had not intervened,

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Page they would have been able to take back more territory in the Cambodia area. The British were supporting this view to dampen Japan's mediation, and since this would lead to the alienation of Japanese-Thailand collaboration, the possibility of Thailand regarding mediation as troublesome and resorting to arms again was great if restoration of lost territories was restricted to that lost in 1904. Hence, they were confronted with the necessity of making the French make some concession in regard to that lost in 1907 and preventing Thailand from ceding their camp and joining the Anglo-American camp. According to Thailand's explanation, when she sought German help in regard to the question of restoring the lost territories, Ribbentrop had replied that since problems of FIC had all been left in Japan's hands, Japan should be consulted and Thailand was thinking of acting according to Japan's views. However, there had been manifested no such intention from Germany. Also, France had hinted that as a result of the German French armistice, they had no right to dispose of such problems until the peace conference.

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It was deemed then that the difficulty for the completion of the mediation lay with France. Because the success of mediation would greatly affect the execution of the Axis national powers, it was necessary to bring this immediately to success and establish influence and stamp out American and English activities. If they did not satisfy Thailand to a certain extent, there was a danger of her swinging away from Japan. For this, it was necessary to apply pressure on France and make her accept the plan, and it was deemed * there was no alternative but to rely upon the speedy and effective good offices of Germany toward the Vichy Government. Hence, appropriate measures were desired to be devised immediately.

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The Chief of the Bureau of South Seas Affairs had shown the mediation plan to the German councillor in Tokyo on the 17th and had requested Germany's good offices.

* Asked if he assumed his duties in Berlin on 19 February, the accused replied his duties could not commence * until after he presented his credentials and he did not begin his duties until the 28th of February, having actually arrived in Berlin on the 19th.

Asked if he held conferences with Ribbentrop as early as 23 February, before presenting his credentials, he stated this was in a different capacity. He could not meet Ribbentrop in an official capacity until after presenting his credentials, but since they were old friends, he asked OSHIMA to come to see him and this visit was entirely contrary to diplomatic usage although it did occur.

He did not recall that the German representatives in accordance with this telegram brought pressure to bear on Vichy, France,

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Page nor did he recall later communicating with Tokyo in regard to this. Asked if he approved Japanese establishment of naval and air bases in South FIC in 1941, he replied that his opinion was never asked in this matter and since he had no knowledge of * oriental affairs at the time, he never thought of that. Asked if he did not as early as 12 July 1941, advise Weiszaecker that the occupation of certain positions in South FIC as bases for aircraft and warships was an urgent Japanese need, he stated he must have conveyed to him instructions arriving from Japan. He did not learn as early as July 12, 1941 that Japan contemplated the establishment of air bases and naval bases in South FIC. He knew of such thoughts in Japan for the first * time through instructions he received. If it was true that he saw Weiszaecker on 12 July 1941 and talked to him on this matter, it must have been based on instructions. If he had received no instructions by that date the report of that conversation must have been false.

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34307 He didn't recall the exact date he first received instructions but it must have been some time in July. This matter * was not handled by the Embassy for an extended period and only once did they receive instructions from the government on this matter. He did not recall ever being informed of the penetration of Japanese troops into FIC and asked if he approved that action he stated he was not consulted on that matter and didn't think he ever in fact approved it.

34308 When handed a document, the accused acknowledged that it was an issue of the Tokyo Nichi Nichi of 27 Sept. 1941 in which was a newspaper article, datelined Berlin, 25 Sept. 1941, quoting a speech OSHIMA made in commemorating the first anniversary of the conclusion of the Tripartite Pact * and included a picture of him. In regard to this, the accused stated that he did not make a speech but thought he talked to a newspaper reporter and couldn't take any responsibility for the contents of the article. (The document was rejected in evidence.)

34311 * The accused stated that he was not of the opinion that the Japanese Government, in establishing the new order in East Asia under the Tripartite Pact, planned to use armed force for its accomplishment. He did not recall stating in a conference with Erdsmandorf around 18 Oct. 1941 that in his opinion the government in concluding the pact must have been certain that the Great East Asiatic area could be achieved only by advance with the sword to the south. He did not recall stating at that conference that action had been prepared and the question was only one of time. He did not recall further stating that the attack might possibly be simultaneous with German operations against Britain.

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- 34312 * He did not recall also stating that it would be advantageous to establish a land connection between Germany and Japan by Japanese advance into East Siberia and that he had proposed this repeatedly to his government. He had no official conferences with Erdsmandorf at all. His belief was that Erdsmandorf merely pieced together what he told him at social functions with other information. He did not recall stating to Erdsmandorf around 17 Nov. 1941, his personal view that an advance by Japan toward the south was unavoidable, especially because of the pressing need for petroleum.
- 34313 * Asked if in this conference with Erdsmandorf he also explained that by advance to the south he meant the seizure of Borneo, above all, was necessary. He replied he never made such an explanation. It was not true that he and Erdsmandorf examined the map to determine how far it was from Borneo to the nearest Japanese troops in South FIC and that they determined the distance was 1000 kilometers.
- 34314 * He did not recall discussing the nature of Singapore fortifications nor suggesting that an attack on it would be most effective. He did not recall telling Erdsmandorf that the three Japanese infantry divisions on Hainan Island he assumed were being trained for landing operations and combat in tropical regions.
- 34318 * Asked if he had a conference with Gaus about 11 Oct. 1941, with regard to the prolongation of the Anti-Comintern Pact, he stated he didn't recall whether his conversation was with Ribbentrop or Gaus but knew he did have such a conversation. He did not recall advising the person with whom he conferred that he had wired Tokyo repeatedly about the matter. Nor did he recall discussing the advisability of playing up the * occasion of prolonging the pact in a big manner.
- 34319 In accordance with instructions from his government, he signed the agreement prolonging the pact on Nov. 25, 1941. In commemoration of its signing, he believed a reception was held at Hitler's but he did not speak on that occasion nor have any public word to state at the reception or the time of the signing. The form adopted when the prolongation was decided on was that each participating country was to make a declaration of its intent. When Japan's turn came, he made this declaration. The signing of the pact by writing was not done for a declaration of Japan's position was equivalent to a * written signing. No other Japanese spoke on that occasion in addition to himself, and he spoke in German. When handed a document, he stated it did not represent the speech he made for his statement was very simple and he did not recall making the statement handed him.
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- 34321 * He made no speech at the commemoration reception but merely a declaration at the ceremony taking place after the signing. He had no recollection of making such a speech at a meeting in commemoration

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Page of the signing, although the document showed on its face that it
 34322 was a speech or an article made or written * on some occasion com-
 memorating the signing of the Prolongation Agreement. The speech
 was not a diplomatic pronouncement but a speech made on a social
 occasion. Asked if the speech was made by him or by someone else
 34323 with his approval on any occasion, * he replied he had no recol-
 lection of the speech at all nor any knowledge of the document.

34324 * When he arrived in Berlin on 19 Feb. 1941, there was no reception
 at the train, but State Secretary for Foreign Affairs Weiszaecker
 met him. When shown a letter prepared by Weiszaecker, bearing date
 of 17 Feb. 1941, he stated it refreshed his recollection and that
 he arrived on 17 Feb. instead of the 19th. Asked if the telegram
 he had previously stated arrived before he got in Berlin did not
 actually arrive after he got there, he replied he did not know
 because he wouldn't look at a telegram immediately upon arriving.

34325

* EXAMINATION BY THE TRIBUNAL

The accused stated that the non-aggression pact between Germany and the USSR was not aimed at Japan nor were any Japanese interests prejudiced by this. Asked for what reasons he was dissatisfied with this pact, he replied that first, it was against the Anti-Comintern Pact. Also it was concluded in the midst of negotiations for the strengthening of the Anti-Comintern Pact and without previous notice to Japan. At no time did he advocate a declaration for war against the USSR by Japan and Germany.

REDIRECT EXAMINATION BY MR. CUNNINGHAM

Reference was made to the affidavit where it referred to the instruction given by OSHIMA at the end of March 1939 that Japan accepted in principle the duty of military assistance if Germany was attacked by countries other than the Soviet and the witness was reminded of his interrogation (Exhibit 497, P. 6065) where it appeared he stated that according to this instruction, aid would be confined to military advice such as trading of intelligence, etc. Asked to explain the discrepancy, he replied he thought there was a misinterpretation and that "military assistance" was translated "military advice." The instructions he received were that Japan would accept the duty of giving military assistance. In his interrogation, the contents of his statements were abridged. Instructions regarding details of military assistance or entering the war came later. In this part of the interrogatories there were points which were confused and on which there were mistakes, and so he decided to make a general correction in his affidavit instead of trying to correct all those errors.

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34331 * FURTHER EXAMINATION BY THE TRIBUNAL

34332 Asked if he conducted negotiations in Berlin with the aim of obtaining land and a house for the Embassy where he could carry out intelligence and subversive activities against the USSR, he replied that when he was military attache, one of his subordinates did buy a house and he thought this real estate was bought in the name of an officer in the Ministry of National Defense and paid for by the Japanese Army. Asked if he confirmed that this estate was then the headquarters of the White Russian spies where anti-Soviet pamphlets were printed to convey to the Soviet and where the different subversive measures were worked out against the USSR,* he stated he did hear that a small number of people were carrying on printing work there but did not know what they achieved nor did he think the house was ever made headquarters for any subversive activities.

34333 * Asked if he was aware that in 1938 and 1939 the Embassy in Berlin sent saboteurs and terrorists into USSR by way of Turkey to kill Stalin, he replied there were no such facts. Asked if he had a talk with Himmler on 31 Jan. 1939 to the effect that together with German spies and with the assistance of White * Russians, he was undertaking a large-scale sabotage and terroristic work and that he sent ten of his agents with bombs across the Caucasus in order to assassinate Stalin, he replied he never had any such conversation with Himmler.

34337- * OSHIMA's counsel referred to certain exhibits and testimony
339 in connection with certain parts of his affidavit, as follows:

Exhibits 484, 486-A, 506, 582, 2487, 2488, 2497, 2619, 2735-A, 2744, 2762, 2763, 3000.

Test.: 26,119; 26,579; 26,599; 26,678; 26,919.

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all

- 34340 *Exhibit 3523/dated 16 September 1938 from Foreign Minister UGAKI to Premier KONOYE re the Emperor's appointment of OSHIMA as ambassador to Germany stated that with reference to appointing military attache
- 34341 OSHIMA as ambassador as already arranged with KONOYE * informally UGAKI relied upon KONOYE to obtain the Emperor's approval at his earliest convenience so he would be able to proceed with this matter.
- 34342 *Exhibit 3523A, all from KONOYE to UGAKI dated 22 September 1938 re Imperial approval re the appointment of OSHIMA as ambassador to Germany acknowledged UGAKI's request and informed him that Imperial approval had been informally obtained on the 22nd. Exhibit 3523B, all from KONOYE to War Minister ITAGAKI dated 6 October 1938 concerning the appointment of OSHIMA as ambassador to Germany
- 34343 *asked whether it was objectionable on the part of the War Ministry. Exhibit 3523C, all from ITAGAKI to KONOYE dated 7 October 1938 regarding the appointment of OSHIMA as ambassador replied to the above letter and stated there was no objection on the part of the War Ministry.
- 34351 *In Exhibit 3524A, excerpt from the official transcript of the Nurnberg trial, being the direct examination of Ribbentrop
- 34352 was asked, "Did Japan before her attack on Pearl Harbor * notify Germany of her intentions?" He stated that this was not the case. At that time Ribbentrop tried to move Japan to attack Singapore. A peace with England did not seem possible and he knew it would be militarily possible to do this. Hitler instructed him to do everything to weaken England's position so that peace might be brought about. He believed this could be done best through a Japanese attack on England's possessions in East Asia and therefore Ribbentrop tried to influence Japan to attack Singapore.
- 34353 *After the outbreak of the German-Russian war he also tried to have Japan attack Russia for a quick ending of the war. Japan however did not do that. She did neither of the two things Germany wanted her to do but did a third - attacked the United States at Pearl Harbor. The attack was for the Germans a complete surprise. They had considered the possibility that Japan might attack Singapore, Hengkong or England but never that she would attack the United States. They knew that in an attack on England the United States would intervene and they hoped that would not happen. He received news of the attack on Pearl Harbor through the press and then received a Reuter's dispatch from OSHIMA. All other reports were completely untrue. Even this
- 34354 attack was a surprise to OSHIMA as OSHIMA said it was a * complete surprise to him also.

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- 34372 *Exhibit 3503B, the redirect interrogatory for Ott (the direct and cross interrogatory introduced at T 33925 as Exh. 3503 by the Defense) stated that in Ott's telegram dated 31 December 1939 he had declared that according to opinions of Ambassadors OSHIMA and SHIRATORI who were strongly working for the collapse of the present cabinet etc., Ott was asked to state what actions OSHIMA took in this respect. *
- 34373 And he answered it was a general situation report reflecting the political pressure in Japan. The cabinet was inefficient and being attacked from various sides. The opposition of OSHIMA and SHIRATORI was not a determining factor and he did not remember the details of his actions on the basis of his knowledge. Asked on what occasion OSHIMA made his statement in the telegram that still 2 or 3 more transition cabinets would be necessary he replied that it was generally accepted that the Japanese cabinet should follow a more conciliatory course. It was mentioned by OSHIMA in an unofficial discussion with respect to the telegram from Ott dated 23 January 1940. He was reminded that he had stated in this telegram regarding the settlement of the question of Germans taken away from the Asama-Maru by the * British and that step by step tactics were the only ones with prospect of success and this was in accordance with the strong advice of OSHIMA and SHIRATORI. Asked on what occasion this advice of OSHIMA was given he replied that OSHIMA's personal advice on this complicated matter was expected to be helpful. With regard to Ott's telegram dated 26 January 1940 he was reminded that in it he had stated OSHIMA's opinion on the relations between the visit of the Duke of Coburg to Japan and anti-British movements there. Asked on what occasion this opinion was expressed by OSHIMA he replied he visited OSHIMA to get his advice and find a way out of the resistance of the Japanese Government to the Duke's mission. He expected a more favorable reaction by Ribbentrop by expressing also * OSHIMA's opinion but did not suggest to OSHIMA that he might quote him on the matter.
- 34374
- 34375

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34376-80 *Opening statement by Mr. Freeman.

34380 *The attention of the court was called to Exhibits 841, 3034,
34381 2238, 3439, 3447 and * 3469.

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DIRECT EXAMINATION OF YOSHIE, Seiichi by MR. FREEMAN

34382

*The witness identified and verified Exhibit 3525 as his affidavit. The affidavit stated that the witness from 1 October 1940 to 30 April 1943 was mainly in charge of personnel affairs * of staff officers in General Headquarters and engaged in personnel and protocol business of War Ministry officers as a member of the Appointments Section of the Personnel Affairs Bureau. From 1 May 1944 until the surrender appointments of staff officers, director of the Military Affairs Bureau and Section Chiefs in that bureau were to be deliberated over by the Director of the Personnel Affairs Bureau on consultation with General Headquarters.

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34384

After the February 26 Incident the army was particularly careful of personnel administration and paid much attention to appointments so as not to be influenced by the consideration of personal intimacy. All war ministers assuming that office after the Incident strictly maintained this policy. *Consequently the autonomous power of making appointments by the Personnel Affairs Bureau was strengthened so as not to be affected by coercion etc. by outsiders. TOJO when he became War Minister also observed this policy and when appointment was to be made instructed those concerned to inquire closely into the candidate's personal history, particularly after the war broke out to make sure he had a thorough knowledge of the circumstances to carry out his new duty. These concerned then submitted the matter to the War Minister for approval.

34384

In 1941 the accused SATO succeeded KAWAMURA as Chief of the Military Affairs Section. The appointment was first deliberated by the Director of the Personnel Affairs Bureau NODA and then approved by the War Minister.

34385

Because of his knowledge of the Military Affairs Bureau and Military Affairs Section * through his service as Chief of the Press Section and as a front line staff officer and his experience in the United States SATO was recognized as one possessed of the deepest knowledge of not only the army situation but also of affairs at home and abroad. All in charge considered the appointment an appropriate one.

34386

In 1942 when Director of the Military Affairs Bureau MOTO was transferred SATO was appointed his successor. He was first selected by the Director of the Personnel Affairs Bureau TOMINAGA and after deliberations and the approval was given by the three army chiefs he was appointed by the War Minister. This also was a very natural and appropriate appointment for SATO was familiar with the business of the bureau * since prior to the war. Furthermore he was qualified to be a War Ministry Director as he had been promoted to Major General.

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On further oral examination the witness stated that he was familiar with the occasion of SATO's appointment and it came through regular channels. As far as he knew there was no pressure brought upon the General Staff or any other appointing authority to get the appointment through.

34387

*The witness knew TANAKA, Ryukichi when he was head of the Military Service Bureau and he left this post in the summer or fall of 1942, * resigning because of illness. The witness was familiar with the circumstances under which an officer might resign from the regular army and except on account of illness preventing him from continuing his work no other reason was recognized. He knew TANAKA

34388

from the summer of 1941 until the time * he left his position as Chief of the Military Service Bureau. He was not in a position to know of TANAKA's work or of him in detail but as these of the War Ministry and General Staff were located in the same building there were frequent opportunities to meet TANAKA and he was able to hear of him quite often.

34389

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CROSS-EXAMINATION BY COLONEL MORNANE.

- 34393 * Asked what he meant when he said that appointments of various officers were to be deliberated over by the Director of the Personnel Affairs Bureau, he stated that he meant consideration for selection of a suitable person, not only from the standpoint of his competence, but also from the standpoint of possible effects of appointments on other quarters.
- 34394 * Asked if this consideration before selection was provided for in regulations or was a matter of the War Minister's policy, he replied that generally, while there was a War Minister policy, the fundamentals were already stipulated in the regulations of the War Minister. Asked to refer the Tribunal to the particular regulation providing for the Director making the selection of various officers, he replied he didn't remember, but thought the matter was stipulated in regulations governing the organization and functions of the War Ministry. However, he didn't recall the exact language of the provisions.
- 34395 * Reference was made to the affidavit where it stated that all War Ministers, after the February 26 incident, strictly maintained this policy. Asked why he referred to it as a matter of policy if it was a matter laid down by regulation which could not be avoided, he replied that without regard to time, the regulations stipulate the basis on which such actions were to be taken, but according to the circumstances the War Minister sets down certain detailed policy.
- 34396 * In regard to the autonomous power of making appointments by the Personnel Affairs Bureau mentioned in the affidavit, the witness was asked if that meant that the Bureau actually made the appointment or if it was the War Minister who actually made it. He stated that by that he meant that the Bureau merely carried out the routine of appointments, and the actual decision was made by the War Minister.
- 34404 Exhibit 3426, * the affidavit of ABE, Nobuyuki, stated that he was a full general at the time of his retirement from active duty in 1936, when the February 26 incident occurred. He became Vice-Minister of War in 1928, and was appointed a State Minister without portfolio from June to December 1930. He was Premier from August 1939 to January 1940.

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- 34405 * On the day the third KONOYE Cabinet fell, the accused SATO visited his home to tell him about the situation in army circles. He was well acquainted with the accused SATO, having known him thirty years. Asked if SATO discussed or made any recommendation as to who should succeed KONOYE, he replied that SATO conveyed a message from the army, and by army he meant TOJO and not the General Staff, for it had nothing to do with politics.
- 34406 * Therefore, he believed it could be assumed that the message was from War Minister TOJO. At that time SATO was a colonel.

The message was that since the KONOYE Cabinet fell, the army deemed it desirable to recommend that an Imperial prince become premier. The name mentioned was Prince HIGASHIKUNI. At no time during this visit did SATO mention TOJO's name for premier.

- 34407 The affiant stated he attended a conference about October 17 to recommend a successor to KONOYE, at which he believed were WAKATSUKI, OKADA, HIROTA, HAYASHI, * HIRANUMA, YONAI, HARA, KIYOURA, and the Lord Keeper, KIDO, who presided as chairman. The affiant recalled that KIYOURA mentioned HIGASHIKUNI's name, and the affiant did not express his opinion relative to HIGASHIKUNI's becoming premier to SATO, nor to anyone else.

- 34408 * Asked if he paid absolutely no attention to the message SATO brought, he replied he just listened to his story, and nothing he said affected his opinion. At the conference on October 17 they finally recommended TOJO as premier. Never once during this visit did SATO mention TOJO's name as one who should be premier. The affiant believed it was KIDO who recommended TOJO, but
- 34409 * there was no one present absolutely against having him as premier.

The affiant stated he was familiar enough with the War Ministry to state whether the bureaus within it were on an equal level as to exercising authority. He knew TANAKA, Ryukichi, and knew that he had been used by the prosecution as a witness in the trial.

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34410 To the affiant was quoted a question in TANAKA's direct examination, in which TANAKA was asked if he remembered SATO telling him anything about the matter in which TOJO became premier. * To this question TANAKA had answered that after TOJO became premier, he came to the affiant's office and told him about the matter.

It was always the stand of the Military Service Bureau that the army, outside the War Minister himself, should not interfere in politics, and he thought SATO's visit was in connection with this matter to explain his position.

SATO told TANAKA he had seen the two generals, ABE and HAYASHI, to whom he had said that unless TOJO was made premier it would be difficult to control the army. After this was quoted, the affiant was asked if SATO made any statement about TOJO becoming premier and if he were not it would be difficult to control the army, and the affiant replied he had never heard it. There never was any indication that there would be trouble with the army unless TOJO was appointed Prime Minister.

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NINOMIYA - Direct

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Page DIRECT EXAMINATION OF NINOMIYA, Yoshikiyo,
by Mr. Freeman.

34411 The witness identified and verified exhibit
34412 3527 as his affidavit. * The affidavit stated that the
witness was in the Military Affairs Bureau of the War
34413 Minister as a staff member, * becoming Chief of the
Military Affairs Section December 1942, remaining there
until July 1944. While he was Chief of the Section, the
accused SATO was his immediate superior.

The chief functions of the witness' section was to handle matters dealing with other ministries and those relating to international agreements. Told that TANAKA, Ryukichi, had testified, (T. 14287), of protests relative to the treatment of POWs being sent from the Foreign Office to the War Ministry and then to the Military Affairs Section of the MAB, the witness stated that he himself didn't recall receiving such protests.

34414 Asked if it was true, as TANAKA had testified, that replies to be made to authorities outside the war office were prepared in the Military Affairs Section, the witness stated that was not so, but all replies relating to * POWs were made by the POW Information Bureau, which had already been established when he became head of the Military Affairs Section. The Chief of the POW Information Bureau at that time was Lt. Gen. UYEMURA. The function of UYEMURA's bureau was to handle matters relating to POWs. The protests from Allied powers received by the Foreign Office relative to treatment of POWs would be forwarded to the POW Information Bureau.

34415 Asked if these protests relative to the treatment of POWs had passed through his section, as TANAKA testified, if he would have known it, he replied, yes, but he didn't * recall ever receiving these protests.

CROSS-EXAMINATION BY COL. MORNANE.

34416 * The witness stated that he thought TANAKA left the War Ministry about July or August, 1942. Asked if he would disagree with TANAKA's evidence, he stated no, as he had no exact recollection. The witness stated he was actually in the War Ministry when TANAKA left. Between April and December 1942, the witness was private secretary to TOJO as War Minister, but not as Prime Minister. As private secretary to TOJO, he was not in the Military Affairs Section or the Military Affairs Bureau.

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NINOMIYA - Cross

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* He had no recollection of seeing any protests in his capacity as private secretary. At that time he would not see the Military Affairs Bureau or Military Affairs Section files. He could not say as between April 1942 and the time TANAKA left the War Ministry whether any protests went to the Military Affairs Section.

Asked if the Military Affairs Bureau dealt with lots of matters concerning POWs, he replied that matters relating to POWs were handled by the POW Information Bureau. Asked if it was not the practice to send copies if not originals to the MAB, he stated he didn't think it was customary. When something was being sent out it was the usual procedure to send either the original for notation or copies.

34418 * Asked if all replies to protests when they went out would be signed by the MAB, he replied it would not mean that it would see all of them. Asked if he didn't, in his capacity in the Military Affairs Section before becoming private secretary to TOJO, actually handle certain matters regarding POWs, he replied there was no case of handling such matters in that capacity, and he had no exact recollection of seeing any in that section.

34419 * When shown exhibit 3367, the witness acknowledged that his name appeared there, as did Chief of the MAB SATO, but in those cases the seal by proxy appeared. It appeared that a staff member of the Bureau impressed both his own and SATO's seal by proxy. The witness did recognize it as an official document of the War Ministry.

34422 * Exhibit 3528, an item of exhibit 3367 for identification only, being a draft of an answer to the War Ministry dated 25 March 1942, and being the document identified by the witness, stated * that the Vice Minister informed the Foreign Ministry, that in their opinion Article 36 of the Geneva Treaty on POWs could not be accepted and applied completely or exactly as it was.

34420 * In view, however, of the fact that Japan was on her own part providing facilities and treating properly her POWs, in case the U. S. expressed her intention to give proper treatment to Japanese not only in the U. S. but in American countries which had declared war on Japan, Article 36 would be applied mutatis mutandis as the occasion demanded, and Swiss representatives would be permitted to pay visits. As to enforcement details, their intention was to investigate each case and give permission.

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34535 * Exhibit 3552, the affidavit of H. A. Gynne, stated
34536 that the affiant was * editor of the Morning Post from 1911
to 1937 and his relations with the Japanese Ambassador had al-
ways been cordial. The incidents at Tientsin and the invasion
of China were subjects of conversation with both Ambassador
YOSHIDA and SHIGEMITSU, who succeeded him. Both these gentle-
men expressed strong opposition to the China invasion, clearly
expressed disapproval of it, and strong opposition to the war
party in Japan. SHIGEMITSU suggested that the affiant pub-
lish occasional articles pointing out that the war party was
losing friendly feeling for Japan and said from his experiences
in Moscow and his contacts with Japanese diplomats in Europe,
he was convinced that Hitler, at the first serious set back
sustained by the German army, would be swept away by the
general staff.

34537 He expressed fears lest the war party lose * their
heads and allow themselves to be infected with the germ of
world domination which had already contaminated Germany. He
was strongly opposed to widening the area of hostilities and
indicated he was doing all he could to prevent the war party
from further aggression. These conversations covered a two-
year period and SHIGEMITSU gave the affiant his full confi-
dence as far as was consistent with his official duties. He
indicated he attached more weight to the articles the affiant
published than the affiant himself did and said he believed
they would appeal to the moderate men in Tokyo and enable
them to fight against the war mongers.

34538 Extracts from the articles appeared in the Japanese
press but the affiant saw little sign of a favorable reaction.
SHIGEMITSU's conversations indicated he was well informed
about Germany's attempts to induce Japan to join the war on
her side. * SHIGEMITSU expressed consistent opposition to
this and to every suggestion of extending the war. The af-
fiant never once found him wavering from this opinion nor re-
called any statements which would cause him to doubt SHIGE-
MITSU's good faith.

34541 * Exhibit 3554, the affidavit of TOYODA, Teijiro,
stated that the affiant was foreign minister in the Third
KONOYE Cabinet from 18 July 1941 to 18 October 1941 and soon
after his appointment SHIGEMITSU arrived in Japan having
been recalled from London where he had been ambassador. In
SHIGEMITSU's oral report he emphasized that Britain would
never be defeated and expressed his opinion that Japan should

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Page in no case be involved in any war and that the negotiations then under way with the U.S. should by all means be brought to a successful end.

3454: * Exhibit 3555, the interrogation of Sir Robert Craigie, stated that Craigie was British ambassador to Japan from 3 September 1937 until the outbreak of the war. From information received in his official capacity, he had opportunity to know the activities and policies of ambassador SHIGEMITSU from October 1938 until his return to Tokyo on leave * about 20 July 1941. After SHIGEMITSU's return to Tokyo, he met him six or seven times on both official and social occasions.

34547 SHIGEMITSU told Craigie he had returned on leave because he believed he could do more in Tokyo than in London to arrest the deteriorating relations with the Western Powers. He discussed with SHIGEMITSU the improvement of Anglo-Japanese relations, the peaceful settlement of differences between the two countries, and the avoidance of war. * At SHIGEMITSU's suggestion, a meeting took place at the foreign ministry between foreign minister TOYODA, SHIGEMITSU, and Craigie to which the critical stage of the Washington negotiations was explained to Craigie and he was asked to urge Britain to attempt to avert a breakdown.

At SHIGEMITSU's request, Mr. Yoshida SHIGERU came to Hayama about October 1941 to enquire whether Craigie could make any personal suggestions for ending the deadlock in regard to FIC, however, Craigie was precluded by instructions from taking any official part in discussing matters under negotiation in Washington.

34550 * Exhibit 3556, a dispatch dated 2 September 1944 from Minister to Sweden, OKAMOTO, to Foreign Minister SHIGEMITSU, stated that the Paris radio had announced on the 29th the names of the French Provisional Government, all of whom were members of the Algiers Government. The Provisional Government announced by radio that France had been in a state of war with Japan from 8 December 1941 and in collaboration with the Allies, would keep fighting with all her might until not only French territories were liberated, but also the enemies of France in Asia and in Europe were repulsed.

34551 *Exhibit 3557, minutes of the proceedings of the Supreme War directing Conference of 15 September 1944, it was stated that after making his report on the Soviet-German

Page peace problem, Foreign Minister SHIGEMITSU distributed a tentative draft prepared by officials in charge and opened a free discussion on the subject. As the question was of a very serious nature, the necessity of keeping it secret was emphasized.

34552 * In particular questions to be taken up for the sake of adjustment of Soviet-Japanese relations, such as the cession of rights and interests in Manchuria, and the cession of Southern Saghalien, etc., were so complicated and grave that the conference arrived at no conclusion. However, it was unanimously agreed that any treatment of such questions as routine should be avoided.

It was agreed that SHIGEMITSU be requested to make a basic draft as the policy should be decided upon in accordance with the progress of Soviet-Japanese negotiations, hoped shortly to be commenced in Moscow.

34553 Annex B, the tentative draft of diplomatic measures to be taken vis-a-vis the Soviet Union dated 12 September 1944, stated that Japan would immediately initiate an active diplomatic demarche towards the Soviet Union to secure the maintenance of neutrality and improvement of diplomatic relations; the realization of peace between Germany and the Soviet; and the improvement of Japan's situation through * Soviet assistance, if Germany fell out of the present war. For this purpose, a special envoy shall be dispatched to the Soviet to conduct negotiations.

34554 * The object of the negotiations would be to sound out the Soviet as to her intention vis-a-vis Japan, inform her of Japan's desire to cooperate, endeavor to improve relations, and to achieve the continuance or implementation of the neutrality pact. For this purpose the following agreement shall be concluded in lieu of the neutrality pact: confirmation of the obligations imposed by the neutrality pact, or an agreement on a prolongation of same; a nonaggression pact; a treaty of good neighborliness and friendship; an agreement for a peaceful solution of conflicts, and an agreement for economic cooperation.

34555 They were to try to secure the use of good offices for peace between Germany and the Soviet; mediation for peace between Japan and the Chiang regime; and to sound out the Soviet * as to her attitude in case of Germany's collapse or her conclusion of a separate peace, and to try to secure and enhance her favorable attitude toward Japan. Simultaneously negotiations should be conducted between Japan and the Soviet on the following matters: Demarcation of the borders between Japan, Manchukuo, and Inner Mongolia

Page on the one side, and the Soviet and Outer Mongolia on the other; establishment of demilitarized zones along such borders; means of solution of conflicts along such borders; exchange of commodities between Japan-Manchukuo, and the Soviet.

34556 Measures to be taken against Soviet demands * which were anticipated to be admission of passage across the Tsugaru Strait; abrogation or revision of the Soviet-Japanese Basic Treaty; surrendering of fishery rights; cession of the North Manchurian Railway; acquiescence in the peaceful activities of the Soviet in Manchuria, Inner Mongolia, China, and other parts of Greater East Asia; recognition of a sphere of interests for the Soviet in Manchuria; recognition of a sphere of interest for the Soviet in Inner Mongolia; abrogation of the Anti-Comintern Pact, and the Tripartite Pact and Agreement; and cessions of Southern Saghalien and the Northern Kuriles.

34557 In this connection, in view of the development of the world situation and the necessity of dealing diplomatically with the Soviet, the envoy shall in * advance be accorded wide discretionary authority so he might quickly accede to or refuse Soviet demands. If Soviet demands went beyond the scope mentioned in the plan, the envoy should use his discretion. To endeavor to bring Germany to understand Japan's policy toward the Soviet was another duty of the envoy.

34558 The annexed tentative plan on the limits of Japan's Concession to the Soviet Union in Connection with the Demarche to be Made to the Soviet Union stated that in case some sort of understanding was reached through which the Soviet Union maintained her attitude of neutrality, and further contributed to the amelioration of Soviet-Japanese relations, Japan had no objection to acceding to all Soviet demands, except to the cession of the North * Manchurian Railway, recognition of the Soviet sphere of interest in Manchuria and Mongolia, abrogation of the Tripartite Pact and Agreement, as well as the cession of Southern Saghalien and the Northern Kuriles.

If Soviet-German peace was realized, Japan had no objection to acceding to all Soviet demands, except the cession of Southern Saghalien and the Northern Kuriles.

If peace between Japan and the Chiang regime was realized through mediation by the Soviet Union, Japan had no objection to acceding to all Soviet demands, except the cession of the Northern Kuriles.

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Page If Germany should collapse or conclude a separate peace, and general peace should be realized through the good offices of the Soviet, Japan had no objection to acceding to all demands of the Soviet. The same was true in case the Soviet attitude toward Japan deteriorated and Japan desired to guard against Soviet attack.

34559 * Exhibit 3558, the affidavit of Widar Bagge, stated that the affiant was Swedish minister in Japan in January 1937 to September 1945 and as such had conversation with Japanese regarding peace treaties. The affiant had a friend named, SUZUKI, Bunshiro, who was not a politician, but had excellent political connections and was very well informed.

34560 * They sometimes discussed the political situation and in mid September 1944 SUZUKI outlined a plan to obtain peace and mentioned the concessions that Japan would be prepared to make. He told the affiant that KONOYE was behind this feeler and that he was acting as a go between. He then completed the peace plan and mentioned the concessions that Japan would be prepared to make. The main feature was that all territories conquered during the war would be returned and even the possibility of giving up Manchukuo might be considered.

SUZUKI said that KONOYE and the group around him were responsible for this plan which they wished the affiant to forward to the Swedish Government with a request that a feeler should be put out to London. It was considered that it might be easier to find understanding for such a plan in Britain than in the U.S. The affiant reported all this to Stockholm.

34561 In the following months the affiant often met SUZUKI and discussed with him the political situation and heard from him and from other sources that the allied request for unconditional surrender was one of the greatest obstacles * to peace. Even those inclined to surrender could not think of such decision as long as they did not know what the nation would be exposed to. If the Emperor was to be insulted or Japanese national pride humiliated, everyone thought it preferable to continue the war until the bitter end.

The affiant had conversations with SHIGEMITSU shortly before he resigned as Foreign Minister of the KOISO Cabinet on 7 April 1945. It was known that the affiant was returning to Europe, and it was this fact that decided the Foreign Minister to take up the peace question with him. SUZUKI sent an old friend, SAKAYA, Tadashi, former Japanese minister to Helsingfors, and the affiant gathered from conversing with

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34562 Page him that the purpose of his being sent was to get a preliminary impression on the peace problem and to probe the affiant's sincerity. A few days later the affiant was asked to see SHIGEMITSU, who did not conceal his opinion about the bad war situation. He blamed the military clique and said now it was for the Japanese diplomats to try to get the country out of the war. He spoke at * length about the Emperor as a peace-loving man who had always been against war. He said he himself, as well as most Japanese diplomats, had been against the war from the beginning and requested the affiant to do what he could to find out about the possibilities of a negotiated peace.

He asked the affiant to collaborate with the minister to Stockholm, OKAMOTO, who was then to report to Tokyo. From the conversation the affiant retained a vivid memory of SHIGEMITSU's earnest desire to end the war as soon as possible, even at great sacrifice to Japan. SAKAYA again called on the affiant a few days later and told him the peace question was very urgent. SHIGEMITSU hoped he would leave as soon as possible and go straight to Stockholm to take the matter up.

34563 The resignation of the KOISO Cabinet of which SHIGEMITSU was Foreign Minister, came unexpectedly a few days later. TOGO became the new foreign minister and the next day the same emissary called to say that TOGO had been informed of the conversations between * the affiant and SHIGEMITSU and that he took the same attitude to the peace question. After the affiant arrived in Sweden in May, 1945, while still minister to Japan, he asked OKAMOTO whether he had received any confidential telegrams about peace efforts, and told him that he had had several talks with SHIGEMITSU, who had been very frank and asked him to make a peace feeler.

34564 OKAMATO replied that he had not heard about it and that he would make inquiries as to whether the affiant should continue his work in this effort. Two weeks later OKAMOTO said he had received a telegram from TOGO that since this had been handled by the former cabinet, it would require some investigation which would take some time before OKAMOTO could be informed definitely. The affiant remembered, however, that at the time when TOGO became foreign minister, it was mentioned in Tokyo as an important point * to his credit that he had a strong position in Moscow since he was ambassador there and preferred to put his past efforts toward Moscow.

34565 * Exhibit 3558-A (introduced T. 34,559) certified to the nonavailability of telegrams between OKAMOTO and TOGO concerning peace feelers with the Allied Powers.

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* OPENING STATEMENT BY MR. BRANNON

* DIRECT EXAMINATION OF OIKAWA, Koshiro
By Mr. Brannon

The witness identified and verified exhibit 3559 as his affidavit.

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* The affidavit stated that the witness was navy minister from 5 September 1940 until 18 October 1941. When the Third Konoye Cabinet fell it became the witness' duty to recommend a successor as navy minister. He decided not to succeed himself before he ever heard that TOJO was to become the new Premier, but had made up his mind that a new man might be better. At that time he heard from KONOYE that there was a strong possibility of Prince HIGASHIKUNI being named premier. Therefore it was not because TOJO became the new premier that the witness decided not to succeed himself, for he simply thought * it was time for a new man to take over.

34571

Up to that time no navy minister in Japanese history had ever been appointed except from the ranks of senior active officers, and consequently potential candidates were limited. The witness noted that in order of seniority the accused SHIMADA was 10th, the 9 senior to him were ineligible for various reasons which the witness set down in his affidavit.

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* From the evening of 16 October 1941, until the following morning, the witness carefully deliberated as to whom to recommend. About 11 a.m. he saw Prince FUSHIMI, who was the ranking navy officer, and told him he considered SHIMADA as the logical successor and he agreed. OIKAWA's opinion was formulated in the morning of 17 October 1941 before he knew TOJO was to assume the premiership. There was no truth to the allegation that SHIMADA was appointed because TOJO wanted him to be. To his knowledge, SHIMADA and TOJO were not even acquainted then.

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On the evening of 17 October, the witness conveyed to SHIMADA his desire that he accept the recommendations, but he refused stating he had been out of touch with current affairs and felt there were others better qualified. The witness asked him to consider the matter over night * and the next morning SHIMADA was summoned and both Chief of Staff NAGANO and the witness discussed the question of his appointment with him. The cabinet formation headquarters called

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Page and urgently requested that the new navy minister be recommended since all other government business had been decided. After renewed insistence by both NAGANO and the witness, SHIMADA agreed to accept.

The witness and SHIMADA continued their conversations relative to the navy's views on the negotiations with America and the need for arriving at a peaceful solution. SHIMADA fully agreed to the witness' position and they discussed the procedure to be followed in carrying out the navy viewpoint. SHIMADA then went to see Premier TOJO to give him a prerequisite to his acceptance of the post. This was to continue negotiations sincerely and earnestly, and approach them from a completely new slant.

34574 SHIMADA was selected simply because he was a high ranking admiral whom the witness thought possessed * excellent qualifications. The procedure followed in recommending him was no different than that pursued in the past. Both shared the same views and the navy decision to fight was entirely dependent upon the then existing situation which then took a violent turn for the worse.

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34575

* CROSS-EXAMINATION BY MR. KEEMAN

34576

The witness stated that he thought the choice of Navy Minister made in Mid-October 1941 was of vital importance to Japan. Asked if there had not been a failure during the Third Konoye Cabinet to obtain Army-Navy harmony as to Japanese policy, he replied that to most national policies he did not believe that the Army and Navy disagreed but as to whether to discontinue the Japanese-American negotiations, here were several points on which the two were not in accord. As to the question of initiating war against the U.S. had not yet received much consideration at the time, the important problem was solution of the China Incident and on this question there was not too much discrepancy between the Army and Navy views. * He did not know whether the Army had by that time reached the stage where they desired immediate commencement of hostilities but the Navy was firmly convinced that all efforts should be made to continue the negotiations and peacefully solve pending problems. The witness was a member of the 3rd KONOYE Cabinet from 5 Sept. 1940 until 18 Oct. 1941 and, as Navy Minister, attended Cabinet meetings.

34577

He did not recall TOJO, as War Minister, conveying the general view to the Army * of the subject of immediate war with the western powers before Sept. 1941 and didn't think he did. At first the witness believed TOJO showed an earnest desire to have the negotiations continued but later felt he entertained doubts as to whether it was possible to continue them. He didn't have an exact recollection as to the date TOJO expressed such doubts. The witness remembered an Imperial Conference about 5 or 6 Sept. 1941 * where a decision was reached as to Japan's policy.

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* The Navy took the interpretation that the Imperial Conference of 6 Sept. did not make war as its principal subject but if the negotiations were not satisfactorily concluded, things might develop to such a state. The decision was that if by Mid-October there was no prospect of the negotiations being concluded satisfactorily, the situation might be that they might have to decide to go to war. A decision for war was a grave matter and should not be taken until many conferences had been held. At the time of the 6 Sept. conference, the situation was such that no one thought of immediate war but were concerned with the prospects the situation might develop into where war might be unavoidable. They did go so far as to use the statement "a decision for War" but actually they didn't go that far.

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* Preparation for war and not the opening of hostilities nor the commencement of war was the first point on the agenda for the Sept. 6 conference. The witness recalled Chief of the Naval General Staff NAGANO commented at the conference that they should take up the subject of peace first and war later and said if there were any doubts on that point he was quite willing to have the order of the agenda changed. * Thinking back over the matter the witness then said he thought it was the Emperor who made the remark about the order of the agenda being changed.

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* Asked if there developed much dissention and bitterness between TOJO and KONOYE early Oct. 1941, he replied that as far as he knew TOJO himself was careful not to give in to such emotions. He did not know that the feeling of bitterness was so intense that TOJO refused to speak to the Premier. In view of the critical situation, it appeared to the witness that TOJO was careful to prevent emotional splits within the Cabinet. At that time he met with TOJO

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* continuously and they felt there should not only be no differences between TOJO and KONOYE but that they should be careful to avoid such splits between the Army and Navy itself. The witness did neither deny nor confirm that there was strong dissention between TOJO and KONOYE in early October. There were of course differences of views. Asked if that difference in view was that TOJO favored going to war in early October or by mid-October unless Japan's terms were accepted by the U.S., Britain and the Netherlands, he replied that at that time the view was that if the negotiations were not successfully concluded by mid-October, it would be unavoidable for Japan to start war preparations.

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* At that time the problem of initiating war immediately was not even discussed. The witness did not know about the Fleet under YAMAMOTO already preparing by way of practice for the Pearl Harbor attack. The Navy position was that its appropriations were limited solely to expenses needed for settling the Sino-Japanese conflict and the Navy was given no other appropriations. There were no items in the budget for preparing for war with the U.S. and no steps were taken for such a war. He did not know about preparations for Pearl Harbor attack made by YAMAMOTO. After the war he learned about the preparations. As other nations did, their naval college too conducted studies but the witness did not learn of the actual plan until after the war had begun.

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* Regarding the fall of the KONOYE Cabinet, at that time he heard from KONOYE his intention to resign two or three days before the Cabinet actually resigned. KONOYE stated that the situation had become so complicated he felt he was unable to solve the crisis and

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Page the only method was to have the Imperial House take direct steps. KONOYE stated that he felt it would be better for such a person as Prince HIGASHIKUNI to assume direct control and that KONOYE could assist through his political experience and by this way accomplish a peaceful settlement. KONOYE said he wished to resign after recommending Prince HIGASHIKUNI.

34590 * Asked if he was not surprised that a harmonious Cabinet like KONOYE's would fall by the Premier's resignation, he replied that he did not believe there were emotional differences in the Cabinet but as regarded political questions there were differences.

34591 Reference was made to the affidavit where it was stated that as a matter of political morality it was best that OIKAWA not succeed himself. Asked what was meant by "political morality" he explained that the problem was how to settle the complicated situation and it was felt that the * next Cabinet should wipe the slate clean and start afresh. If it became the new Cabinet's duty to do this, the witness felt that if the old Cabinet members remained in the new one, it would be proper. He believed it would be going contrary to this policy for the old members to stay on and that as a minister of state, such a view should be his morals. Asked if he was not informed that they didn't intend to leave the slate clean very long and that the question of peace or war would be decided in a very few weeks, he replied that the expression "wiping the slate clean" did not mean that an early decision for war would be made but meant that the decisions of the 6 Sept. conference would set a time limit of mid-October for taking steps if no prospects of settlement were reached, that such matters * would be scrapped and that a new approach would be made. No one had any idea of waging war within a few weeks. The witness did not necessarily think that if Japan would not obtain its minimum demands it would have to decide upon war within a brief time because of matters of supply and the like.

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34593 * KONOYE never told him in substance, just previous to his resignation, that the Navy should be ashamed for not taking a positive position in stating it would not support a war with the western powers. The witness stated that he knew SHIMADA well at the time he recommended him as a Navy Minister. At this time SHIMADA had just returned from China on 15 Sept. where he had been C-in-C of the China area Fleet.

34594 * The witness and C/S NAGANO met him when he returned and he was received that morning by the Emperor with the witness present. Asked if he recalled that SHIMADA made a detailed report to the Emperor about war conditions in the 1 1/2 years of his service, such as the Chinese coastal brigade, operations of the Navy Eagles, he replied that as a rule reports to the throne were not given in such detail. He didn't recall accurately the nature of SHIMADA's report but judging from precedent the conduct of operations are reported but not in detail.

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* He was unable to recall if SHIMADA specifically referred to the work of the Navy Eagles' bombing Chungking and the China hinterlands.

When shown a document, the witness recognized it as the photostat of the Asahi Shimbun of 8 Sept. 1941, containing an item reporting a meeting of SHIMADA and the witness and NAGANO with the Emperor on the morning of 15 Sept. 1941.

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* Exhibit 3560, the document so identified, was received in evidence. Asked if Exhibit 3560 did not show that a report was made on the bombing of Chungking while SHIMADA was in charge of the China Area Fleet, he replied that it was true that the bombing took place while SHIMADA was C-in-C * of that fleet. * Asked if as such SHIMADA would receive reports of the bombing of Chinese cities, he replied that in the Japanese Navy, problems relating to operations were the Chief of Staff's responsibility and such testimony should be given by someone connected with it.

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* CROSS EXAMINATION BY MR. LOGAN
Council for KIDO

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To the witness was quoted an extract from the KIDO Diary of 6 Sept. 1941 (Exhibit 1135) reporting a conversation with the Emperor prior to the Imperial Conference wherein KIDO said to the Emperor that he advised that since * President of the Privy Council HARA would ask important questions on the Emperor's behalf, the Emperor should only give a warning that the Supreme War Command should exert every effort to bring about a diplomatic success as the present decision was so important it might lead to a war. Asked if this refreshed his recollection that HARA did ask questions, the witness replied that at that time the question of whether continued negotiations was mentioned by HARA. Asked if he was not the only one that answered HARA's questions, he replied that he attended the meeting representing NAGANO and the Navy and expressed his views in that capacity. It was said afterward that NAGANO was silent because he had different views * but that was not the case for the witness spoke up for NAGANO. It was true that the Emperor took the High Command to task for not answering HARA's questions.

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34605 * DIRECT EXAMINATION OF SAWAMOTO, Yorio
BY MR. TAKAHASHI

The witness identified and verified Exhibit 3561 as his affidavit.

34607 * The affidavit stated that the witness was Navy Vice Minister from Apr. 1941 until July 1944, serving under Navy Minister OIKAWA and SHIMADA. While the witness was C-in-C of the Second Expeditionary Fleet under the China Seas Fleet, SHIMADA was C-in-C of the latter fleet. Around 20 Dec. 1940 SHIMADA called a meeting of his various subordinate commanders, expressing vital interest in the relations of Japan and U.S. He was very discouraged about the increasing tense-ness of the situation and said there must not be war with the western powers. He told them he was opposed to the further sending of Japanese forces * to FIC. He said he had been corresponding with C-in-C of the combined fleet YAMAMOTO, who was worried over the international situa-tion and stressed there should never be war with the U.S. and Britain.

34608

The witness became Navy Vice Minister on 22 Apr. 1941 when OIKAWA was the Minister. When the Third KONOYE Cabinet failed and TOJO was designated to form a new cabinet, he was at his post only six months. He continued as Vice Minister at the direction of OIKAWA and the wishes of SHIMADA.

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The international situation had deteriorated and the possi-bility of war was alarming. The atmosphere was tense and all were working under strain. * SHIMADA was a full Admiral and high on the seniority list. While he had served in the Naval General Staff, most of his duties had been at sea and his experience in administration in the Ministry was not great. Moreover, he had just returned from China and was not well informed on the home situation. The first few days the witness explained to him the situation and suggested he promote the naval policy of continuing negotiations to reach a peaceful settle-ment. The witness knew that SHIMADA's avowed intentions when he assumed the post were no different than his predecessor OIKAWA.

34610

Very shortly after becoming Minister, SHIMADA called a meet-ing of high ranking officers of the Navy Ministry and Navy General Staff and told them of his determination to push the peace talks to the limit to achieve success and outlined the naval policy exactly in keeping with the naval views of the old cabinet. The witness recalled SHIMADA once said * he would resign if elements opposed to exhausting every effort toward peace through diplomacy became too strong.

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- Page in accordance with the Minister's orders, he could say that generally SHIMADA's policy was carried out by the Navy through the Vice Minister.
- 34614 * The witness left the post of Vice Minister on 17 July 1944 and at that time had no idea of the TOJO Cabinet's resignation. Asked if in general his service and SHIMADA's were cooperative, he replied that when SHIMADA became Minister, the witness requested transfer. Of course the witness expressed his own views and heard SHIMADA's views, but ultimately carried out the latter instructions.
- 34615 * In the affidavit the witness had said that he and SHIMADA were simply carrying out naval assignments, assignments at sea, and were disconnected from politics. Asked if by the words "naval assignments at sea" he meant that SHIMADA and himself were engaged in blockading Chinese ports and bombing Chinese cities, he replied that at that time he was C-in-C of the Second Expeditionary Fleet in China waters and the principal assignment was naval blockade. Bombing the cities was not his principal assignment but they did at times conduct such bombing. The witness had said in his affidavit that SHIMADA called a meeting of high ranking officers and outlined the naval policy exactly in keeping with the naval views of the old cabinet and he was asked what those views were. * He replied that they were to facilitate diplomatic negotiations and bring about peaceful settlement of Japan-U.S. relations. * Asked the distinction between the views under the old cabinet and the naval views, he answered that the Navy's fundamental views at all times were to bring about a peaceful settlement of the issues with the U.S. The cabinet's views were generally the same but it would not have the die-hard attitude which the navy had.
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- 34617

The navy consistently advocated that in spite of the various difficulties as to how to bring about a settlement, a peaceful settlement must be effected at any price. Asked the names of the individuals in the cabinet opposing this view in opposition to war, he replied he had never attended a cabinet meeting and did not know the details of those discussions. He had heard about the situation within the cabinet from SHIMADA but had no recollection as to the details of the discussions.

- 34618 * Asked what were the principal parts of the discussion SHIMADA brought back from meetings of the TOJO Cabinet and discussed with the witness, he replied that this question did not arise to any extent at the time of the TOJO Cabinet. After this cabinet's formation, reconsideration of the situation was held beginning 23 Oct. about 7 or 8 times. He thought the matter last discussed by the KONOYE Cabinet was that it was difficult for it to see any prospects in regard to the diplomatic negotiations * and even at the time of the
- 34619

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Page TOJO Cabinet it was difficult for it to see any prospects in regard
34619 to the diplomatic negotiations * and even at the time of the TOJO
Cabinet it was difficult to see its way clear as to the prospects
of them.

The situation being so complicated, no one could say any-
thing definite about it and in that sense there was no opposition
with regard to this matter either in the KONOYE or TOJO Cabinets.
Asked what position TOJO took in the KONOYE Cabinet with regard to
this matter in which he differed with the Navy, he replied that the
Navy's position was that it favored relaxation of the terms in order
* to attain success in the negotiations.

34620

The Army's position was that if there were prospects for
success, it was willing to take any means to bring the negotiations
to fruition. In his affidavit he had suggested that SHIMADA told
himself and others that TOJO and he agreed to adopt a policy to
make utmost concessions to the U.S. to avert war. Asked what these
concessions were, he replied that at that time the reference was to
general concessions and nothing concrete was mentioned. The point
was that maximum possible concessions would be made.

34621 * REDIRECT EXAMINATION BY MR. TAKAHASHI

The witness was asked if the bombings on Chinese cities
were carried out upon instructions of the Naval General Staff, and
he replied that the objective was principally to bomb a steel bridge *
and this was done on orders of the China Area Fleet under the direc-
tion of the General Staff.

34622

EXAMINATION BY THE TRIBUNAL

In his affidavit he had stated that before and during the
war, the Navy Ministry issued interpretations relative to rules of
warfare. The witness was asked to give some examples and he said
that this was prior to the war, but a voluminous document pertaining
to the rules of naval warfare was prepared and distributed to all the
fleets and various navy branches and units. The expert who drew this
up, ENOMOTO, visited various navy units to give necessary explanations,
and after the beginning of hostilities, the document was more intense-
ly and widely circulated. There were instances in the Navy where
articles relating to POWs in the * Geneva Convention were printed
and circulated. No particular interpretations of the articles were
made but the rules were presented in an understandable form and dis-
tributed with the instructions that they were to be observed. The
witness saw no complaints about the killing of survivors of torpedoed
ships, nor the order of March 1943 to kill them. He had heard that
such a matter became a question after the end of the war, but he

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Page did not know the particulars. Asked if such an order was issued if it would not be usual that the Navy Minister be informed of it, he replied that this order was a Fleet order and he did not think any notification to that effect came to the Navy Minister.

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* FURTHER CROSS-EXAMINATION BY CAPT. ROBINSON

The witness said that when he referred to the fact that the pamphlets were distributed prior to the commencement of the war, he meant the war of Greater East Asia commencing 8 Dec. 1941. A fleet order related to the fleet's own operations and there was no occasion of a Navy Minister sending any directions to the fleet.

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34626 DIRECT EXAMINATION OF SADATOSHI TOMIOKA BY MR. BRANNON

34626 *Witness identified and verified Exhibit 3562 as his affidavit. Affidavit stated that the witness was formerly rear admiral in the Japanese Navy and occupied the position of Chief of Section One of Division One, the Operational Section of the Naval General Staff and as such took part in the planning of operations.

34627 *His immediate superior was Chief of the First Division, Rear Admiral RUKUTOME. After SHIMADA was appointed Navy Minister and in the latter part of October 1941 Admiral FUKUTOME, by order of Chief of the Naval General Staff NAGANO and in company of Vice-Chief of Staff ITO revealed to SHIMADA the drafts of the General Staff's general operational plans. Since SHIMADA was Navy Minister he had nothing to do with the drafting of operational plans either for the Pearl Harbor attack or other naval operations. The Navy Minister's function was entirely separate from the General Staff and did not have the ability to interfere with operational planning. SHIMADA was not consulted on operational movements and in such engagements as the battle of Midway was not given notice of the plans until after they were drafted.

34628 While the Navy Minister was technically a member of the so-called Imperial General Headquarters there appears to be some misconception * surrounding this term. Headquarters was actually composed of the Army and Navy General Staffs. Each made decisions separately or often without consulting the other. The witness did not know of any actual meeting of this body since business was carried on informally. There was no central office or particular building housing Imperial General Headquarters and the navy had its own building and the army operated from its quarters. SHIMADA did not attend any operational discussions held by the Naval General Staff and certainly could not have attended those held by the Army.

THERE WAS NO CROSS EXAMINATION OF THE WITNESS

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Page *DIRECT EXAMINATION OF NOBUO NIIJIMA BY MR. TAKAHASHI
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34631 *The witness identified and verified Exhibit 3563 as his affidavit. The affidavit stated that at the time of the conclusion of the anti-Comintern Pact the witness was in charge of decorations of naval personnel as a member of the Second Section of the Personnel Bureau of the Navy Ministry. Regarding the procedure * for decorations, the Cabinet Decorations Bureau composed of civilians through the Foreign Office received the names of potential award candidates. The navy named its candidates which were submitted to the Foreign Office and by it to the Decorations Bureau for approval.

34632 . Regarding awards for the conclusion of the anti-Comintern Pact the navy submitted seventeen names which in the above manner were relayed to the Decorations Bureau which however did not accept all seventeen but rejected eleven including the name of SHIMADA. There was considerable controversy because the army was to be given ten awards and the navy only six and the navy sought to have the army's number reduced or their own increased so they would have parity. Besides the navy awards were of a lower order than the army. The navy was then allowed to submit a supplemental list of four persons who held ranks according to nominees of the army. * Because SHIMADA was Chief of the Naval General Staff his was one of the four additional names submitted.

SHIMADA had not been included in the original list and the navy had no intention of having an award given to him as Vice-Chief if the army had agreed to a reduction in the number of its awards. The award was really a matter of his position with the navy and not dependent upon merit. He ultimately only received a Class B award with many others receiving much higher decorations.

THERE WAS NO CROSS EXAMINATION OF THE WITNESS

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34635 DIRECT EXAMINATION OF HISASHI MITO BY MR. BRANNON

*Witness identified and verified Exhibit 3564 as his affidavit.

34636 *The affidavit stated that on 20 March 1943 the witness was assigned Commander of the First Submarine Squadron under the Sixth Fleet. He had been interrogated relative to Exhibit 2105, a submarine order. In his interrogation he said that while the order appeared to be in the same form as others issued, he did not recall this particular one. After the interrogation he called one of his staff officers who also had no recollection of this order.

34637 Words appearing on p 4 of Exhibit 2105 stating that they were not to stop with the sinking of enemy ships and cargoes but carry out the complete destruction of the crews and if possible seize part of the crew and endeavor to secure information were entirely foreign to the witness. It was not navy policy to conduct submarine warfare in that manner * nor to his knowledge was such procedure ever followed. With the advent of modern warfare it would be sheer folly for a submarine, after attacking an enemy ship to remain above water to carry out such a purpose. Therefore he could not concede that such an order would even have been issued. He denied knowledge of the execution order and that there was any collaboration with German submarines or that they employed tactics based upon German origin. The parent or basic order would have come from the Commander-in-Chief of the Combined Fleet and would probably have been received from the Chief of Naval General Staff.

34638 He had been told that the Prosecution had submitted that the Navy Minister must be held responsible for the top secret naval order * but this was absolutely contrary to fact. The Navy Ministry could not issue such an order since it was a matter entirely within the High Command's prerogative.

CROSS EXAMINATION BY CAPTAIN ROBINSON

Witness stated that on 20 March 1943 he was at Truk as Commander of the First Submarine Squadron and his flagship was the Heian Maru. The word "Gunki" in Exhibit 2105 meant a secret document of the armed forces. A document so classified would be distributed to subordinates connected with the operations and there were such cases when such documents were sent to places or to units having some relationship with that particular operation.

34639 *Distribution was restricted to commanding officers and other higher officers. The document so marked would be preserved by the commanding officer or someone at his command and it was customary then after the matter had been completed to destroy the document. Asked if it should not have been destroyed before it was captured he replied that if such a

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document existed he thought it should have been. He was not acquainted with the German practice announced by Hitler in 1942, * and he learned of it for the first time on the basis of inquiries made after the end of the war. He did not know that under the German practice they seized part of the crew and endeavored to secure information from them after the sinking of a ship. He did not know that the practice as outlined in this order was followed by Japanese submarines in the Indian Ocean in 1944 in the case of the ship Jean Nicolet, the Tjisalak and other vessels. He was never on duty with the navy in the Indian Ocean and he did not know units of the Sixth Fleet on duty there. * There was an Eighth Submarine Squadron under the Sixth Fleet. Asked if channels for orders to the Eighth Submarine Squadron were from the General Staff to the Sixth Fleet Headquarters at Truk he replied, with respect to the chain of command he remembered that there were times when the Eighth Submarine Squadron was under the command of the Southwest Area Fleet and in that case orders for that squadron would come from the Commander of the Southwest Area Fleet and whenever the Eighth Submarine Squadron was under * the direct command of the Sixth Fleet Commander the orders came from him. For that reason the chain of command would change in accordance with revisions made in the organization but he did not recall at what time any reorganization took place. Asked if an order issued at Truk to the First Submarine Force might also be accompanied by a corresponding order to other Sixth Fleet units in the Indian Ocean or elsewhere, he replied it would depend on the organization of the operational units at that time. If a particular squadron was placed under the command of the Southwest Area Fleet orders would come from that fleet commander. Asked if on 27 March and on 2 July 1944 he knew whether there was operating in the Indian Ocean a submarine known as the I-8, part of the Eighth Submarine Squadron, he replied he did not know at the time but learned of it later. *He did not know the commander of the submarine but knew that ARIIZUMI was at one time staff officer in the General Staff and later came to the submarine units although he did not know whether he was at that time commander of the I-8. During a part of 1944 he knew that ARIIZUMI was commander of the I-8 and that he was one of Japan's most able submarine captains. * After serving as commander of a submarine he commanded a submarine squadron. He had not heard that ARIIZUMI commanded the I-8 in the sinking of the Tjisalak on 26 March 1944 and of the Nicollet on 2 July 1944. He did not hear that the procedure followed by ARIIZUMI in the destruction of the survivors of those ships was exactly the procedure described in Exhibit 2105. In his affidavit he had stated that modern radar and airplanes made it sheer folly for a submarine to remain above water to commit atrocities. When asked if it was not true that modern radio-sending sets in lifeboats were one of the factors that caused Japanese to machinegun lifeboats full of survivors, *he replied they never thought of that. He was not acquainted with orders of the Southwest Area Fleet in which secrecy was enjoined and instructions given for the destruction of lifeboats and survivors.

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*The accused identified and verified Exhibit 3565 as his affidavit. *Affidavit stated that the accused was born in 1883, , was graduated from the Naval Academy and commissioned an ensign in 1905. In 1915 he was graduated from the Naval War College and went to Italy as Assistant Naval Attaché, becoming Attaché in 1917. In 1919 he was a staff officer of a training squadron touring Europe and returned to Japan in 1920 and became a staff officer in the General Staff. Between 1920 and 1928 he held various positions at sea and ashore * and was promoted to Rear Admiral in 1929, and became in December 1930 Chief of Staff of the Combined Fleet and First Fleet and in December 1931 Chief of the Submarine School at Kure. In February 1932 he was Chief of Staff of the Third Fleet under NOMURA. In June 1932 Chief of the Naval Information Bureau of the General Staff and later the same year Chief of the Operations Bureau. December 1934 he became Vice-Admiral. He was with the Naval General Staff as an attached officer in February 1935 and became Vice-Chief in December of the same year. In December 1937 he became C-in-C of the Second Fleet and December 1938 became C-in-C of Kure Naval Station. May 1940 he became C-in-C of the China Fleet, succeeding OIKAWA whom he later succeeded as Navy Minister. November 1940 he became a full admiral and returned to Japan from his position as Commander of the China Fleet in September 1941.

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34649 * From 18 September 1946 to 27th he toured naval hospitals then became C-in-C of the Yokosuka Naval Station on 1 October. On 18 October 1941 he was appointed Navy Minister to succeed OIKAWA. In February 1944 he assumed the post of Chief of Naval General Staff in connection with the minister-ship. On July 17, 1944, he resigned as navy minister, and on 2 August resigned as Chief of Staff. He was made a naval councillor and on 20 January 1945, on his own request, was relegated to the retired list.

34650 When he became C-in-C of the Yokosuka Naval Base he had not the slightest thought of being considered as the next navy minister or even know that the KONOYE Cabinet was in danger of falling nor of the dispute between TOJO and KONOYE. His knowledge of the political situation was dependent upon newspaper information. On 17 October, less than three weeks after assuming the command of the Yokosuka Naval Base, he was ordered to report to Navy Minister OIKAWA * and that evening OIKAWA met him telling him that he would like to recommend SHIMADA to succeed him in the new cabinet which was being formed. He said he had carefully considered all the available high-ranking officers and had concluded that SHIMADA was best qualified.

34651 SHIMADA's immediate reply was refusal and told OIKAWA that since December 1937 he had been away from Tokyo and did not feel his knowledge of the political situation at home nor of international complications could qualify him. He also told him that his past career had been at sea or connected with the General Staff and that he had never served in the ministry and stressed his distaste for politics, suggesting that OIKAWA continue in the post. The next morning SHIMADA was again summoned * and was met by both OIKAWA and NAGANO. NAGANO urged him to reconsider the refusal telling him it was his duty to accept. SHIMADA repeated what he had told OIKAWA but NAGANO did not change his opinion. They both told him that Prince FUSHIMI had surveyed the field of candidates and suggested that SHIMADA was logical.

During the conversation several telephone calls came from cabinet formation headquarters urging that a navy minister be recommended as soon as all the other ministers had been determined. SHIMADA hesitated as to what to do realizing he was one of the few senior officers available, and because of the opinions FUSHIMI, OIKAWA, and NAGANO he reasoned that his personal dislike for the assignment must not overlie his

Page duties to serve and he reserved his earlier decision and agreed
34652 to accept * tentatively. He then visited FUSHIMI to discuss the matter and the Prince urged SHIMADA to accept. It was thus upon these recommendations that he accepted and it was never solicited, was initially refused, and was an unwanted and unwelcome assignment.

34653 * The prosecution's contention that SHIMADA joined the TOJO cabinet because he was, and was known to be, an active supporter of the TOJO policy, and that his participation in the conspiracy prior to October 1941 must be inferred from his joining the cabinet was entirely unwarranted. He did not know TOJO, had met him only once in 1940. It would have been impossible for TOJO, an army man, to even suggest a naval man for the post since it would have met with violent opposition, not only because it was contrary to custom and to navy prestige but because of the rivalry and opposing view points of the two branches. He did not know what the TOJO policy was. OIKAWA had briefly discussed the situation at the time of SHIMADA's acceptance but did not know the problems involved.

34654 Immediately after telling OIKAWA on the morning of 18 October that he would * accept the recommendation, he visited TOJO to lay down a prerequisite before he would officially accept. He spoke to TOJO about 11 a.m. telling him that he would insist that negotiations with the U.S. be pursued to the utmost to seek a peaceful solution of existing dangers before accepting the ministership. TOJO emphatically agreed it would be the Government's policy to start from scrap in attempting to sincerely reach a diplomatic understanding to prevent war, in accordance with the Emperor's wish.

34655 SHIMADA was quite impressed and relieved by TOJO's attitude and felt that with the army and navy in complete agreement the essential disagreement leading to the KONOYE cabinet would have disappeared and chances of success were excellent. It was then and now his honest conviction that TOJO accepted the * ministership realizing the responsibility of his new assignment and resolving to do his utmost towards settling matters through diplomacy rather than by the sword, regardless of what previous stand he might have taken.

On October 23 TOJO told SHIMADA he was planning to call the first liaison conference and repeat his firm resolve to commence the discussions of negotiations from a clean slate and explore the maximum concessions that Japan could afford to make. Thus SHIMADA did not have the impression that he was joining a war cabinet but rather believed it was

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Page 34656 an appointment in a government which, by its military strength, control and attitude would seek to exhaust all possibilities to settle the dispute peacefully. * The liaison conferences began on October 23 with all present exhibiting confidence that matters could be settled by negotiations. Everyone was wholeheartedly in favor of peace, but the question was how to secure it. Long and continuous meetings were held. The vital issues were not of SHIMADA's creation nor had he any part in their formation.

34657 Since the problems had already crystallized, his only function was to adopt a solution in his new capacity. Between the liaison conferences and the Imperial conference of 5 November 1941, his thoughts were focused on how best to ease the most difficult conditions of withdrawal of troops from abroad and reconcile this with the views of the army section of Imperial headquarters. He asked himself what were the greatest possible concessions that Japan could afford to make. The greatest difficulty concerned the withdrawal of * troops from China and FIC. He ascertained the sentiment in naval circles, other government members, and the trend of public opinion.

Since the navy had opposed and never attached a strong interpretation to the tripartite pact, he did not feel this was a problem incapable of solution if they could agree on other issues, regardless of the perplexing situation Japan found itself in. He considered the questions from the standpoint of the present. The best solution was a compromise with the U.S. and Britain and he directed efforts along this line. There was a strong opinion that matters had developed so far as to make it physically impossible to withdraw all the forces from China and it would be a psychological blow to the Japanese.

34658 It was argued that it would have amounted to a victory for China and would raise the prestige of the U.S. and Britain in the Far East * relegating Japan to dependency on these Powers. He thought it advisable to effect a compromise by a strategic withdrawal from China proper and an immediate one from FIC, if this could be correlated with the opposition. There was no doubt that Japan would then be making concessions not possible at the time of the Third KONOYE Cabinet.

On November 5, at an Imperial conference, a decision was made to put into effect preparations for war while at the same time maintaining efforts towards peace through diplomacy. This was not inconsistent considering Japan's plight. The Allies had effected an economic encirclement and they viewed with alarm the increasing armaments of the U.S. and could not

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34659 Page reason that such military steps were taken in contemplation of war with Germany alone. The U.S. Pacific Fleet had long before moved from its west coast base to Hawaii. The U.S. policy toward Japan had been strict * and unsympathetic, revealing a determination to enforce their plans without compromise. U.S. military aid to China had aroused bitter feeling. The Allied Powers had carried on military conferences pointed at Japan. Considering these facts there were two solutions open, one to relieve the overall situation through diplomacy, the other to overcome by their own power the actual difficulties caused by Allied encirclement.

34660 They always considered this last measure purely defensive and to be adopted only as a last resort. He never entertained doubt that Japan nor any nation had the sovereign right to act in self-preservation and to determine for herself what events would entitle her to exercise that right. The government, with the high command studied the situation and not a single member of either group wanted war with the U.S. and Britain. * The military knew that Japan had on its hands the China Affair, which promised no hope of being successfully terminated. To reason that we would voluntarily incur additional hostilities with the U.S. and Britain would be to attribute to them juvenile military reasoning.

34661 * The government had carefully considered the maximum concessions that could be made, exerting every effort to reach an agreement. The High Command was faced with the problem of being called upon to carry out its function if negotiations failed. The High Command argued that the navy had about two years' supply of oil and there was no more coming. The civilian oil could not last more than six months. With the advent of December, monsoons would blow in the Formosan Straits,*the Philippines and Malaya areas rendering military operations difficult.

The High Command charged that if forced to wait until the next spring, they would be unable to risk a naval fight because of the steadily decreasing oil supply. In this setting the High Command revealed its position at the conference of November 5, arguing that if diplomatic negotiations failed and they were called upon to go into action it would have to be a step undertaken by early winter or not at all. It was thus in an atmosphere of growing desperation that the government took detailed steps for war, even though hoping for peace through negotiations.

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Page The prosecution had contended that SHIMADA admitted he knew that YAMAMOTO had prepared his plan for attacking Pearl Harbor early in 1941 and that the plan was adopted in May or June, and that SHIMADA admitted that he knew early in 1941 that the navy commenced the development of a shallow water torpedo
34663 for use at Pearl Harbor * and that the fleet practiced the use of it during the summer of 1941. This statement was misleading for it inferred that SHIMADA knew about the Pearl Harbor plans before becoming navy minister, but this was not the case.

Only after he became minister did he learn of the Pearl Harbor attack plan and of the practice and research that had gone on in the past from First Division Chief FUKUTOME of the Naval General Staff. Since the accused was serving with the fleet in China, it would have been quite improbable and impossible for him to have been informed of this vital information. Being primarily engaged with administrative duties in his cabinet, he did not direct attention to operational procedures over which he had no jurisdiction, especially since they would be worked out previously and were entirely within the hands of the Naval General Staff.

While he had within his power the ability to know exactly when the fleet headed for Pearl Harbor, he actually did not know the exact date. Operational and strategical problems were left entirely to the General Staff and Combined
34664 Fleet, * and since all operational movements of the navy could have been called off in a matter of minutes, he did not concern himself with the location of the fleet units. The overall question was whether peace through negotiations could be reached before hostilities commenced and they were all working against the early winter deadline.

The government's determination to conclude matters peacefully was further expressed with the dispatch of Ambassador KURUSU to the U.S. and there was no subterfuge or deceit attached to his going to the U.S. It was a fight against time and a redoubling of their efforts to succeed in diplomacy before being forced into hostilities. On the following day, SHIMADA was still very hopeful that peace would come through diplomacy, but began to fully appreciate
34665 the gravity of affairs. * He was not a statesman or diplomat but still summoned all his skill to seek a solution. It was in this mixed atmosphere of doubt, hope, fear, and speculation that the Hull note of November 26 was received. This was a jarring blow. It was his prayer that the U.S. would have viewed whatever concessions as a sincere effort to avoid war and would attempt to go half way, but here was

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Page. a harsh reply containing no recognition of Japanese endeavors toward concessions. There were no cabinet members or responsible officials of the General Staff advocating acceptance of the Hull note. The view taken was that it was impossible to do so and that this communication was an ultimatum threatening the Navy's existence. The general opinion was that acceptance of the conditions of the note would be tantamount to defeat.

34666 No nation willingly relegates itself to a secondary position if it can help it, * but constantly seeks to preserve its rights, prestige, and dignity. As a patriotic Japanese, he was confronted with the question of whether Japan could bow to U.S. demands and yet preserve its standing in the world. It would have been treasonable to advocate a step contrary to the country's best interests. It was the Hull note that caused him to step over the boundary line of peace when the final decision was made at the Imperial Conference of 1 December 1941. Even at this time, however, there would have still been time to prevent hostilities had the U.S. recognized they were sincerely trying to reach a compromise. In later November the government had all but lost hope of peace and felt war inevitable.

34667 The contingency upon which the war or peace hinged was the attitude of the U.S.. Using the Hull note as a criterion, SHIMADA did not personally feel it was possible to expect any improvement. The navy was never confident of victory over the U.S. but they were confident they were better prepared at that * time to fight than they would be later. Chief of Staff NAGANO had expressed this opinion several times previously, therefore NAGANO and SHIMADA, on 30 November, told the Emperor that the navy had made adequate preparation. The question of confidence of the ultimate outcome of war was not the theme of the conversation but only if they were confident of the preparation the navy had made.

The prosecution's contention that fortification of the Mandated Islands was carried out secretly for years prior to 1941 was completely unfounded. While he knew nothing of the blue-print map introduced into evidence, he could say that it was natural that desk plans be kept in reserve to meet eventualities. The U.S. must have recognized, after occupying the South Sea Islands, that there was little resembling fortifications. Defense of these islands was hurriedly carried out from immediately prior to the war with only necessary equipment installed and the converting of airfields the main objective in mind for defensive position.

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34668 * Never did he favor a change in the government in the midst of war because it would betray to the world Japan's disunity and encourage the enemy. Regarding the evidence concerning his talk with Foreign Minister TOGO concerning his resignation, his action was based upon what he felt to be the Emperor's feeling at the time. This did not mean that he did not personally feel the necessity of preserving unity.

34669 Exhibit 1273 showed that KIDO advised the Emperor to seek SHIMADA's assistance to solve the dispute between TOGO and TOJO. The prosecution had said that SHIMADA was a member of the IRAPS and that when in July, 1944, reorganization was being considered, including a change of navy minister, TOJO suggested the advisability of SHIMADA being appointed welfare minister * in order to have a member of the society of IRAPS in the cabinet. This statement was misleading for the person referred to was SHIMADA Toshio and not the accused. This was an unfair attempt to cast SHIMADA in the role of a politician. The navy opposed involvement in politics and even when an officer served as navy minister he guarded this principle.

As minister, part of his duties entailed the issuance of regulations providing for the handling of POWs taken by the navy. In pursuance of this responsibility, the ministry would issue regulations such as exhibit 3055. After their reception it became the duties of the commanders of the various areas where prisoners might be located to follow and enforce such directives. They could issue necessary orders to fit the circumstances so long as these did not violate the ministry regulations.

34670 * Regulations issued by himself or the ministry did not contravene accepted standards of international thought pertaining to that subject. However, evidence had revealed that on some occasions naval personnel were guilty of reprehensible conduct. He heard for the first time in the court room of instances where naval personnel mistreated POWs and he was shocked and ashamed. Under no conceivable interpretation of regulations and by teachings could such conduct have been tolerated. Although he was in the navy ministry, he heard nothing of these matters and lacked the command ability to control the conduct of men on the scene. But because of his supervisory position, he must assume responsibility. While it was not a chain of command responsibility, it was more a moral responsibility. He did not receive

34671 Allied protests concerning POWs, although copies * might

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Page have reached the ministry but were not routed to his personal desk. Exhibit 2105 purported to be a secret order concerning submarine warfare but not even by stretching his imagination could he believe such an order was issued. If it was, it did not come from the ministry which did not issue orders of this kind. It was a matter entirely within the jurisdiction of the general staff. As to cooperation with Germany regarding submarine warfare, there was little. Two submarines were sent to Japan but only one arrived.

34672 The object was to assist Japan in building better submarines but nothing resulted from this. As to following the German policy of submarine warfare, to his knowledge nothing of this kind ever took place for it was an operational matter solely within the knowledge of the general staff. He felt that Admiral Wenneker * in his testimony might have had adequate grounds to complain concerning the lack of cooperation with Germany, for the Navy never viewed with favor German relations. With modern methods of warfare on the seas, it was reasonable to assume that many of the old rules regarding submarine warfare became antiquated, but this was not saying any orders were issued by the ministry contrary to international law regarding submarine warfare.

34673 The prosecution had introduced a so-called speech made by him at a Diet committee on 10 February 1942. But this was not a speech but a discussion. At no time did he ever advocate cruelty to the enemy or the nationals of any countries. This was more or less an informal gathering of a minor committee whose function was to check on expenditures of Japanese budgets. The comments considered in their entirety lent a different light to the few reported words appearing in evidence. *The committee was asking questions and he was answering them and he did not believe any statement could be called a speech.

He was explaining that the meager economy of Japan necessitated support of the war effort from occupied countries. He did not speak in terms of eliminating or exterminating individuals, but in the abstract of achieving a supply of necessary materials and the elimination of economic opposition. Regarding the question as to whether the navy favored an attack on the U.S. without a declaration of war or giving notice, it was his firm belief that in such matters he could rely upon the knowledge and skill of the foreign minister and his experts. He never felt any concern about the procedure adopted until the question was raised after the war, and never at any liaison conference or other meeting he attended was there a discussion in

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Page which the navy advocated an attack without notice. He did not recall notification being discussed at a liaison meeting, or the question whether notice should be given at all. He believed that as a result of consultations between the foreign office and army and naval general staffs * that it had been decided to deliver the notification at least one hour before commencing hostilities.

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Testimony of YAMAMOTO Kumaichi of the foreign office that the vice chief of staff ITO insisted on an attack without notice, and did so at a liaison conference on 2 December 1941, was in error. The accused did not recall a liaison conference on that date. Not long before his death, NAGANO and the accused were told of this contention and they voluntarily questioned all the accused who attended the liaison conference, including TOJO, SUZUKI, KAYA, HOSHINO, OKA, and MUTO. None except TOGO remembered such a thing.

The prosecution had stated that SHIMADA received awards in 1934 for services in connection with the 1931-34 China War, and in 1938 for services in connection with the Anti-Comintern Pact, and in 1940 for services in the China War, and that the award for services in connection with the Anti-Comintern Pact had special significance. However, he received this minor decoration simply because at the conclusion of the pact he was vice chief of staff.

34675 * It was not known for high ranking officers to receive decorations on such occasions, even though they did nothing in regard to the event, as was true in his case. As to the other decorations, they depended simply upon his service and the rank he held during those times. Many other officers received similar decorations and no significance had been attached to it. As to his membership on the China Affairs Board, it was a post he took by virtue of becoming navy minister and had been a routine procedure for certain ministers to assume a vice-presidency on the board. He had no specific duties and exercised no specific function.

34676 The issuance of military currency and its connection with the navy ministry must have been inherited by him when he assumed the post for he had no recollection of approving or requesting this. It was quite possible that the matter was taken care of by subordinates. * Significance appeared to have been attached to the fact his name appeared as a member of the Imperial General Headquarters, which was composed of the army section and navy section. The former

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Page section was controlled by the chief of the army general staff and the navy section by the liaison chief. He never attended these meetings and had no right to do so. Purely operational and strategic matters were discussed and since he had no voice in such matters, it would have been inappropriate for him to attend.

34677 He came to know HOSHINO, KAYA, KIDO, KIMURA, MUTO, SATO, SUZUKI, and TOGO after becoming navy minister in October, 1941, and if he met them before he could not remember it. He met TOJO for the first time very briefly in December, 1940, and next saw him in October, 1941 when the cabinet was formed. He met SHIGEMITSU for the first time in Shanghai in 1932 and they met again in April, 1943, when he became foreign minister in the TOJO Cabinet. He met UMEZU * in 1932 and HATA and ITAGAKI in 1940. His acquaintance with KOISO was in July, 1944, and it was only after he became navy minister that he talked with him at length. The following he met after being confined in Sugamo Prison: ARAKI, DOHIHARA, HASHIMOTO, HIRANUMA, MATSUI, MINAMI, OSHIMA, and SHIRATORI.

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* On further oral examination, the accused was shown two documents and asked to identify them. He stated that he was familiar with them and that they were left among various reference data in the office of his predecessor OIKAWA, and that he had read them and made studies on the subject. Originally the documents were prepared by Foreign

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* Office experts and were sent to the Navy Ministry from there, and were helpful in getting background knowledge of the international situation.

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* Exhibits 3566 and 3567, the former being the document on the formation of the anti-Japanese joint encirclement by Britain, U. S., and the Netherlands dated 16 April 1941, and the latter being the document on the Anglo-American policy of encirclement against Japan in the South Pacific and Anglo-American activities against Japan as viewed from the economic standpoint, were received in evidence.

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* CROSS-EXAMINATION BY MR. BLAKENEY,
Counsel for TOGO.

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Concerning the testimony in his affidavit on the U. S. note of 26 November 1941, he stated he was familiar with the answer to the note prepared and delivered to the U. S. on 8 December as Japan's final note in the negotiations. He didn't recall whether he saw the draft of the note in the Liaison Conference, nor was he positive that he had seen the document at all, but because people said YAMAMOTO read the document before the conference, he was * inclined to agree. He didn't believe the testimony of his co-defendants, that copies of the document were distributed in the Liaison Conference.

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Asked if he hadn't been asked whether he had seen that draft in his interrogations, in which he had replied that he had, he answered that he somewhat recalled that, but his recollections were vague. When he was interrogated he had not thoroughly studied the situation on which he was being asked questions. Later, after recalling his memory, he had come to the present conclusion. * Asked if his present recollection was that he was familiar with the note but didn't remember whether he ever saw the original or a copy, he replied that he had actually read the document for the first time after being confined in prison. He tried to trace back his memory, and concluded that he had never read the document before, but because other people said YAMAMOTO had read the document at the Liaison Conference it must be that he heard it read there.

Page 34686 He was not interrogated by IPS at Omori Prison,
* but at Sugamo later.

CROSS-EXAMINATION BY MR. LOGAN,
Counsel for KIDO.

34687 Reference was made to the affidavit which stated that SHIMADA came to know KIDO after assuming the post of Navy Minister in October 1941. In connection with this, SHIMADA stated that he might have met KIDO before this, but he didn't recall it. It was absolutely untrue that KIDO at any time prior to his accepting the Minister-ship ever spoke to him asking him to accept. If a message had ever come from KIDO asking him on KIDO's behalf to accept the position, * he would kick the messenger out.

While SHIMADA was Navy Minister, KIDO never interfered or dictated as to what should be done in his office, and this would be totally impossible. KIDO absolutely did not try or achieve any interference or dictation over SHIMADA's office in any indirect method.

34688 SHIMADA recalled the all-day meeting of 29 November 1941, held between members of the cabinet and senior statesmen in the morning, and between some of the cabinet and elder statesmen and the Emperor for about an hour at 2 o'clock, and that later in the afternoon the morning session was resumed with the Emperor not present. * SHIMADA was present all day, and KIDO was not present at the morning session, but was present at the hour session in mid-day when the Emperor was also there. KIDO was in attendance on the Emperor only, and said nothing in the one hour session. KIDO was not present at the afternoon session, at which the Emperor was not present. SHIMADA did not know about the meeting between the Elder Statesmen and the Emperor being suggested by KIDO to the Emperor as early as 19 November 1941 so the Emperor could get everyone's views.

34689 * The accused was quoted a part of Admiral OKADA's testimony wherein OKADA stated that after the morning session they were given a luncheon, and after it each submitted their dissuading opinion to the Throne. Asked if he agreed with this statement, he replied that the Senior Statesmen present expressed the opinion as to whether there could be found any means to avert war.

34690 *OKADA's statement was correct when he said that none of the Elder Statesmen supported or encouraged war at the meeting, especially WAKATSUKI, KONOYE, HIRANUMA, and OKADA.

- Page: In his affidavit SHIMADA had stated that he believed his appointment in the TOJO Cabinet was an appointment in a government which by its very nature in military strength, control and attitude would seek to exhaust the last possibilities in a peaceful effort to settle the grave international dispute. Asked what was meant by the term "by its very military strength", he replied that the most difficult question was that of withdrawal of troops. The General Staff of the Army had a very large voice in this matter, and it was one in which negotiations were required between the General Staff and the government.
- 34691 * The purpose of his meaning in the affidavit was that in order to bring about a settlement it would be necessary first to effect a powerful control over the Army General Staff, for unless that were done it would be difficult. Asked if he meant that when TOJO took office as Premier his position became entirely different from his previous one when he was merely War Minister, he replied that TOJO as War Minister in the KONOYE Cabinet was entirely on a different position when he became TOJO, the Premier. As Premier, he must listen to and coordinate the opinions of the Cabinet Ministers, and would have more frequent opportunity for audiences with the Emperor, and the Emperor's repeated wishes for peace would impress itself upon the Premier's mind.
- 34693 Exhibit 3560, * which had been introduced during the cross-examination of the witness OIKAWA, (T. 34595), being an article from the Asahi Shimbun dated 9 September 1941. in which SHIMADA reported on war conditions to the Throne, was read by the prosecution before proceeding with SHIMADA's cross-examination.
- 34694 * The exhibit stated that SHIMADA, former C-in-C of the Chinese Area Fleet, triumphantly returned to Tokyo station, where he was received by the Aide-de-camp to the Emperor, Navy Minister OIKAWA, Chief of the Navy General Staff NAGANO, Vice-Chief ITO, etc. He then proceeded to the palace under military escort. * An Imperial audience was granted SHIMADA, OIKAWA, and NAGANO. SHIMADA, after expressing his greetings, made a detailed report to the Emperor about war conditions during his one and a half year's service in Chinese coastal blockade operations, the Navy eagles (T.N. pilots) bombing of Chungking and the hinterlands of China, the occupation of FIC, the morale of officers and men in the front, etc., after which the Emperor rewarded SHIMADA for his meritorious service.
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Page CROSS-EXAMINATION BY CAPTAIN ROBINSON.

34696 * Reference was made to the affidavit where it stated that at the Imperial Conference of December 1, SHIMADA stepped over the boundary line of peace and joined in the final decision for war. The accused stated that at that time he was Navy Minister, and as such was also a state minister, holding that position on the preceding day, November 30, 1941. As Navy Minister and State Minister, it was his function to advise the Emperor so far as matters relating to the Navy were concerned.

34697 There was no occasion in which he and Chief of Staff NAGANO were summoned to an Imperial audience on November 30, 1941, to advise the Emperor. * Reminded that in his affidavit he had stated that on that occasion he, with NAGANO, advised the Emperor that the Navy had made preparations. he was asked if there was not such a conference.
34698 * After explaining that it had been suggested in the first question that they went to the palace to advise the Emperor, but this was not so and they went in response to a summons, he changed his answer and said that he was summoned in audience before the Emperor on November 30. At that time they did not advise him.

Reminded that in his own words that he and NAGANO told the Emperor the Navy had made adequate preparations, he explained that because the inquiry from the Emperor was to that effect, they replied to it.

34699 * The accused was told that in KIDO's testimony, Exhibit 3340. (T. 31046). KIDO stated that he requested that the Navy Minister and Chief of the Naval General Staff be called at once, and the true intention of the Navy be ascertained to the Emperor. KIDO had also stated that at 6.35 he was summoned and told that the Navy Minister and Chief of Staff had answered the question, and so he instructed the Emperor to proceed as planned. Asked to what subject KIDO referred in his testimony, SHIMADA replied that his understanding was that he was summoned to the palace, and responded to inquiries from the Throne. The instructions were to inform the Premier that the Emperor had approved convening an Imperial Conference the next day, 1 December.

34700 * This was the same occasion as the one referred to in his affidavit, where he told the Emperor that the Navy had made adequate preparations. In his affidavit, SHIMADA had said that the question of confidence in the ultimate outcome was not the theme of their conversation, but only whether they were confident in the preparations the Navy had made.

Page . Asked if he meant that he was advising the Emperor that the Navy was prepared for an Imperial Conference, he replied that the inquiry from the Throne to NAGANO was, what were the state of the operations plans for preparations. To SHIMADA, the inquiry was what were the state of preparations so far as the Navy was concerned. To these questions both NAGANO and SHIMADA replied that the preparations * were completed. After hearing the answers, the Emperor instructed KIDO to convey the Emperor's words to the Premier, TOJO, that the meeting might be convened as scheduled, because the Emperor had previously told TOJO to postpone the meeting for the time being. At that time they didn't tell the Emperor that the Navy was never confident of achieving victory over the U. S.

34701

The inquiry from the Emperor was, are your preparations as Navy Minister complete, and to that he had responded that every possible effort was being made in connection with personnel and materials. * Asked preparations for what, he replied war preparations.

34702

Asked if when he told the Emperor that he was confident of the Navy preparations if he made it clear to him that he was advising him that the Navy was prepared to start a war but was not confident it could not be brought to victory, he replied that such points were considered and studied by the Liaison Conference, and were supposed to have been reported to the Throne by TOJO. They did not investigate whether or not the Throne was advised to this effect.

When he had stated in his affidavit that preparations were adequate, he meant they were adequate for war * with the U. S. and Britain. At that time the Emperor did not say to him and NAGANO that it was his understanding that in executing the Pearl Harbor operations the U. S. would be duly notified prior to the commencement of armed action.

34704

The accused was asked if he was aware that Premier HIGASHIKUNI, on 3 October 1945, forwarded to Headquarters of the U. S. Armed Forces in the Pacific, * an official reply to questions asked him at a press conference on September 18, and that HIGASHIKUNI had stated then that regarding the question of whether the Emperor knew of the plan to attack Pearl Harbor before it was made, although the Emperor had heard from NAGANO of the general outline of the operations, he had not been told of the details of execution. It was the Emperor's understanding that in executing operations, the U. S. would be duly notified prior to armed action.

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Page SHIMADA was asked if this was an accurate statement of the Emperor's understanding with the Navy as obtained in this conference with himself and NAGANO. He replied that all that he had previously said took place * at the audience of 30 November, when inquiries were addressed by the Throne. Other than this, there was nothing else.

34706

Asked if he knew that the Emperor did have that understanding with the Navy, he replied that such matters were operational and if mentioned to the Throne it would have been by the Chief of Staff NAGANO, but he didn't know to what extent such a matter was brought up.

34707

When shown a document, the accused was told it was a copy of a press release from U. S. General Headquarters, releasing the letter received from Premier HIGASHIKUNI. * He was asked if it was not an authentic statement of the situation, being the words which had been quoted to him. The accused repeated that not being in a position to speak about operational matters, he didn't know anything about it.

34708

* Asked if he was suggesting that the Emperor understood the U. S. would not be notified prior to the armed action, he replied that the question had two parts, apparently. The first was to what extent did the Emperor know about the operational plans for an attack on Pearl Harbor, and he had replied as he did because it was in this connection. The second point of the question was in connection with notifying the U. S., and with regard to this, not being his responsibility but that of the Foreign Office he did not know.

34709

The accused was asked if, as Navy Minister and Minister of State, it was not his duty as State Minister to advise the Emperor in regard to the Navy. He stated that * even in matters relating to the Navy, if it was a question of operations it was the responsibility of the Naval High Command and not his own, as was shown in Article 11 of the Constitution. Asked if as Navy Minister it was not his responsibility to see that the attack did not take place before the Emperor's command was complied with, or if he was contending that all this responsibility could be placed on the Chief of Staff, who was not a State Minister, * he replied that the Navy did everything that could be done. The operations were to be commenced according to a fixed schedule, and before that sufficient notification was to be sent to the U. S., and in that

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* manner the necessary arrangements were made.

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Page Asked if as Navy Minister it was not his responsibility to see that the attack did not take place before the Emperor's command was complied with, he answered that this thing could not be disposed of by the Navy Minister alone, so he could not say yes or no. * In so far as Navy operations were concerned, they were to be handled by the Navy. So far as notifying the U. S., it would be in the hands of the Foreign Office.

34712

He did not deny that it was the Emperor's understanding that in executing operations at Pearl Harbor, * the U. S. would be duly notified. This was not only the Emperor's policy, but that of the government. The matter of notification was under the jurisdiction of the Foreign Office.

34713

34716
December 8, 1947

After being handed the document containing Premier HIGASHIKUNI's statement to U. S. General Headquarters after the war's end, the accused was shown a part of it which stated that the Emperor affixed his signature to the Rescript at 11.30 a. m. 8 December 1941. SHIMADA stated that this was correct. * The Rescript was issued to the Japanese people to express the Imperial will. The Rescript read to the effect that "We hereby declare war on the U. S. and Britain".

34717

Asked if this was not the declaration of war delivered to the U. S. on December 8, he replied he knew nothing about such diplomatic procedure. The attack on Pearl Harbor had commenced about seven or eight hours previously. The delivery of the Japanese notification * was arranged so it would take place at 1 p. m. Washington time 7 December.

34718

Asked what word he had received from Pearl Harbor, he replied that he heard of the first report only by telephone and didn't have exact recollection, but recalled the report was to the effect that the attack was carried out well. He received this from his private secretary about 5 a. m. The secretary reported to him in accordance with the telegram, probably addressed to the C-in-C of the Combined Fleet, YAMAMOTO, which he thought was intercepted. * It was supposed to have been sent by the commander of the task force, Admiral NAGUMO. At that time he did not know that the notification had not been delivered to the U. S. before the attack, but heard of this after Ambassador NOMURA returned to Japan in 1942.

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34720 Asked if he reported the attack to the Emperor, he replied that this was the duty of the Chief of Staff.
* He did not know when the Emperor learned that his command that notification be delivered before the attack had not been complied with.

34722 * Asked if he had not previously stated that he knew this had been the Emperor's understanding and policy and if he was not interested in finding out whether the Emperor's wishes had been complied with and if it was a matter of no concern to him, he replied it was not a matter of no concern, but was of the utmost importance not only to him but to the government.

 Asked why he didn't check up on it to find out whether the Emperor's wishes had been complied with, he replied that this was the important task of the Foreign Ministry, in which they had utmost confidence.

34723 Asked if he was placing the responsibility then entirely upon TOGO with regard to performing this wish of the Emperor, he replied that in deciding it the Foreign Office and others concerned participated in the decision. After the time had been fixed there was nothing others not directly concerned could do or help in the matter of its delivery.

 Asked if he meant that he was not directly concerned as a State Minister to cooperate with TOGO and see that the matter was carried out, he replied that although it was a matter of the utmost concern, there was nothing he could do about it because the task of having the note delivered from the Foreign Office to the Ambassador on the spot was entirely a Foreign Office matter, and others outside could do nothing about it.

 Asked if he therefore did nothing in advance or after the attack in regard to the delivery of the notice, he replied he was only anxious, but had no desire to interfere in a task belonging to the Foreign Office.

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34724 Told that in his affidavit he had stated that Foreign Minister TOGO said he remembered that Vice-Chief of Staff ITO had tried to prevent the Foreign Office from * sending any notice, he was asked if that was his view also. He replied that this was not the case. It was the Emperor's desire that notification be given in advance. This was also the government policy in strict observance of international law.

It had been the navy tradition to adhere strictly to international law, and those in the navy never held such petty views or ideas as to take advantage of the opposite party by violating international law, not to mention Admirals NAGANO and ITO, the accused had never heard that there was anyone in the navy who dared entertain such ideas.

Asked if he had not heard Admiral Richardson's testimony that NAGANO and YAMAMOTO insisted that the utmost secrecy be observed in the attack on Pearl Harbor, he replied that he didn't know from whom Richardson heard of such a thing, but there could be no possibility of his knowing this.

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- 34725 * Asked if he denied there was any member of the Navy who did not think that the notification procedure should be avoided to prevent the failure of the Pearl Harbor plan, he replied that at no time had he heard such information. YAMAMOTO, one of those most concerned about strict adherence to international law before the attack took place, was very much concerned about giving advance warning and repeatedly insisted on making that matter certain. Members of the Pearl Harbor attack units who testified said that when they approached the Hawaiian Islands for the attack, they went resolved to meet a most bitter situation because the enemy would be there waiting. This was the impression of the Navy as a whole.
- 34726 * The accused stated that he knew about the attack on Kota Bahru, Hong Kong and Shanghai on 7 Dec. 1941 and knew that no notification was given Britain before these attacks. Sometime in November the combined Fleet called together staff officers for consultations at Iwakuni. Due to some accident pertaining to a unit in the south, no staff officer from that unit which later carried on the attack on Kota Bahru, attended the conference. For this reason, the unit undertaking the Singapore operations attacked shortly before the time of
- 34727 the delivery of the note to the U.S. at 1:00 pm and this * was a matter concerning which SHIMADA felt only the profoundest regret. He believed that the attack on Shanghai began with ample time provided for, and the same was true with Hongkong. He knew that in fact there was no note delivered in Washington at 1:00 pm. Asked if he knew that the note delivered later that day was merely a statement that there was no use to carry on negotiations further, he replied that with regard to the notification delivered to the U.S., it was his understanding that the Japanese intentions were fully expressed therein. Asked if that might be true and still the note might not have complied with the Hague Convention, he replied that he could not say as to this but at the time it was his understanding that Japan's intent was fully expressed in the
- 34728 notification. He * had read the Hague Convention III requiring notification before the commencement of hostilities.
- 34729 * Asked if he knew that this convention required that before one government shall commence hostilities, it shall give a previous explicit warning in the form of either a declaration of war or an ultimatum, stating conditions and reasons. He answered that since he was a layman, he had no ability to argue the matter. He would say that already before that date they had received from the U.S. the Hull Note of 26 Nov. which was taken in Japan as being in effect an ultimatum. By this note, Japan, against her wish, was driven into war for self-defense.

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34731 * Asked if he was in the Navy in 1914 at the attack of Tsingtao,
34732 * he replied that at that time he was in Tokyo as a student in the staff college. Asked if a Tokyo newspaper was incorrect in stating he was in Tsingtao, he replied he had never seen such a report.

34733 * At about 7:30 a.m. on Dec. 8, 1941, he might have been in the Imperial Palace but had no exact recollection and he might have been attending a meeting of the Inquiry Committee of the Privy Council then. He had forgotten the exact words he used in the meeting but reported on the operational situation in the Hawaiian area, and then he attended a meeting of the Privy Council immediately after the approval of the Rescript declaring war.

(Reference was made to Exhibit 1241.)

34734 * In his affidavit he had stated that the vital issues were not of his creation and he then added that the greatest difficulty concerned the negotiations preceding Pearl Harbor attack had to do with withdrawal of troops in China and FIC. Asked if it was in pursuance of this troops and military installations were selected as targets but he did not remember where, he recalled that the point of attack was the Shanghai and Nanking areas. Asked if the Asahi Shimbun account was correct, that this was the first time in history that a trans-oceanic battle had been carried out, * he replied that he did not recall.

34737 * Asked if while Vice Chief of Staff in July 1937, he transmitted to Admiral HASEGAWA orders to carry out the bombing of Nanking by Naval planes, he replied that directions were supposed to have been given in regard to bombing military targets and the air force in and around Nanking. Asked why he said "supposed to have been given" and if he did not brief HASEGAWA in Tokyo, he replied he used the words because his recollection was very vague. It might be that this bombing was the first time in history that the capital of any country had been subjected to air bombs, but he did not know.

34738 * He did not recall exactly if it was the HASEGAWA Unit which on 17 Dec. 1937 bombed and sank the U.S. Ship Panay because at that time he was no longer Vice C/S. He did not know if HASEGAWA was still carrying out his instructions.

34739 * The accused was appointed Commander of the China Area Fleet on 1 May 1940. He didn't remember exactly when he proclaimed the blockade of the China coast, but the previous proclamation continued in effect and when he considered it necessary he repeated it about May 7, 1940. In Aug. 1940 he strengthened the blockade by adding other places.

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The primary purpose was to prevent military supplies from going to Chungking, but the blockade covered all shipping. He notified the diplomatic and other organs of the Third Powers of the blockade but it never entered his mind that the purpose was to starve the Chinese people into submission. It was only natural that the blockade did cut off not only imports of scrap iron, steel and oil, but also food supplies because troops eat food. Asked if this were not an actual case of economic strangulation, he replied that the circumstances were such that it could not be done to that extent.

While he was Commander of the China Area Fleet, he did not order the bombing of cities but the bombing of military installations and armed forces.

34741 Asked if on Oct. 10, 1940, a naval air unit made the forty-second bombing attack * on Chungking, he said it wasn't the city itself but important military activities there.

Asked if on the Double Ten Festival of Oct. 10, 1940, he visited a naval air base and encouraged the fliers who had been bombing Chungking, he replied that was a natural duty as a commander of a fleet, and that he did so.

Asked if Japan had declared war on China prior to this time, he replied it was the China Incident so there could not have been a declaration of war.

34743 After completing his term as Chief of the China Fleet, he returned to Tokyo on 15 Sept. 1941. Subsequent to the interview with the Emperor and on the same day, he did not recall issuing a statement that as Chief of the China Fleet, he had intensified the blockade and air operations against the Chungking regime. He did not remember at that time stating that although the China Incident had been making steady progress, the confrontation between Chiang and Japan had assumed serious proportions suggestive of an aggravated tension in the international situation.

When shown an excerpt from the Osaka Mainichi for 16 Sept. 1941, he stated he did not recall making the statement set forth there after his name.

34744 * He never recalled using the term "Chiang supporting powers" in suggesting an aggravated tension if they did not quit assisting China, nor did he recall ever using that term, nor recall an interview using the term "Holy War."

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34745

About 16 Nov. 1941, as Navy Minister, he reported on the war situation at the beginning of the Diet Session. * Asked if in the speech he stated that the Navy was blockading 28 miles of China coast, he replied he didn't recall the contents of the report.

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When shown an excerpt from the Asahi Shimbun of 17 Nov. 1941, he was asked if the facts in the document were substantially true as a report of the speech he made on that occasion, he replied that being a press report he could not say that it was true. * He did not recall stating on that occasion that the situation in the Chungking area in particular had included some 40 attacks day and night and there would be no occasion for him to use the expression "day and night." He did not remember telling the Diet that early in March, surprise attacks upon several strategic points on the coast of the Kwantung Province had been made in cooperation with the army.

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Asked if those events had not actually occurred, he replied * he had a faint recollection that a sudden foray was carried out to seize weapons being brought in on the coast of Kwantung Province. He did not remember telling the Diet that surprise landing operations were made at no less than 26 places to complete the coast blockade or remember saying then that Japanese Naval Units had advanced into South FIC in the latter part of July.

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Asked how many aircraft carriers were used in these surprise landings, he replied he did not recall there being any carriers.

* In his affidavit in connection with his activity in China, he had spoken of the essential disagreement leading to the fall of the KONOYE Cabinet. Asked if this essential disagreement was between those who wished to continue negotiations while preparing for war with the U.S. and those who wished to drop negotiations and proceed to war immediately, he replied he did not know the matter in detail but thought that Admiral OIKAWA's testimony sufficiently explained that matter.

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* He did not recall a talk made by himself as Navy Minister published in the Tokyo Mainichi on 7 July 1942, in which he said substantially that the Great East Asia War arose as a natural consequence to round off the China Incident. He did not recall, nor would there have been any occasion for him asking in that talk "What makes us feel more reassured than ever is the way our friends, the Germans and Italians, are enlarging their wonderful war results in Europe."

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When shown an extract from the Tokyo Mainichi for 7 July 1942 and asked if that article did not quote a speech made by him, he stated that in the headline it stated a "gist" of an interview by himself. It was doubtful whether such a news item had accurately * reported what he said and he had no recollection of it.

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34752 * He could not tell whether it was accurate or not. He did not recall saying that war to annihilate the U.S. and Britain by closely united Japan, Germany and Italy was progressing strongly toward victory. Asked if he could not find in the article a statement of the Three Demands which he favored and which made impossible the success of diplomatic negotiations with the U.S., namely, the conquest of China, domination of Greater East Asia, and the Axis alliance, he replied there could not have been any occasion for him to say any such thing because such an idea never entered his mind.

34753 * In his affidavit he mentioned a Navy shortage of oil as one reason which the High Command charged would prevent concessions to the U.S. He had no positive recollection as to how many tons of oil the Navy had on hand. It was his business as Navy Minister to deal with materiel and personnel * for operations. It was not true

34754 that one reason urged for making war on U.S. was economic strangulation with regard to oil. They obtained most of the 2-year supply of oil they had stored up from the U.S. and Netherlands but he did not remember in what proportions. Asked if, when he voted for war, he did it on the ground of economic strangulation by the U.S. and Britain as a matter of self-defense, he replied that in making a decision for war, an opponent was required and only upon the conduct and attitude of the opponent could a decision for war be made. * No

34755 decision for war could be made on the basis of economic strangulation. However, economic strangulation was one of the causes which led to the war. The decision was based upon the final attitude which the U.S. took at a critical moment as result of the economic blockade but economic strangulation was not the sole reason. Part of this economic strangulation was the U.S. refusal to provide millions of tons of oil to the Navy.

34756 Asked if, when he voted for war, he considered it in part just grounds for an attack on the U.S. * as self-defense, and that the U.S. failed to supply Japan with enough oil to feed the planes and ships which would be used and were used later to destroy American lives at Pearl Harbor, he replied that the question of oil mentioned was not a deciding factor but was an indirect cause.

34758 * The question of oil was very vital and of great importance to the armed forces for if there was no oil, warships, tanks, and airplanes, etc. would be useless. Heavy industry also depended to a very great degree on oil and if the supplies were stopped they would not be able to function as desired. From the standpoint of national defense alone, it would not be an exaggeration to say it was based upon adequate oil. Asked again whether the oil embargo

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Page 34759 was one of the factors which caused him to vote for war, he replied * that it was one of the factors but not the fundamental one.

Generally, he was familiar with the Japanese proposal of Nov. 20, handed by NOMURA to Hull (Exhibit 1245-H). He remembered that in the proposal, it read that the U.S. shall supply Japan a required quantity of oil. Asked who made the decision to include this requirement, he stated that the Navy had a big voice in the matter and he himself emphasized the necessity. Actually the various arrangements were made by the officials in charge and he expressed his views to them.

34760 * At the time he did not consider the question of the quantity of oil profoundly. He was most concerned with whether the U.S. while understanding the purport of the demand would approach Japan in bringing about a settlement. He was not concerned whether U.S. offered to supply one million tons or 500,000 in response to Japan's demands for two million.

34761 * Asked if two million tons was the amount he mentioned in requesting this sentence he included in the proposal of Nov. 20, he replied that he had a vague recollection that the quantity was four million tons per annum. * Asked if by this statement he meant that the Navy having two years' supply had 8 million tons in storage at the time, he replied that was not his meaning. The quantity demanded was not for the Navy alone but included civilian and Army needs. Although the Navy had a 2 years' supply of oil, he did not recall the exact figure of the quantity in storage, but it may have been 4 to 6 million tons. * Asked if the requirement with regard to oil was one which the U.S. had to meet if Japan was not going to attack, he replied it was not a question of oil alone. He didn't believe he could state it so flatly. Asked if NOMURA and KURUSU had come back without that provision being met, if the decision would have been acceptable to him, he replied that the matter of oil might be regarded as a basic condition forcing them to decide on war, but it was not a deciding factor.

34764 Asked if the words the U.S. "shall" supply Japan with oil were not the language of a demand, he replied that * this proposal of the 20th of November was not a basic cause of war although the prosecutor seemed to be suggesting it was. In his affidavit, he had stated that he was confronted with the question of whether Japan could bow to U.S. demands. Asked where the U.S. made any demands upon Japan, he replied that the demands were in the Hull note of 26 Nov. 1941, one of which was that Japan * should withdraw entirely from the continent. 34765 Also, the Hull note had a lot of statements on the premise that everything

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Page Japan had done so far was wrong. If Japan submitted to the demands as presented, she was obliged to cancel everything she had been doing up to that date.

34766 * Asked if it was not true that Hull accompanied the note by oral proposals for financial cooperation between Japan and U.S., he

34767 replied * that he did not recall what Hull said.

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- 34769 * Asked if he claimed himself as a state minister, and that Japan, through such representatives, had the right to make decisions without responsibility to any other authority, he replied that his position did not run contrary to any
- 34770 * international interpretation or practice. Reference was made to the affidavit where he spoke of the German policy of submarine warfare and he was asked when he first heard of the German policy to destroy survivors. He replied he did not remember the exact words but heard for the first time this was talked about when he was placed in Sugamo.
- 34772 * Reference was made to the affidavit where it was stated that operational plans would be within the sole knowledge of the naval general staff. Asked if "within the sole
- 34773 knowledge" * meant that the navy minister could not interfere even if he knew about operational plans that violated international law, he replied that that was not his meaning. Strict adherence to international law was stressed in the navy and he never believed that the general staff would violate it. If there was any case in which international law was violated, the navy minister would issue the necessary warning. He had never thought about the chief of staff's refusing to follow this warning and believed it could not happen. If there was no other choice he would see if there would be a transfer of the chief.
- 34774 * The accused was chief of the general staff in addition to being navy minister from February to July 1944, assuming this post the same month in which TOJO became army chief of staff. Asked if in the period when he was both chief of staff and navy minister he learned of the wide-spread atrocities committed by Japanese submarine personnel in the Indian Ocean and elsewhere, he replied he knew nothing. Asked if he could explain why immediately after he took that double command Japanese submarines launched their campaign to cut allied supply lines in the Indian Ocean and massacre of ship survivors, he replied he never knew of such occurrences, nor believe that they could have occurred.
- 34775
- 34776 He became chief of staff from the necessity created by the war situation. It was essential that during a war there be closest cooperation between the general staff and the ministry. As the military situation became worse, gaps between the two occurred, and the accused undertook to preside over both posts to avoid any controversy within the navy. He could not recall exactly whether at that time the army was conducting a campaign in India. * It was quite important to cut the Indian Ocean supply lines but he did not think it was especially important on that occasion. He did not recall if the Germans were likewise using greater submarine activity in the Indian Ocean early in 1944.

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34778 * He did not recall if as chief of the general staff and navy minister he gave orders in February 1944 to intensify the submarine campaign there. He had heard the evidence showing that submarine atrocities had centered about the dates between February 1944 and July or August 1944. Reference was made to the affidavit where he stated that on some occasions naval personnel had been guilty of reprehensible conduct. Regarding them he said there was no means by which he could check the prosecution evidence on these but, believing there was some ground for the evidence, he had merely expressed his feelings about them. * If there were instances of machine gunning survivors he could not believe it but was expressing regret if such an event had occurred.

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34783 * He did not recall as chief of staff preparing general staff directives bearing on Japanese-German cooperation regarding submarine warfare. * When shown a document he acknowledged that it bore his name and was a general staff directive to TOYODA, C-in-C of the combined fleet. The directive ordered cooperation with German submarines in their communication destruction war in the Indian Ocean. He believed the document was authentic but * could not believe that the document shown him was the best duplicate in the navy ministry and since this document was not in his recollection he could not identify it.

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* The accused stated that he was acquainted with rear admiral ICHICKA, but did not recall what his command was during the first half of 1944. He had no recollection receiving from ICHIOKA, as commander of the 8th submarine squadron, a top secret communication outlining submarine records in the Indian Ocean between December 1943 and May 1944.

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* When shown a document he stated that it appeared that it was addressed to the navy minister and received on 14 August at which time the accused had already left his post. Such a document was sent to the personnel bureau recording personnel merits to be used for decorations. His memory was not refreshed by the document.

EXAMINATION BY THE TRIBUNAL

34789

* The accused stated that he did not recall discussions about the means to prevent the destruction of oil fields in the NEI and had never heard any proposal to threaten the white population with death if the oil fields should be destroyed. Reminded that TOJO, in his

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Page 34790 interrogation (Exhibit 1979-A), said that imperial headquarters drew its membership from army and navy staff and the ministries, the accused was told that he had testified that he had no right to attend. The accused stated that he firmly believed that his own statement was correct.

34791 *CROSS EXAMINATION BY MR. BLAKENEY
Counsel for TOGO

The accused was reminded that during cross examination he was asked if he knew no notification of the commencement of hostilities was served on Britain and was asked if he knew the reasons therefor. He was now asked whether either through discussions in the liaison conference or through seeing copies of diplomatic telegrams routed to the navy ministry he was aware that Hull had often told the Japanese ambassadors in Washington that Britain, the Netherlands, and China were being consulted on the progress of the negotiations. He replied that he knew that very well and also knew that foreign minister TOGO had discussed with Craigie the question of securing a British participation in the negotiations.

34792 * Contemporaneously he knew of Churchill's speech of 10 November 1941 stating that hostilities between Japan and America would be followed within an hour by the British declaration of war on Japan.

CROSS EXAMINATION BY MR. LOGAN
Counsel for KIDO

34793 The accused stated that with reference to the meeting had with the Emperor on 30 November KIDO had never requested him to appear there, nor had KIDO any talk with the accused before he appeared before the Emperor. Reference was made to the KIDO affidavit (p. 31046) in which it was stated that at * 6:35 KIDO was summoned in audience and told that the navy minister and chief of naval general staff had answered the question about the previous matter with considerable confidence so KIDO was to instruct TOJO to proceed as planned. SHIMADA stated after this was read to him that this procedure was exactly as stated in the KIDO affidavit.

34795 * Regarding the meeting of November 29 when the Senior Statesmen and the members of the cabinet met, the accused recalled there were very long explanations given to the Senior Statesmen by government representatives. None of them refused to answer any questions of the statesmen upon matters other than purely military operations.

34796 * No further military operations were discussed and the operation for Pearl Harbor was top secret and only a few

Page high ranking officers knew of it. There would be no chance for KIDO knowing about it and KIDO would not be included among those officials you might know.

34797 * REDIRECT EXAMINATION BY MR. BRANNON *

34798 The accused stated that when an admiral of the fleet returns from overseas to Japan he was ordinarily received by the Emperor and this was the case when he returned from his China Seas assignment. Asked while C-in-C of the China fleet he had formulated operational * policies against China, the accused replied that this was conducted in accordance with the directions of the chief of the naval general staff. The orders were then forwarded to SHIMADA as C-in-C who acted in pursuance to them. As C-in-C of the China fleet he never at any time issued an order for attacking a non-military objective.

34799 The blockade of the China coast was carried out primarily for preventing the inflow of any raw materials. * In so far as food was concerned, such supplies going to the armed forces were prevented from reaching them but all materials were not kept out but only those considered to be a military necessity. While the accused was navy minister, no oil supplies were received from the U.S. Asked if when he had been asked by the prosecution if he received more oil from the U.S. than from FIC he had answered on what went on before he became navy minister or during the time he was navy minister, he replied that the prosecutor's question had been directed toward the proportion of oil in storage in Japan between the U.S. and NEI. But while he was navy minister not one drop of oil came through Japan.

34800
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34803 * Asked to explain his statement that it was not true that one reason urged for making war on the U.S. was economic strangulation
34804 with respect to oil,*the accused stated that the situation in latter November was that oil had decreased to the point where it was weakening national defense. U. S. pressure was being daily intensified. Telegraphic information was being received from NOMURA on U.S. public opinion, from which it was understood that war against Japan was much
34805 more popular in the U.S. than war against Germany. * The factor which lead to war was not oil, but the Hull note. The heart of the matter was the U. S. attitude, and if the latter did not favor war, it was no concern of the Japanese, even if the oil supply fell to zero. In a situation in which the Hull note was unacceptable, if the U. S. attitude was that she did not desire war, there would have been no fear in Japan. But then came the Hull note, intensification of U.S. pressure and U. S. public opinion in favor of war. This situation

Page lead them to believe that if the U. S. should attack Japan, they would
34806 not know when the attack would take place, posing a very serious threat*
which could not be ignored, and they were forced to make a decision for
war.

34808 * The policy of blockading the China coast was conducted by the
predecessors of the accused who took on the same policy and carried it
out.

34809 Asked if the orders he issued as Vice Chief of the General Staff
were of his own creation, * he replied that they were not, for the
Vice Chief had no authority to issue such orders but they came from
the Chief. The orders were transmitted by telegram and transmission
was in charge of others. The accused stated he did not know that the
attack on Kota Bahru, Hong Kong and Shanghai were to take place without
previous notice being given. He believed all arrangements were made
so that war would begin after lawful procedure had been taken. *
34810 He had no control over operations in those attacks.

34811 Reminded that he had previously testified that he would have
seen to it that the Chief of Staff was transferred if he disobeyed
warnings concerning illegal submarine warfare, the accused stated that
the Emperor appointed the Chief of Staff. * Asked how he would, then,
affect a change in the Chief, he replied that he would present his views
to the Throne for permission. Such an act of the Chief as was mention-
ed would be a violation of Imperial wishes and the accused would be
confident that the Emperor would grant permission to make a change.

34812 * The accused knew of no case in Japanese history where the Navy Min-
ister discharged the Chief of Staff by going to the Emperor. It was
customary and also his duty to report regularly to the Diet.

34813 * SHIMADA had heard the accused KAYA testify that NAGANO at a
liaison conference 1 November 1941 said the Navy was not confident
of over a two year war. The accused heard this frequently from
NAGANO and the accused shared these views. When a Minister of State
was summoned by the Emperor, he merely replied to the inquiries and
did not volunteer information

34814 Asked if he had set forth in his affidavit his complete
views on his responsibility for naval atrocities * he replied that
it was the task of the Navy Minister in connection with POW to issue
regulations for their handling in accordance with international law.
It was customary to hold POW for only a short period and, therefore,
regulations were few. Commanders on the spot were responsible for
34815 handling POW in accordance with the Minister's regulations. * Nec-
essary regulations may have been issued by Commanders on the spot on
34816 the basis of the Minister's regulations, * and the former also was
responsible for supervising those who actually handled POW. The Navy
Minister cannot bear the responsibility so far as chain of command is
concerned.

Asked if the ^{Navy} Ministry had anything to do with the transportation
of POW from the war theatres to Japan and Manchuria, he replied that

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Page with regard to this the Minister had consultations with the Army and
34817 further gave directions to the Commander on the spot. * Transportation
would be the job of the unit commander handling transportation and it
would be the same when they were transported to Japan. He received no
reports about numerous deaths during these voyages. He never heard of
U.S. submarines destroying ship's survivors. He never heard of anyone
in the Japanese Government or General Staff or any other responsible
official in the days preceding the Pacific War state his opinion that
Japan was not justified in going to war.

34818 * Asked if there were any civilian members of the Government who
knew of the Pearl Harbor operational plans prior to 7 December 1941, he
replied that the Pearl Harbor attack was highly secret and there was
not supposed to be a single civilian who should have known about it
beforehand.

34820 * Exhibit 3573, an excerpt from the interrogation of SHIMADA was
received in evidence but not read.

34821 * Exhibit 3574, regulations concerning POW rations, was received
in evidence to show that POW received rations on the same scale as the
Japanese Navy, but the document was not read.

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34823- * Opening Statement by Mr. Caudle
34829

34830 * Exhibit 3575, the Curriculum Vitae of the accused SHIRATORI
was received in evidence but not read.

34831 * From Exhibit 3576, organization of the Foreign Affairs
Ministry, an Ordinance of 22 October 1898, an article stated that in
order to conduct information affairs, there would be an Information
Board in the Ministry with a chief in charge who should manage affairs
in compliance with the orders of the Foreign Minister.

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YATSUGI, - Direct

Page DIRECT EXAMINATION OF YATSUGI, Kazuo
by Mr. Caudle

34832 * The witness identified and verified Exhibit 3577 as his affi-
34834 davit. * The affidavit stated that the witness held the position of
Secretary General of the Society for the Study of National Policy. The
Society was purely private and was neither an organization of the Govern-
ment nor part of it. The accused SHIRATORI was not a member of the Society
nor had any relation with it. In order to write a history of the world
war, the witness borrowed various materials. Among those borrowed from
34835 ARITA were copies of private letters written by SHIRATORI, the then
Minister to Sweden in November 1935, * and sent to ARITA, the then Am-
bassador to Belgium. From the copies of two letters of SHIRATORI dated
November 4 and 12, the witness made other copies for his own use and
returned the borrowed copies, and has never seen the originals. The
copies taken by the witness were confiscated by the IPS, and Exhibit
774-A contains these copies of the copies of the private letters of
SHIRATORI. When shown Exhibit 774-A, the witness identified it as the
document referred to in his affidavit.

34837 * The witness stated he had never been a Government official.

THERE WAS NO CROSS EXAMINATION OF THE WITNESS.

34838 * From Exhibit 774-A, a letter dated November 4 from SHIRATORI to
34839 ARITA, it was stated that what was written there was a conclusion from
SHIRATORI's long-cherished and later revised views, * but as it was
dashed off in a sitting, there might be inconsistent points in his aim.
From a letter dated November 12, 1935, from SHIRATORI to ARITA, it was
34840 stated * that SHIRATORI's last letter had been written only for ARITA
without copies and had not been prepared to be shown to others.

34841 The Foreign Office should be aware that the situation prior to
the Manchurian Incident more than proved that mere formality of good
will had no value. The militarists appeared to be focusing their eyes
on North China, building up a somewhat modified Manchukuo. Foreign
views aside, from the standpoint of the Empire's interest, the propriety
of such policy was at least very problematic. Future China policy
should be aimed solely at excluding outside influences and immediately
disregarding small profits. * By excluding foreign influences, they
did not mean exclusion of all foreign activities to acquire monopolistic
positions, due respect should be given legitimate foreign establishments
in China and they should be prepared to give them cooperation. They
only meant the expulsion of all influences harmful to China, and con-
sequently itself.

34842 Although they might say this shall be applicable to all they
found that foreign activities in China retained no vestige of the days
when each country had its sphere of influence. If Japan took the in-
itiative in discarding extraterritoriality and other special rights,
would not the rest be satisfactory? *Among the foreign influences
that should above all be expelled was that of Red Russia, and the

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Empire's diplomacy must concentrate on this question, and for its solution, Sino-Japanese cooperation with Anglo-Americans is necessary. Thus taking a far-sighted view, SHIRATORI believed that adoption of a policy of instantaneous removal of future calamity at this stage when they are comparatively impotent should not be neglected. He was not saying they should unreasonably force war against Soviet Russia, but only that they should start negotiations with her with determination, not even refusing war if it was inevitable, to shut her out completely from advancing into East Asia.

34843 Diplomatic measures should be taken as early as possible, since the relationship of Germany and Poland with Russia * was the same as Japan's. There was no need for any specific understanding with them, for if war broke out, they would surely rise. The only problem was England. How to reach an understanding with England was the most urgent question. The first step was to open a way for understanding of China problems, but for this they must slacken the pace of the China policy, but should not have to make many concessions. He believed the problem was soluble as far as it concerned China. The nucleus of the China policy was a Sino-Japanese alliance against the Soviet. Japan and China should cooperate in having the sovereignty of Hsinchiang and Outer Mongolia restored, subjugating Communist rebels, reorganizing and strengthening the Chinese armed forces.

34844 * Japan-Britain cooperation should be within these bounds, and other problems were minor. Since this policy did not infringe on existing treaties, it would be free from criticism, and an anti-Communist alliance would draw sympathy from the world, and even the U.S. would understand Japan's real intentions. Success would depend on the method of execution and preparation. Reference was made to Exhibit 3575 to show that SHIRATORI was Minister to Sweden in November, 1935 at the time the above letter was written.

34845 * Exhibit 3578, a certificate of authenticity regarding ARITA's appointment as Ambassador to Belgium and transfer from there to China, was received in evidence to show ARITA's position and transfer.

34850 Exhibit 3579, interrogation of Eugen Ott, stated that Ott was * a German national, former Ambassador to Japan, and was an official attached to the Reichswehr Ministry as Chief of the Political Department prior to his first visit to Japan. He arrived in Japan in June, 1933 as an Army observer, remained until December and next went to Japan in March 1934 as Military Attache,* remaining as Attache
34851 until March, 1938 when he was appointed Ambassador. He served in this position until January, 1943. He did not return to Germany then, although he had requested permission to do so.

34852 * Ott met SHIRATORI for the first time about October or November, 1938, prior to SHIRATORI's departure for Rome as Ambassador to Italy. Prior to his departure, Ott never discussed with him any alliance between Japan, Germany and Italy. Ott first learned of such negotiations in April, 1939. He was first officially notified by Ribbentrop

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Page 34853 * the latter part of April, 1939 about this subject. Ribbentrop instructed him to keep the information secret, but requested Ott to observe and report developments. Ott first took active part in these negotiations with Japan in May, 1939, when the Japanese Foreign Minister handed to him a letter from Prime Minister HIRANUMA to Hitler, to be conveyed through Ribbentrop. Ott did not hear from SHIRATORI at any time during his stay in Europe.

34854 * The second time Ott met SHIRATORI was after his return to Tokyo in the fall of 1939, but met him rarely in the months after that. The meetings were social and the Tri-Partite Alliance was not discussed during that time. At that time SHIRATORI was still nominally Ambassador to Italy, but in fact had been relieved of his functions. SHIRATORI took no part in the negotiations from his return to Tokyo until he was officially relieved as Ambassador in early 1941. All negotiations had been stopped after the German-Russian Non-Aggression Pact.

34855 * The Non-Aggression Pact struck Japan a surprising blow, causing the resignation of the HIRANUMA Cabinet. All negotiations with Germany about the alliance were stopped and German-Japanese relations cooled to a low degree. This situation existed until late spring of 1940, when the war in Europe reflected a change in the Japanese minds. Also strong U. S. economic measures contributed to this change.

34856 Ott learned that SHIRATORI was placed on the waiting list of Ambassadors about three months after he returned to Tokyo, keeping this status until late August, 1940, when he was appointed adviser to the Foreign Minister. It was normal procedure to retain Chiefs of Mission for three months * after recall. Ott had no official relations with SHIRATORI during this time, but saw him occasionally in a private capacity.

34857 * The principal aim of the Alliance at that time was a defensive pact against Russia, but such an alliance was never concluded. * In-
34860 asmuch as SHIRATORI became an adviser to the Foreign Office in late August, 1940, and the Three-Power Alliance was concluded in late September, 1940, SHIRATORI occupied his new position for only one month prior to the conclusion of the treaty.

34861 * When handed Exhibit 502, a communication to Ott from Ribbentrop dated 26 April 1939, Ott stated this document informed him for the first time about the negotiations for a defensive alliance between Germany, Italy and Japan. It was evident the negotiations had been started in the summer of 1938 without Ott's knowledge. Ott took no action upon receipt
34862 * of this communication - he had been instructed only to observe and report. He did not remember hearing SHIRATORI mentioned by the Japanese side from his observations.

When shown Exhibit 503, dated 4 May 1939, a communication from Ott to the German Foreign Office, Ott stated it was a message of HIRANUMA referred to before, sent to break the deadlock in negotiations at the request of the Japanese Foreign Minister.

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* From Exhibit 504, a communication dated 5 May 1939, was quoted an extract which stated that from the Foreign Ministry a senior officer who stood close to SHIRATORI it was learned that in the Government a deep cleft between friends and enemies of the Alliance had formed. When handed this document Ott stated that he thought this was one of the causes of the deadlock referred to. The person who obtained this information was either MATSUSHIMA or KURIHARA, and Ott presumed the information came from the discussions in the Foreign Ministry. At that time SHIRATORI was in Europe, and Ott mentioned the name of SHIRATORI in the communication so that it might add weight to the report.

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* Ott was handed Exhibit 2198, dated 11 August 1939, from Ott to the German Foreign Office relating to information given Ott by HACHIJIRI pertaining to German-Japanese-Italian relations. The document stated that the War Minister should risk his resignation in the furtherance of better relations, which would also certainly entail the resignation of Ambassadors OSHIMA and SHIRATORI. In it there was also stated that it was imperative that a decision in reply to the concessions demanded be made by August 15, 1939, and that the War Minister would communicate the measures he had taken direct to OSHIMA and SHIRATORI, by-passing the Foreign Minister.

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* In regard to this, Ott stated that this was the only case he was informed of when the War Minister by-passed the Foreign Minister in communicating with SHIRATORI about these negotiations. This unusual procedure was followed because it was a matter of extreme urgency, otherwise there was a possibility of delay. Ott had no knowledge of what happened immediately after that, but on August 29 the Japanese Cabinet resigned following the non-aggression pact between Germany and Russia, and all negotiations between the Three Powers ceased.

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Ott was handed Exhibit 498 dated 8 September 1939, a communication from Ott to Germany wherein it was stated that the Ambassador *in Rome --SHIRATORI-- would return from Rome since at that time he had taken up the post of Ambassador purely in the expectation that he would succeed in concluding a Japan-German-Italian Military Alliance. In regard to this Ott stated that he did not know of his own knowledge, nor had he ever officially or semi-officially, been advised that SHIRATORI was appointed for this specific purpose, or that he took this post with any expectation of concluding this Alliance. He thought the information in the document must have been based on heresay.

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* Ctt was handed exhibit 511 dated 23 February 1940, a communication to the German Foreign Office signed * "Stahmer-Ctt" wherein it was stated that after Stahmer's arrival he found Japanese already known to him, such as OSHIMA and SHIRATORI in an unchanged, friendly attitude, and ready for every support. Ctt was asked in the interrogation why the message was signed "Stahmer-Ctt", and he stated the message was sent by Stahmer, but due to cipher regulations the Chief of Mission had to sign, and he was Chief of Mission at the time.

34870

Stahmer privately visited SHIRATORI with Ctt on Ribbentrop's instructions. * Asked what the occasion of Stahmer's visit was, Ctt replied that Stahmer was attached as a representative of Ribbentrop to the mission of the Duke of Saxe-Coburg Gotha, which was sent to present Hitler's congratulations on the anniversary of the founding of the Japanese Empire.

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* SHIRATORI took no further active part in furthering Japanese-German relations until the late spring of 1940. * Ctt was handed exhibit 516, dated 12 June 1940, from himself to the German Government, wherein he spoke of Japanese-American relations. Ctt explained the background of the report, saying that the collapse of France was obviously imminent, and the only effective relief which might keep up England's resisting power could come from the U. S. Therefore Germany endeavored to hamper this, and considered continued tension in the Pacific a useful way to prevent the U. S. from removing their attention from the Pacific to the Atlantic. * It was difficult to advance such policy upon Japan because her attitude was divided. Ctt was instructed to back an Italian protest against a Japanese measure in favor of the U. S. When Ctt presented his objections to the German Government's intentions he had to avoid Ribbentrop's distrust. Therefore he stressed in paragraphs 3 and 4 of this report that he was working in his own way and pointed to the cooperation of SHIRATORI and other Japanese to impress Ribbentrop.

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He did not mean in paragraph 4 that OSHIMA and SHIRATORI worked together in a common program, because there was no such agreement. As far as Ctt knew, SHIRATORI warned * against courting the U. S. after they had enforced economic measures upon Japan. This was not a common plan, and Ctt had only private talks with both separately, and OSHIMA kept himself much apart from political activities during his stay in Japan. Ctt was never in the company of SHIRATORI and OSHIMA at the same time for carrying out this cooperation. He had stated there was close cooperation in the message to give weight to it, and he used the names of KONOYE and SUETSUGU for the same reason.

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Page Ott was handed exhibit 523, dated 24 June 1940, a communication
34875 * advocated a non-aggression pact with Russia in an interview with
Yomiri (newspaper). At that time SHIRATORI was on the waiting list of
ambassadors.

Ott was handed a copy of exhibit 538, dated 2 August 1940, a
communication to his government, wherein he stated that SHIRATORI con-
fidentially told him that he had declined the post of vice-foreign
minister. It was considered that he would be appointed permanent adviser
to the foreign minister, and he believes he can exercise a far-reaching
influence in this capacity. Ott stated that SHIRATORI did get such
appointment, but to his knowledge did not have far-reaching influence,
as later developments proved.

34876 * Through his official relations, Ott realized that a vice-
foreign minister was the permanent representative of the minister, and
responsible for administration and personnel matters. The adviser had
none of these functions, his effectiveness depending on his influence
with the minister.

34877 * Ott did not observe personal influence of SHIRATORI with
MATSUCKA, even during the Tripartite Pact negotiations. He occasionally
got the impression of mistrust between MATSUCKA and SHIRATORI, and they
were critical of each other during private conversations.

When handed exhibit 548, another of his cables to the Foreign
Office, his attention was called to a passage which stated that with the
aim of further preparation of action to adjust state affairs on an
authoritarian model, the government had formed a commission of 24.
SHIRATORI was appointed the representative for foreign political matters
34878 * in the Commission, which consisted mostly of reformists and followers
of cooperation with the Axis policy. In regard to this, Ott stated that
by that time there were various rumors about interior measures taken by
the new Cabinet, and the formation of this commission was one of these
rumors. He was never informed of anyone else comprising the commission,
and he now considered this information erroneous.

Ott was handed exhibit 562, dated 31 January 1941, to Ribben-
trop from Ott, wherein the latter stated that activist circles demanded
preventive attack on Singapore, and expected to deprive America by surprise
34879 action * of the possibility of military warfare in the Pacific. This
minority group was under the leadership of SUETSUGU and SHIRATORI, and
had the support of leaders of the army and navy. In regard to this, Ott
stated that he had been informed that by a preventive attack on Singapore
it was the idea that this would preclude America from entering the
Pacific War, or make it more difficult.

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- Page He got this information during January 1941 from the German Embassy members and from Japanese. At this time of heightened tension there was much political discussion. These talks were private. * Ott had never been offered any proof of SHIRATORI being a leader of such a group.
- 34880
- 34883 * Ott was handed exhibit 1113, dated 7 July 1941, another communication from him to Ribbentrop, and was asked to read it. When asked where SHIRATORI was residing at the time of the visit mentioned in it, he stated at Hayama, two hours from Tokyo. This visit was not a special one, for Ott went there many times, * as he had a villa there.
- 34884 On one of these occasions he visited SHIRATORI. He had been directed by Ribbentrop to convey to SHIRATORI his best wishes for his recovery, but did not make a special trip for this purpose.
- 34885 * When asked if he knew at the time of this visit that SHIRATORI's illness was of a mental nature, he replied that he found this out later, but reported then that it was kidney trouble. Asked if the wrong information as to the nature of SHIRATORI's illness was an effort to cover up its real nature, both by SHIRATORI and his friends, he replied he thought it was mainly due to Japanese shyness.
- 34886 * At that time SHIRATORI gave the impression of being mentally tired.
- Ott was handed exhibit 800, dated 1 August 1941, and in regard to it stated that he held the conversation reported in it with YAMAMOTO. SHIRATORI was not present at the time. In the report he pointed out that he had visited SHIRATORI. This visit also was not special. So far as Ott knew, none of the ideas advanced by YAMAMOTO was realized.
- 34887 * Ott was handed exhibit 608, dated 5 December 1941, a cable to his Foreign Office, in which it was stated that SHIRATORI explained to Ott that leading circles had concluded that Roosevelt wanted to enter the war by a conflict in the Far East. The opinion advocated that the U. S. was sure of the coalition of the ABCD States and Russia, and Roosevelt believed that the moment for settlement had come. In regard to this, Ott stated that only the first sentence above related to SHIRATORI. He didn't recall where he saw SHIRATORI at this time, but
- 34888 * possibly at his seaside villa.
- 34889 * SHIRATORI still appeared to be in a state of convalescence, and he didn't think he reported his recovery to his government.
- 34890 * Ott was handed exhibit 576, dated 25 March 1941, his "Note on situation in Japan" to Ribbentrop. In it he stated that SHIRATORI stressed the necessity to tie up the British fleet. This note was sent while Ott was in Germany, where he had been called to be present during MATSUCKA's visit. SHIRATORI was then in Japan. * He met SHIRATORI probably in February 1941, before he left for Germany. This meeting was purely personal.
- 34891

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Page It was correct to say that SHIRATORI was a career diplomat and was at no time in either the army or navy. SHIRATORI's opinion was only that of a layman.

34892 Ott was handed exhibit 1272, dated 17 May 1942, a communication to Germany recommending German decorations. Asked to explain the German protocol in awarding decorations to foreign nationals, he stated that * recommendations for these had to be made to Hitler, from proposals from various ministries. Ribbentrop was anxious to get foreign decorations and became angry when he thought Japan had not bestowed a sufficient number upon Germans, and succeeded in blocking decorations for Japanese for a time. Consequently the Japanese became insistent, and to break this deadlock Ott presented to Ribbentrop a list of recommendations to be bestowed on the second anniversary of the Tripartite Pact in September 1942. * There was somewhat of a contest as to who would get the most decorations. The German Protocol provided that the Great Cross was the only decoration for which one of ambassador's rank was eligible. As this was known to the Japanese Board of Decorations, a lesser decoration would have been considered unfavorable by them. Ott recommended SHIRATORI on the decorations list because he was personally known to Ribbentrop and had been adviser to the foreign minister at the time of the pact's conclusion. Ott did not think from later developments that the efforts of SHIRATORI deserved the award given him.

34894 * MATSUOKA had been decorated previously, and SAITO, an adviser to MATSUOKA, was decorated at the same time as SHIRATORI with the Great Cross. In discussions with the Japanese before the recommendations, they usually suggested distributing decorations in order not to create dissatisfaction. * The recommendation of SAITO and others to receive the Distinguished Service Cross was made by the German military attache upon the insistence of the Japanese Army, which was angry because no German award had been given for a considerable time. Ott backed SAITO's recommendation due to his position as chief of the section, where liaison with the German Embassy was centered.

34898 * Ott mentioned SHIRATORI's name in some of his telegrams to Berlin, where the name of some other person would have answered the purpose. SHIRATORI never furnished any news or information concerning an important policy or decision of his government, or any state secret in general to the German Embassy. SHIRATORI had no important position during Ott's stay in Tokyo, except as adviser to the foreign minister, and he did not appear to have any influence in important affairs or carry any weight with MATSUOKA. Ott had heard him criticize measures announced by the government, and he was forward in expressing his personal views. * SHIRATORI never during Ott's acquaintance with him carried any weight with his government or influenced its policies.

34900

Page Relations between Germany and Japan fluctuated during 1934-1943.

34901 * When the government, in the face of dramatic changes in German policy, acted as they did, Ribbentrop acted often with marked distrust and overlooked the facts upon which Japan used to base their decisions. When Ott tried to moderate Ribbentrop's views, he awakened mounting distrust. To avoid such development, Ott carried on personal relations with those Japanese personally known to Ribbentrop, and he had mentioned these people, among them SHIRATORI, and stressed their cooperation to give weight to his opinions.

34902 * There was no real cooperation between Germany and Japan in the conduct of the war as to military and economic operations, compared with that of the Allied nations. The Tripartite Pact provided for a commission, which did not set to work until Japan entered the war. In January 1942, an agreement was concluded in Berlin fixing the separate spheres of military operations. In the military field, there was only an occasional exchange of blueprints or samples of weapons. In economics, there was the transport of raw materials to Germany via the Siberian Railway, and later by blockade running. This transport col-

34903 * lapsed about the end of 1943.

Ott stated he had no relations with KIDO in his official capacity, but met him occasionally on ceremonial or social functions. The German government distrusted KIDO, and considered that he belonged to a group which did not favor improving of Japanese-German relations. Under the leadership of Imperial Household Minister MATSUDAIRA, Ott considered KIDO in line with MATSUDAIRA's views.

34906 * Reference was made to exhibit 3575, curriculum vitae of SHIRATORI, to show that he arrived in Tokyo from Stockholm on 23 December 1936; that he was relieved from the ministership in Sweden, Norway, Denmark and Finland, and was placed on the waiting list April 28, 1937; that he was appointed Ambassador Extraordinary and Plenipotentiary to Italy 22 September 1938; and that he left Tokyo November 22, 1938, and arrived in Rome December 29, 1938.

Page DIRECT EXAMINATION OF UGAKI, Issai,
by Mr. Caudle.

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34908 * The witness identified and verified exhibit 3580 as his affidavit. * The affidavit stated that the witness was Foreign Minister in the first KONOYE Cabinet, from May 26 to September 29, 1938. At the end of August KONOYE suggested the appointment of SHIRATORI as vice-minister, as SHIRATORI was then on the waiting list as a minister. The witness thought it had to leave him without any assignment, and therefore requested SHIRATORI to accept the post of Ambassador to Italy. He first showed reluctance and later consented, and was installed on September 22.

34909

* In deciding on this appointment, there was no consideration to specifically make SHIRATORI conduct a negotiation towards strengthening the anti-Comintern Pact, or have him put forth special efforts to induce Italy to participate in such an agreement, and no mention was made of this matter. The question of strengthening the pact had been brought to the notice of Japan in the form of information from German quarters, and was not a formal overture, being conveyed by the Japanese Military Attache in Berlin as a piece of information. The government decided to launch into a tentative negotiation, but no mature study had been made. The witness 34910 believed that the question of strengthening the pact * centered upon preventing the communistic revolution, and believed that whether the strengthening the pact should stop at mutual political assistance or should embrace military assistance as well should be studied on that premise and determined through negotiation.

The witness had accepted the post of Foreign Minister to tackle the all-important problem of the China Affair, and the question of strengthening the anti-Comintern Pact was a minor consideration with him, and that was why he had not specifically discussed it with SHIRATORI. SHIRATORI left Tokyo for Rome some time after the witness resigned as Foreign Minister.

DIRECT EXAMINATION BY MR. BLAKENEY,
Counsel for TCGC.

34912

* The witness stated that at the time he was Foreign Minister in 1938, the accused TCGC was Ambassador to Germany. He remembered receiving cablegrams from TCGC stating his views on the Three Power Alliance, and the witness recalled that TCGC opposed its being directed against any countries whatsoever.

DIRECT EXAMINATION BY MR. IOGAN,
Counsel for KIDO.

34913

* The witness was told of the prosecution contention that he was suggested by WAKATSUKI as the only man who might have averted war at the meeting of the Senior Statesmen, on 17 October 1941. Asked if

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Page he agreed with the prosecution's contention, he stated that he must leave that up to the counsel's judgment.

CROSS-EXAMINATION BY MR. SANDUSKY.

34914 * The witness was asked if it was not true that Germany, by September 1938, had already at least been informally advised that Japan could not agree to a pact calling for immediate participation in war, or one having no limitations as to its scope or the opposing parties. He replied that he had no knowledge as to whether Germany was informed informally of such views. During his tenure, all he learned was through the military that Germany desired a general military alliance. The matter had not advanced to such a stage where they could carry on official negotiations.

34915 * He did hear rumors of pressure from other quarters to appoint SHIRATORI as vice-foreign minister, but no one approached him directly on this other than KCNOYE. He didn't recall a petition presented by CKAWA and signed by younger officials of the Foreign Office urging

34916 SHIRATORI's appointment. He didn't recall that around June 1938 he complained to KCNOYE that War Minister ITAGAKI was most persistent in pressing for SHIRATORI's appointment. He didn't even hear rumors to the effect that after his resignation as foreign minister, fifty young foreign office officials again presented a petition, this time to KCNOYE, urging SHIRATORI's appointment as foreign minister.

It was true that seven days after SHIRATORI was appointed ambassador to Italy the witness was succeeded as Foreign Minister by KCNOYE.

34917 * In response to a question by the Tribunal, the witness stated that when he said he had no recollection of CKAWA's demands, he meant that no such demands were made.

In response to questions by Mr. Caudle, the witness stated that it might be true that three days after arrival in Rome, the KCNOYE Cabinet fell; he did know that the Cabinet fell in early January 1939.

34918 * Exhibit 3581, a telegram from SHIRATORI at Rome to Foreign Minister ARITA, dated 10 January, 1939, concerning the presentation of
34920 credentials, reported that * SHIRATORI arrived at his post on 29 December, 1938, and on the 31st handed Foreign Minister Ciano his credentials. On 9 January SHIRATORI was informed that the ceremony of the presentation would be held on the 10th, and on that day the ceremony was held.

34921 * Exhibit 3583, excerpts from the Ciano Diary, were received
34922 in evidence. An excerpt dated 1 January, 1939, stated * that Mussolini had returned to Rome the evening of the day before, and Ciano had a long

Page conversation with him. Mussolini informed Ciano about his decision to accept Ribbentrop's proposal to transform the anti-Comintern Pact into an alliance, and wished it to be signed the last part of January. Ciano wrote to Ribbentrop the outlined acceptance.

34923 In an excerpt dated 2 January, 1939, it was stated that the letter for Ribbentrop had been approved. The next day Ciano would transmit to Attolico, with instructions as to what he was to say to the Germans in connection with the Alto Adige and commercial relations concerning the Alto Adige, which would fall in with Hitler's plans to permit the departure of those Germans who want to leave. Ribbentrop was telephoned by Ciano and informed of this decision. Ribbentrop was satisfied, and confirmed * that by the end of the month everything would be ready, even on the Japanese side.

34924 * An excerpt dated 3 January, 1939, stated that Ciano gave Attolico instructions on his mission to Ribbentrop, and in the afternoon Ciano also informed von Mackensen. In an excerpt dated 5 January, 1939, it was stated that after a first conversation with Ribbentrop, Attolico reported that Ribbentrop proposed 28 January as the day for concluding the alliance. Mussolini had told Ciano that he had informed the King of the alliance, and he showed himself satisfied.

34926 * Exhibit 3584, a memorandum of Mackensen, German Ambassador at Rome, 3 January, 1939, stated that Ciano informed him that Mussolini had decided that the signing of the Tripartite Pact could take place immediately. Ciano had written Ribbentrop a letter, which Attolico, was to
34927 * take to him. A day at the end of January was under consideration, and Ribbentrop considered this practical. CSHIMA would sign for Japan. Ciano agreed with Ribbentrop on the choice of Berlin as the place for signing, and the 28th or 30th would be suitable days.

34928 * Exhibit 3585, excerpts from the Ciano Diary, were received in evidence. An excerpt dated 3 February, 1939, stated that Mussolini was discontented with the Japanese delays in concluding the Tripartite Alliance, and regretted the way in which Ribbentrop lightly assumed that the Tokyo government agree to conclude the pact, thinking it might be a good idea to conclude a double alliance without Japan and leave Japan to face Anglo-French force alone. In this way the pact would have no anti-British or anti-American flavor.

34929 In an excerpt dated 3 March 1939, it was stated that Mussolini and Ciano discussed the Tripartite Alliance. * New delays were caused by Japanese red tape, and Mussolini was more in favor of a bi-lateral alliance, leaving Japan out. Alliance with Japan would push the U. S. into the arms of the western democracies.

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An excerpt dated 25 April, 1939, stated that news came from Berlin that the Japanese persist in reservations with respect to the triple alliance, and the signing was postponed sine die. Mussolini was glad of this, for he had considered Japan's adherence more harmful than useful. Ribbentrop would be met on the 6th to define the common policy.

34930 In an excerpt dated May 6 and 7, 1939, it was stated that Ciano took notes of the discussions with Ribbentrop. * The immediate announcement of the alliance was decided Saturday evening, following a telephone call from Mussolini. Ciano reported to Mussolini the results, but Mussolini demanded more and asked Ciano to have the Bilateral Pact announced. Ribbentrop, who at heart always aimed at the inclusion of Japan in the Pact, at first demurred, but then said he must obtain Hitler's approval. Hitler was then called and gave his immediate approval.

34931 * Exhibit 3586 certified to the authenticity of copies of telegrams exchanged between the Japanese Foreign Office and SPINACORI, the Ambassador to Italy, re negotiations concerning the Tripartite Pact, were destroyed by fire.

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34935 * From exhibit 2234 a lecture given by SHIRATORI at the Imperial University Alumni Association in February 1940, a previously unread portion stated that there were some who said that if the Tripartite Alliance had been formed, would not Japan have been involved in the war in Europe. It was lucky the alliance had not been formed, for the bare thought made them shutter. However, SHIRATORI said he thought this was fundamentally a misconception. If the alliance had taken shape the war might not have broken out. Britain and France would have made a diplomatic retreat and enabled Japan in * China and Germany and Italy in Europe to solve their questions peacefully.

34936

From the beginning Germany and Italy had said that the real aim of the treaty was for peace and that, since the three powers were destined to share the same fate they would be beaten if divided. They further said that since the alliance was spiritual, it was necessary to display to the public its real effect and so they would begin by assisting Japan to bring the China incident to a conclusion speedily. SHIRATORI believed that had the alliance been realized by April of the current year, results would have been favorable. The Nomonhan incident would not have taken place nor could Britain have assumed a bold front concerning Danzig.

34937 Even if Germany should attempt a speedy solution of her problems * and go to war against Britain and France, it would have been possible for Japan to obtain Germany's consent to her neutrality in case immediate entry into war was inconvenient. It had been arranged that if the alliance was formed, the three foreign ministers would simultaneously meet to discuss politics. In such discussion Japan could have had a great voice in connection with German and Italian diplomacy. Should they undertake war against Britain and France, Japan could have declared she could not offer sufficient support and that they could go ahead with it if they were confident.

34938 He believed that it could not always be said that if the alliance had been formed Japan must enter into war. It is probable that if the alliance * had been formed, war between Germany and Britain and France would not have broken out at that time. Germany and Italy still had much to prepare for. Since it was necessary for Japan to have rest after settling the China incident, the war

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would have been postponed. The powers would have decided on war after complete military armaments had been provided and better diplomatic relations had been made. It was an unfounded opinion to say that if the alliance had been formed Japan would have been compelled to fight Britain and France.

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34939 * DIRECT EXAMINATION OF NAGAI, Mikizo, by
Mr. Caudle

34940 The witness identified and verified exhibit 3587 as his affidavit. * The affidavit stated that the witness had served in the embassy in Italy as a junior secretary from October, 1937, to July, 1939. When Ambassador SHIRATORI arrived at his post in Rome at the end of 1938, the witness was put in charge of etiquette and archives matters and became SHIRATORI's private secretary. Until then the embassy had received no official communication concerning the Tripartite treaty, although the then charge d'affaires SAKAMOTO was said to have privately acquired some knowledge from the military and naval attaches.

34941 * The witness was told that SHIRATORI had brought no written instructions from Tokyo. He remembered SHIRATORI saying that the affair had become clear to him because of the detailed account given by SHIRATORI and the attaches. While serving with SHIRATORI it was his practice to dictate to the witness cables to Tokyo on the subject of the Tripartite treaty. SAKAMOTO and secretaries MIHARA and KABAYAMA were generally present and occasionally also the attaches. About 6 January 1939 SHIRATORI had a conversation with Mussolini and afterward told the embassy he was surprised to know that Mussolini was all for the proposed treaty. SHIRATORI said that inasmuch as a final decision had to be made first by the Japanese government, he tried to dampen Mussolini's zeal.

34942 * The gist of this interview was sent to the foreign minister. When the ITO mission arrived their instructions were not shown or discussed as it was understood a full explanation would be given for them. SHIRATORI, SAKAMOTO and the witness accompanied the ITO mission to Berlin. It was said there was nothing to be called in question concerning the draft text and protocols of the treaty as contained in the Tokyo instructions, but that it was proposed to attach two reservations placing limitations on the treaty. SHIRATORI expressed that not only was there no prospect for such reservations being entertained by Germany and Italy, but it would be a disgrace to Japanese diplomacy to leave on record a proposal amounting to taking back with the left hand what was offered with the right.

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34943

The witness recollected a telegram to this effect was sent to Tokyo. * After his arrival in Rome, SHIRATORI seemed to pay serious attention particularly to German-Soviet and Italian-Soviet relations and frequently expressed it was a mistake to presume that Germany and Italy and the Soviet were irreconcilable. He said Italian-Russian relations were not at all bad and it was not impossible that some sort of understanding between the USSR and the Axis could be reached. Japan should be on guard against the contingency of Germany adopting a policy of pushing Russia on to the Far East by guaranteeing her western borders. The witness recollected that SHIRATORI cabled such opinion to Tokyo.

34944

In regard to the proposed treaty, SHIRATORI used to say that it should be considered as a means in * diplomatic manoeuvres, and should be viewed as to the effect that a rapprochement between Japan and the Axis would have on the U.S. and Britain. He thought that while the China problem was difficult to solve with the good offices of the U.S. and Britain, it was necessary to show a gesture of friendship with the Axis to make them slacken their pressure. So far as the witness perceived, there was no close contact between SHIRATORI and the Italian authorities. Italy practically left to Berlin the matter of the Tripartite Treaty and there was little exchange of views between SHIRATORI and Mussolini or Ciano.

34945

SHIRATORI said once that Ciano had cynically told him that the whole question was in the "able" hands of Ribbentrop. The negotiations were carried on almost exclusively in Berlin and SHIRATORI's part was mainly making suggestions to the foreign ministry in Tokyo. * The witness was relieved of his duties late in June 1939, and until that time the Tripartite negotiation was confined to exchanging arguments concerning Japanese reservations. He knew that SHIRATORI had little contact with the Italian side in other respects, that he made few political and social acquaintances in Rome, and had no intercourse with Fascist leaders or the Italian army and navy.

SHIRATORI was on intimate terms with foreign minister ARITA and expressed his views boldly. While strong expressions were used in some of his telegrams, to the knowledge of the witness he never threatened ARITA with resignation.

There was no cross examination of the witness.

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34947 * From exhibit 3583, an excerpt from the Ciano diary dated 2 April 1939, it was stated that Ciano received SHIRATORI who brought the Japanese answer on the Tri-partite alliance which, while on the whole was favorable, had two reservations. (1) That London, Paris, and Washington be informed that in Japan's view the alliance was directed against Moscow, (2) That a declaration be had that in case of war in Europe Japanese aid would be limited. Ciano had nothing against (2) but with respect to (1) it seemed to him necessary to make clear what actual meaning the reservation was intended to have.

34948 * From exhibit 1113, a telegram from Ott to Ribbentrop dated 7 July 1941, a previously unread portion stated that Ott talked to SHIRATORI who said that since the end of April he had been suffering from kidney trouble and was in danger of his life. He had had to abstain from all

34949 political work * and gave the impression of needing rest and being mentally tired. Reference was made to exhibit 3575, the curriculum of SHIRATORI would show that he was ordered to return home 2 September 1939; arrived in Tokyo 13 October 1939; was placed on the waiting list 9 January 1940; appointed adviser to the foreign ministry 28 August 1940; was released from advisership to the foreign ministry 22 July 1941; elected to Diet 30 April 1942; was appointed to the Board of Directors of IRAPS 20 May 1942; and seceded from it 28 June 1943; and resigned from the Diet 5 December 1945.

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34951 * DIRECT EXAMINATION OF SAITO, Yoshie
by Mr. Caudle

34956 The witness identified and verified exhibits 3588 and
34957 3589 as his affidavits. * Exhibit 3588, the first affidavit
of the witness, stated that * both he and SHIRATORI were ad-
visers to the foreign office from 28 August 1940 to 22 July
1941 under foreign minister MATSUOKA. The duties of the
advisor were not clearly defined by act or ordinance, and
he had no access as of right to any document or information
of the foreign office. His influence and activities de-
pended largely upon the characteristics of the foreign
minister. The witness' acquaintance with MATSUOKA began
in 1909 and the intimacy lasted unbroken.

34958 When MATSUOKA became vice president of the South
Manchurian Railway Company, the witness was appointed
director and also an advisor and conducted research upon
China affairs. Because of this close relationship, he
believed * MATSUOKA chose him as advisor to the foreign
office when he became minister. As far as the witness
knew, SHIRATORI had little to do with MATSUOKA person-
ally or officially and the witness understood that his
appointment was due mainly to KONOYE's recommendation.
MATSUOKA had great self confidence and would rarely ask
others' advice and rarely even consulted the witness.

34959 SHIRATORI's advisorship under MATSUOKA was more or
less nominal and he was not asked to advice on any im-
portant diplomatic questions. The wholesale disposal
of Japanese diplomats by MATSUOKA and OHASHI (exhibit
548) took place before the appointment of advisors and
* SHIRATORI had nothing to do with it. Regarding the
decision adopted at the Four Ministers' Conference of
4 September 1940, and the decision of the liaison con-
ference 19 September 1940, concerning strengthening
the Tripartite alliance, in these decisions the basic
government policy for concluding the Tripartite pact
was adopted.

34960 The witness knew that these top secrecy documents
were not shown to SHIRATORI. The visit of Ribbentrop's
special envoy Stahmer was kept secret to the advisors
until a few days before his arrival on 7 September 1940.
The negotiation of the Tripartite pact was conducted
exclusively between MATSUOKA, * Stahmer, and Ott.
SHIRATORI's opinion was not asked at any stage nor had
he anything to do with drafting the original text.

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Page SHIRATORI had nothing to do with MATSUOKA's negotiations concerning FIC and Thailand. Regarding recognition by Japan of the Wang Ching Wei Regime on 30 November 1940 and the joint declaration (exhibit 464), negotiations with the Wang Ching Wei regime were started at Nanking by the * YONAI-ARITA Cabinet through special ambassador ABE. Agreement was finally arrived at under the second KONOYE Cabinet in which MATSUOKA was foreign minister. But SHIRATORI was not concerned in this whatsoever. Nothing was made known to SHIRATORI about MATSUOKA's trip to Europe in the spring of 1941 until a few days before his departure. The object and purpose of the trip were kept entirely from SHIRATORI, and during MATSUOKA's absence the advisors had practically nothing to do. SHIRATORI became seriously ill the beginning of April 1941 and remained convalescent in almost complete retirement for about a year.

34961

Although he was normally an advisor until his resignation in late July 1941, during this period he had not but in any appearance at the foreign office nor had anything to do with its affairs. SHIRATORI did not see MATSUOKA after the latter's departure for Europe until his resignation as * foreign minister. Nor did he concern himself in the diplomatic negotiations with the U.S. conducted by MATSUOKA. SHIRATORI could not have refused the post of vice minister (exhibit 538) for the witness knew that MATSUOKA had OHASHI in mind from the beginning and never offered the position to SHIRATORI. In Ott's telegram he had stated that SHIRATORI informed confidentially he had declined the post of vice minister and it was to be considered he would be appointed permanent advisor, in which post he believed he could exercise far-reaching influence. However, Ott's statement ran counter to the facts.

34963

The position of vice minister was clearly defined by law and a vice minister * could largely influence the conduct of the nation's foreign affairs. While it was true that during the advisorship SHIRATORI and the witness often met Ott socially, there was nothing to indicate that SHIRATORI was on special intimate terms with Ott nor any other member of the Germany embassy. The witness did not believe SHIRATORI was a Germanophile for he remembered SHIRATORI remark that it was no less objectionable to be pro-Axis than to be pro-Anglo-Saxon.

34963

In mid October 1940, SHIRATORI was appointed a member of the directorate of the IRAA, which did not concern itself directly with politics, much less diplomatic

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Page questions. The witness did not observe that SHIRATORI played any important part as a member of the directorate, and SHIRATORI once told the witness he expected nothing of real value * from the organization. He generally stayed away from its meetings. The witness knew nothing about SHIRATORI's acting as a leader of activist circles demanding preventive attack on Singapore (exhibit 562). What the witness knew about SHIRATORI's views was not an advocate of a southward advance.

34964

SHIRATORI and the witness received on the same date the same German decoration ostensibly in recognition of their service relative to concluding the Tripartite pact (exhibit 1272). The witness knew that the exchange of decorations between governments was largely formality having more to do with officials' positions held by individuals than with their real merit. It seemed that Ott attached undue importance to the position of supervisor.

34966 * Exhibit 3589, the second affidavit of the witness, stated that he assisted MATSUOKA in technical matters concerning the drafting and negotiation of the Tripartite pact concluded on 27 September 1940. OHASHI was appointed vice minister on 19 August 1940 and MATSUOKA was made chief of the treaty bureau on 5 September 1940 and then began assisting the foreign minister in technical matters concerning the pact. MATSUOKA stated in exhibit 3145-A

34967 * that on 5 September 1940 a plan, Annex No. 1, was drafted by OHASHI, the advisors SHIRATORI and SAITO, and presented by MATSUOKA to the Four-Minister Conference for consideration (T. 27,986). This statement was erroneous for OHASHI, SHIRATORI and the witness never made that plan on any date.

The witness had no knowledge as to who drafted Annex 1. He was shown this document by MATSUOKA after it had passed the Four-Minister Conference. Neither the witness nor SHIRATORI had any connection with the revision of it on 4 September. About 5 September MATSUOKA invited OHASHI, SHIRATORI and the witness to a luncheon and told them that since Stahmer was shortly expected to arrive in Tokyo he intended to broach the question of the three-power axis. Neither then nor any other time was there any discussion among them on Annex 1 nor any other plan.

34968

When shown exhibit 3145-A the witness identified it as the draft of the three power alliance pact and an annexed document, being an outline prepared by MATSUMOTO.

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- 34970 * In the exhibit he noticed a statement that on the same day Stahmer had told SHIRATORI THAT the German side wished to sign the pact in Berlin. Regarding this, the witness stated that the matter was broached to SHIRATORI informally by Ott and it was not an official communication.
- 34971 * The witness stated that diplomats on the waiting list had no functions, nor responsibilities and just held the status of the rank they held at the time. No diplomat on the waiting list played any part whatsoever in the formulation of national policy nor permitted to see secret documents. They did not even show up at the office.
- 34972 * Asked what steps were taken with regard to a diplomat's status if he had not received an assignment before a certain time, he replied that after three years he was automatically retired. * Actually a diplomat on the waiting list did not work, but when first placed on it was generally given an order to engage in a temporary assignment. The terminology "taimel" was given just for the purpose of giving the salary in full for the first six months.
- 34975 * After six months, his salary would be gradually reduced and he would be automatically retired.

- 34976 Asked if an ambassador or advisor had anything to do with the formulation of foreign policy, he replied that an ambassador in active service when he is tentatively returned home presents his views and opinions with regard to the country to which he was assigned, but an ambassador on the waiting list * ordinarily does not express his opinions, but may be asked them by the foreign minister. The ambassador does not decide foreign policy. An advisor has no fixed functions but there are times when he expresses his opinions to the ministry for foreign affairs. The determination of foreign policy is done by the government.

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Page CROSS-EXAMINATION by Mr. Sandusky.

- 34977 * Asked if SHIRATORI did not have strong views on certain diplomatic questions and expressed them as adviser to the foreign ministry regardless of whether his advice was formally requested, the witness replied that during MATSUOKA's time as minister, SHIRATORI never voluntarily expressed views on important foreign policy, nor was ever asked his views.
- 34978 * The relationship between SHIRATORI and the witness was mainly private, and there was hardly any occasion for them to exchange views on Italian-German questions.

- 34979 Asked if he didn't know that SHIRATORI was widely known as one of the staunchest advocates of an alliance with Germany and Italy, the witness replied he had no grounds upon which to state with certainty that he was a strong advocate of it. Asked if SHIRATORI, on his return from Rome in December 1939 conducted speaking tours and praised collaboration with Germany and Italy, the witness stated that he was not in Japan then and didn't know of his activities. After he became adviser, also he had never heard of such activities. * The witness had read the newspapers, but had never seen any news item in connection with an address by SHIRATORI. The witness knew nothing about SHIRATORI advising MATSUOKA in January 1941, that it would be inopportune then to ask for Germany's recognition of the Wang Ching-wei regime. The witness thought there was no such occasion, because of the relationship * between MATSUOKA and SHIRATORI.
- 34980

- 34981 In regard to the statement in his affidavit that the witness acted as a legal expert on technical aspects of the Tripartite Pact, he explained that MATSUMOTO also was a legal adviser, whose connection began after the negotiations had been completed. * The fact that MATSUMOTO was a director of the treaty bureau made it natural for him to do the work of a legal expert, although MATSUMOTO did have other than legal duties to perform. * These included liaison work with the German Embassy, specifically with such persons as Embassy Councilor Boltze. He conducted liaison whenever there were instructions from the foreign minister. MATSUMOTO actually began to participate in the pact negotiations the latter part of September.
- 34982

- 34983 * The witness was stating with confidence and accuracy his own part in the negotiations for the pact. As to the part played by others, he could not say whether he remembered everything. He did believe his memory was correct when he said SHIRATORI translated the Preamble to the
- 34984 Pact * from Japanese into English. It was true that the witness had previously testified before the Tribunal that the English text was written
- 34985 and proposed personally by MATSUOKA. * In explanation, the witness stated that the proposal presented at the conference among Stahmer, Ctt, and MATSUOKA, was written by MATSUOKA. This was the first proposal.

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Page Later, the treaty began to take form and the first proposal was translated into Japanese by the witness, who showed the translation to SPIRATORI, who translated it back again into English.

34986 An adviser of the foreign office was given Shin-nin rank, which was the highest rank in the official hierarchy. * The foreign minister is of Shin-nin rank as a minister of state, whereas the adviser was given the treatment of Shin-nin rank, and therefore the adviser was subordinate to the minister.

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Page DIRECT EXAMINATION OF UNC, Masuko,
by Mr. Caudle.

34988 * The witness identified and verified exhibit 3590 as her
34990 affidavit. * When shown a document, she identified it as a Contribution
34991 * Accounts Book of the Japan Foreign Affairs Association. When shown
another document, she identified it as a certain page of the Accounts
Book.

34996 * Exhibit 3590, the affidavit of the witness, stated that
after graduation from college, she became a non-regular official of the
Foreign Ministry, and later became regularly employed as secretary of the
Japan Foreign Affairs Association, a private organization with no govern-
ment connection which published an English magazine, "Contemporary Japan",
34997 later becoming editor-in-chief in 1946. * The monthly circulation of the
magazine between 1940 and 1942 varied between 1500 and 2,000, and was
never published in Japanese.

CROSS-EXAMINATION by Mr. Saudusky.

34998 * The witness stated that the magazine was not published for
domestic distribution, but it was directed toward the U. S. There were
few people in Japan who read the magazine, because English was not
thoroughly disseminated throughout the country.

DIRECT EXAMINATION OF MISHIMA, Yasuo,
by Mr. Caudle.

Page

- 35000 * The witness identified and verified exhibit 3592 as his
35001 affidavit. * The affidavit stated that the witness had handled various
positions as a newspaperman, being employed by the Jiji Shimpō until
October, 1942, when he entered the Manchukuo News Agency. At the end
of 1940 he established a special news feature agency on his own account.
He became acquainted with SHIRATORI in 1930, when he was chief of the
35002 information bureau * of the foreign office, and the witness was a staff
member of the Jiji Shimpō. From then on they had remained closest friends.
- 35003 * Early in 1941, SHIRATORI borrowed many works of Japanese
national policy and Shinto mythology, and became deeply absorbed in their
study. He became afflicted with an obstinate insomnia, but in spite of
it continued his study with unabated zeal until about 20 March, when he
was seized with an acute case of nervous debility accompanied with mental
indications of abnormality. He was put under the care of a physician,
Dr. MURAMATSU, vice-president of a psychiatric hospital, and his condition
35004 steadily worsened. MURAMATSU had him enter the hospital * in mid-April
1941. The witness later learned from SHIRATORI that he had completely
lost consciousness between 9 April and 28 April. He left the hospital in
mid-May 1941, and removed in June to a seaside cottage at Hayama, where
he remained convalescing until April 1942. During most of this time he
was strictly prohibited from receiving visitors, or reading periodicals
or newspapers. To the best of the witness' knowledge, SHIRATORI faith-
fully observed this injunction. Because of this, it was unthinkable that
as early as July 1941 SHIRATORI should have had interviews with a foreign
ambassador and engaged in serious conversation on the international
situation. (Exhibits 800 and 1113).
- 35005 About the time of the general election of April 1942, SHIRATORI
was not yet completely recovered, * and had little intercourse with the
outside world. However, one day a number of young men came to his house
and asked his permission to use his name as a candidate in the coming
election. Although SHIRATORI first flatly told them he had no interest
in politics, they finally prevailed upon him to accept on condition that
he would make no speech or public appearance. It was only when rivals
contended SHIRATORI was too ill that friends requested him to make a
speech or two to counter this, and he consented with much reluctance.
35006 * He did address several gatherings, at which he mainly talked about
Shintoism and national polity, dwelling only in passing on current
questions of diplomacy and war.

SHIRATORI was one of the so-called recommended candidates,
but it was a matter arranged between his supporters and the prefectural
branch of the recommending body, and SHIRATORI was not concerned in it.
When elected, SHIRATORI, as a recommended member, almost automatically
became a member of the IRAPS and nominated to the board of directors.

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Page Because of health, he didn't engage in political activities, either as a director or an MFP. In the early summer of 1943 he was relieved of his seat in the Society, and completely withdrew.

35007 * The serious illness with which he was seized in the spring of 1941 markedly changed SHIRATORI's character and outlook, and drew him more deeply into spirituality and religion. He gradually ceased to have anything to do with government and general political circles.

35008 The witness was well-acquainted with the circumstances under which SHIRATORI wrote or made speeches. He contributed articles or delivered lectures only after being urgently requested, and the witness recalled no instance of his doing these things of his own accord. He made the speeches without manuscript, * and as for his articles he seldom wrote them himself. He would generally dictate or talk freely to magazine or newspaper representatives who called on him with stenographers, the records being presented to him for correction before publication. SHIRATORI's writings and lectures had a certain popularity and were sought after because he was considered one of the most outspoken and indiscreet of Japanese bureaucrats and diplomats. After returning from Sweden in 1936, he held no responsible position in the Tokyo government, having been placed on the waiting list. He used to say then that he could give utterance to his own thoughts more freely.

In reply to criticism in some quarters about SHIRATORI's utterances being too outspoken, SHIRATORI told the witness that in these days of dictators, the axiom "strongly in deed, gently in manner" would perhaps have to be reversed. Since Japan did not want war with any country, it might be permissible or even advisable to indulge in outspoken language.

35010 * On further oral examination, the witness stated he did not
35011 know of a newspaper named "Ars", * but did know of the Ars Publishing Company. Asked if he knew the circulation of the magazine "Diamond" in the middle of 1940, he said the general estimate was ten thousand. The circulation of the magazine "Kokumin-Iyoren" (National Review) in 1940 was about 1000 to 1500 monthly; that of the magazine "Dai-Asia-Shugi" (Greater Asia Magazine) in 1940 was about 2,000. The latter was published about ten years before, and after 1940 coming out monthly.

35012 * The "Gendai" had a circulation in mid-1942 between 20,000 and 30,000 monthly.

The audiences to which SHIRATORI spoke ranged from ten odd persons to seven or eight hundred.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS

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- 35013 * Exhibit 3593, the affidavit of MURAMATSU, Tsuneo, stated that the affiant was vice-director of a psychiatric hospital, and a lecturer at Tokyo Imperial. Along with Dr. MIYAKE, the affiant was first asked to
- 35014 examine * SHIRATORI on 12 April 1941. Entries in his pocket diary showed that according to Mrs. SHIRATORI and close friends, SHIRATORI had for a month or two previous to the examination been suffering from sleeplessness and excitability as a result of being too deeply absorbed in religious reading. After April 8 there were indications of mental derangement, and about April 10 he took no food and could not sleep. He later apparently
- 35015 had hallucinations, and was given medical injections. * The affiant and Dr. MIYAKE visited him on April 12, found him mentally in an acute state of manic excitement and in a state of delirium. The diagnosis was manic-depressive psychosis. Arrangements were made for him to go to a psychiatric hospital, where he went on 16 April 1941.
- 35016 On 25 April the affiant was informed that SHIRATORI had recovered consciousness * and he was allowed to leave the hospital on May 10. When the affiant saw him the next day he was still in a state of excitement, and was moreover suffering from beri-beri, and his mental condition was
- 35017 such that he had to take drugs daily. * Judging from the prescriptions which were recorded in the affiant's diary, it was clear that as late as mid-June SHIRATORI's condition necessitated a considerable amount of sedative, and the affiant strictly cautioned against his receiving visits and taxing his mind with international questions, and he was advised to remove to a seaside cottage at Hayama. When the affiant visited him on 13 August, SHIRATORI could hardly be regarded as completely cured, but further visits were thought no longer necessary, the affiant again advising him and family on recuperation for at least six months to a year, refraining
- 35018 from all official work or political activities, * having as little as possible to do with the outside world. He learned from his family that the counsel was faithfully acted upon by SHIRATORI.

The affiant learned that about 23 December, 1941, SHIRATORI had a slight relapse.

Page DIRECT EXAMINATION OF ARIMA, Yoriyasu,
by Mr. Caudle.

35019 * The witness identified and verified exhibit 3594 as his Cabinet /
35020 affidavit. * The affidavit stated that at the time of the second KONOYE /
on 22 August 1940, the witness was nominated a member of the arranging
committee for the New National Structure. On the basis of a committee
report the IRAA was organized, and on its inauguration, 12 October, 1940,
he was nominated a managing director and concurrently secretary-general
and chief of the central section of the central bureau. The witness
resigned on 28 March 1941, when the association was reorganized.

35021 * The arranging committee was composed mainly of representatives
of non-official circles, but the actual work was done by a managing
secretariat. It was disbanded on 17 September 1940. SHIRATORI was one
who was originally invited by KONOYE to form the arranging committee,
but did not take part in the discussions, and was generally absent from
its meetings.

35022 At the inaugural ceremony on 12 October 1940, KONOYE, the
president of the IRAA, said its purpose was simply in fulfilling in a
practical way the duties of Imperial subjects, and he had no program to
offer the Association. * It was conceived as a public association, as
distinguished from a political party, and aimed to organize the entire
nation to discharge their duties as subjects. KONOYE on several
occasions stated that the IRAA was to be distinguished from the one-party
system of totalitarian European countries.

In practice, the business of the IRAA was undertaken by the
managing directors, the secretary-general, and the principal members of
the central bureau staff. There was a central cooperation conference,
consisting of 106 representatives of local branches in prefectures and
cities, as well as fifty from press, finance, science, etc., which was
called in session now and then.

35023 * SHIRATORI was nominated an ordinary (non-managing) director.
The witness didn't recall his ever attending any meetings of the
directorate, or otherwise playing an active part in connection with the
IRAA's activities. His activities were so inconsequential, it was only
when the witness was asked to make a deposition that he remembered that
SHIRATORI was at one time a member of the arranging committee and a
director.

When the witness resigned in the spring of 1941, SHIRATORI was
among those who resigned at that time, and since he was seriously ill
after that he never retracted his resignation, remaining completely out
of the organization.

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CROSS-EXAMINATION By Mr. Sandusky.

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* The witness stated that he had said in his affidavit that the arranging committee was composed of various officials of non-official circles, and representatives came from various walks of life. Asked if SHIRATORI was the only committee member representing the foreign office, he replied that SHIRATORI was not selected as a member of the committee because he was a member of the foreign office.

Page DIRECT EXAMINATION OF SHIRATORI, Toshio
by Mr. Caudle

- 35027 * The accused identified and verified Exhibit 3595 as his affidavit.
- 35028 * The affidavit stated that the accused was born 1887, entered the diplomatic service upon graduation from the Tokyo Imperial University in July, 1914, remaining in that service for twenty-seven years until he resigned as Foreign Office adviser in July, 1941. Except for periods of service attached to Embassies abroad, he was stationed at the Foreign Office in Tokyo as Secretary, Chief of Sections, Director of the Information Bureau * and finally as adviser. None of his positions carried any policy-making authority. All his activities were bound to be along the line of policies adopted by the Government.
- 35029

The period between World War I and the Manchurian Affair of 1931 was characterized by a policy of cooperation with foreign nations, commonly called the SHIDEHARA Diplomacy of Conciliation, of which the accused was a faithful votary. He was present at the Washington and Geneva Naval Conferences, as well as being in the inner circles of the Foreign Office at the London Conferences and was considered a disarmament expert.

- 35030 The Manchurian Incident of 18 September 1931 was a shock to Foreign Office officials. The Government adopted a policy of non-aggravation and * speedy local settlement. At the instruction of the Foreign Minister, the Information Bureau, of which the accused was Chief, did all it could to attempt to mobilize public opinion in favor of a peaceful settlement, but the press did not respond to the Foreign Office appeal. With the press and public opinion ranged on the side of strong policy, the Foreign Minister and his subordinates had a difficult time.

- 35031 Added to the difficulty was the fact that the Manchurian Affair soon ceased to be a mere question of diplomacy, but became an important domestic political issue, and the so-called "weak kneed" policy of SHIDEHARA was utilized by reformist elements. * There was very little the Foreign Office could do to influence the course of events.

The accused was only a Bureau Chief and although foreign correspondents chose to refer to him as Foreign Office spokesman, his main business was nothing more than handing out news items. Statements and declarations of policy concerning foreign affairs were published through the accused's Bureau merely as part of the routine.

- 35032 After three years as Minister to the four Scandanavian countries, he was recalled and placed on the waiting list in 1936. He neither sought nor was offered any new assignment for more than two years. He seldom visited the Foreign Office and had no access to official documents. * He knew only as much as ordinary newspaper readers about the China war.

In August, 1938, Foreign Minister UGAKI asked him to go to Rome as Ambassador. This did not appeal to SHIRATORI The China

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Affair had become an all-absorbing question. The idea of again serving in Europe was repugnant to the accused, however, UGAKI insisted and SHIRATORI said he would think it over. Believing that it was KONOYE who had recommended him to UGAKI, the accused consulted KONOYE, who advised him to accept, if only to qualify himself for the portfolio of Foreign Affairs in the future. KONOYE also told him that unlike Stockholm, he would find something to do in Rome. SHIDEHARA learned from him for the first time that there was talk of a rapprochement between
35033 * Japan and the Axis. He said he was not much enamored of the idea, but that since direct negotiations with Chiang Kai-shek had thus far proved almost useless, some other diplomatic means had to be sought to dispose of the China mess.

It was KONOYE's opinion that a friendly intervention by England and America was desired, but nothing short of a possible alignment of Japan with the Axis would cause them to modify their anti-Japanese attitude. SHIRATORI concluded that it was not so much the rapprochement with Germany and Italy that KONOYE really desired, as the effect this gesture would have on England and America in regard to their Far Eastern policy. The accused felt he could agree in principle to KONOYE's foreign policy, and finally decided to accept.

Neither UGAKI nor his successor AHITA mentioned the proposed Axis treaty or gave instructions concerning this matter before SHIDEHARA left Tokyo. The question seemed still nebulous with no definite decision. * There was little documentary information in the Foreign Office, and high officials were entirely in the dark about it.
35034

Besides this talk with KONOYE, the accused did not discuss it with anyone in responsible position. It was not correct to say, as the Prosecution contended (Exhibit 498) that the accused was appointed to Rome for the specific purpose of negotiating an alliance. Installed as Ambassador in September, 1938, he did not leave for his post until late November, and arrived in Rome on 29 December 1938, still without special instructions about the proposed treaty. Soon after this, he learned of KONOYE's resignation. As to his successor HIRANUMA, the accused did not remember ever meeting him, and had no knowledge about his diplomatic views.

* The Ciano diary entry (Exhibit 499-A) to the effect that SHIRATORI told the Italian Government that the new Premier was openly in favor of the alliance was not true. * SHIRATORI first called on Ciano on 31 December 1938 to arrange for presentation of his letters of credit and requested that he be permitted to pay his respects to Mussolini. No political questions were discussed. He next saw Ciano on 6 January when he presented SHIRATORI to Mussolini. As the accused had no instructions and was not yet qualified to act as Ambassador as his credentials had not been presented, he was embarrassed at the unexpectedly early meeting with Mussolini, and decided that the safest thing to do was listen and let Mussolini do the talking, which he did.
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Page The Ciano diary entry for 7 January 1939 seemed to attribute to the
 35037 accused some of the things said by Mussolini. Nothing warranted the
 statement * in Exhibit 499-A that SHIRATORI was greatly in favor of
 the alliance which he regarded as a weapon to force Britain to con-
 cede "the many things she owed to us all." This phrase reminded
 him of Mussolini's attitude toward Britain.

Mussolini seemed to be laboring under the mistaken idea that
 as far as Germany and Japan were concerned, there was complete agree-
 ment and that it was only Italy's indecision that had been retarding
 the Tri-Partite arrangement. He said Italy now wanted a speedy con-
 clusion of the proposed treaty and saw no reason why it should not
 be done within a few weeks.

Knowing there was no definite decision reached in Tokyo, the
 accused did his best to discourage Mussolini from taking too much for
 granted concerning Japan. That being the case, he could not possibly
 have assumed the forward attitude ascribed to him by Ciano.

35038 * In a later diary entry (Exhibit 501) Ciano stated that
 SHIRATORI advised him not to accept the Japanese counter-proposal.
 That was an unkind interpretation, for his words were merely to the
 effect that he was afraid the counter proposal would be unacceptable
 but he did not have to take it as the final word. As to Ciano's
 statement that SHIRATORI told him of his intention to resign in
 order to force the Cabinet to retire (Exhibit 501), the accused had
 no recollection of this but it was ridiculous on its face, for the
 resignation of an ambassador after so short a time in office, and
 of one who had no political backing, could hardly have affected
 the life of a cabinet, or altered the foreign policy. Apparently
 Ciano received some such report from Tokyo where there were baseless
 rumors about the Tri-partite negotiations.

35039 The basic idea that influenced SHIRATORI during the course
 of negotiations was that which was impressed on him, as mentioned,
 by KONOYE. * Regardless of whether the negotiations were to succeed,
 the accused considered it of first importance that the fact that
 such conferences were going on should become known to the world,
 especially America and England. He was, therefore, on occasion,
 intentionally outspoken or indiscreet in his press interviews,
 even assuming an optimistic air when the successful conclusion
 of the negotiations seemed more than doubtful. This accounted in
 part for his reputation as a staunch advocate of the Axis Pact out
 of all proportion to his actual role.

He also felt that although HIRANUMA had replaced KONOYE, it
 was not impossible that the Government was acting on a similar
 principle. Ostensibly the discussions were to be conducted in the
 strictest secrecy, but press reports from Tokyo show that free
 publicity was being given the matter and in fact, they learned much
 more from unofficial sources concerning what was going on in Tokyo.

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* The Prosecution contended that the accused, contrary to instructions, advocated an all-out military alliance without reservations (Exhibit 501), but this was not true. The text of the drafted treaty accepted by all three nations at an early stage was a weak and harmless document, more like a treaty of mutual consultation and assistance. The accused never imagined such a pact would drag Japan against her will into a war of Germany's or Italy's making; nor did he think it would stand in the way of Japan concluding separate arrangements with England and America concerning China and the Far East. The existence of such a pact was, in his opinion, calculated to serve as a lever in moving Anglo-Saxon countries to reconsider their Far Eastern policy, thereby making it possible for Japan to wind up the China Incident speedily.

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As to the charge that he acted contrary to instructions, there was no such instance. It was true he disagreed with his country * in regard to the secondary matter of reservations to be attached to the text, but this belonged to the proper functions of an Ambassador.

That the proposed treaty was to be primarily directed to the Soviet was settled policy, and there was no opposition to it. This point seemed to be sufficiently clear to Germany and Italy, and the draft preamble (Exhibit 2619) left no room for doubt as to this. Not only did the text of the draft explicitly limit the obligation of military assistance to cases in which wanton attacks were made on the contracting parties, but the Japanese reservations in regard to England and France were largely accepted by Germany, the only point of difference was whether they were to be written or oral. This appeared such a trivial matter that SHIRATORI could not understand why the point was contested so stubbornly.

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* As far as Germany was concerned, her Non-Aggression Pact with Soviet Russia seemed a sufficient explanation of this. No doubt Germany made full use of the proposed alliance in their diplomatic maneuvers in Moscow where they scored a temporary success by winning the Soviets to their side. The statesmen in Tokyo, however, apparently took the matter too seriously to think of a similar use being made of Axis negotiations in their approach to the United States and Britain.

35043

About February or March, the accused wired his Government that a rapprochement between the Soviets and Germany was quite possible, but this was entirely disregarded. In April, 1939 von Ribbentrop intimated that if Japan hesitated too long Germany might be driven to approach Russia, but Japan took it for sheer bluff. SHIRATORI, however, thought this possibility was always there and urged his * Government not to attach too much importance to their formula of reservations, as the stipulations in the text gave ample guaranty against involvement in an aggressive war in Europe, which was extremely unlikely to be started by England or France.

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He considered it of the utmost importance for Japan to avoid complete diplomatic isolation which would render all the more precarious the chances for early settlement by diplomacy of the China Affair. Unless there was a fair prospect of a satisfactory agreement with the Anglo-Saxon countries in the meantime, conclusion of the Axis Pact seemed almost the only way of preventing such an eventuality.

35044

* When the worst came and the Non-Aggression Pact between Germany and Russia was concluded, he saw no sense in staying in Europe and his request for recall was granted.

Prosecution cited a telegram between the German Ambassador in Rome (Exhibit 2232) in which SHIRATORI was represented as assuring him of his continued efforts for the sake of German-Japanese friendship, but could SHIRATORI have answered otherwise to a diplomatic colleague who had expressed his concern about his sudden recall? According to this exhibit, the accused was reported as stating he would particularly welcome an opportunity to have a detailed talk with Ribbentrop on his homeward trip. He could not understand how this could have been said, because it was Mr. Mackensen who told SHIRATORI he had been instructed by Ribbentrop to ask if the accused would return by way of Berlin. If SHIRATORI had really wanted to see Ribbentrop, * he could have easily done so without consulting Mackensen.

35045

The statement in the same exhibit that SHIRATORI advised OSHIMA not to execute the Tokyo instructions to lodge a protest over the Non-Aggression Pact required explanation. SHIRATORI had suggested to ARITA that the protest should be presented by ARITA to Ott for transmission to Berlin, for SHIRATORI thought it would be cruel to make OSHIMA "drink boiling water" in addition to his chagrin at the rapprochement. Therefore, SHIRATORI telephoned OSHIMA to suggest that he wait until Tokyo was further heard from. Besides this talk, there was no communication between the Embassy at Berlin and SHIRATORI concerning this situation.

35046

SHIRATORI's name was mentioned in Exhibit 507, but he promised no one that he would cooperate with the German Embassy in Tokyo along the line indicated there. Whatever his activities after returning from Europe, they were entirely of his own accord * and had no connection with the German or Italian Embassies in Tokyo.

In some lectures and interviews he tried to show that despite the Non-Aggression Pact, there was a possibility for Japan to enter into agreement with Germany and Italy together with the Soviet. Being relieved of his assignment and placed on the waiting list, he was at liberty to say things which would not necessarily please the Government. He had to vindicate himself against the criticisms poured on him for what he failed to do in Rome, but his main motive was to contribute toward the speedy termination of the China war. To have the Democracies alter their attitude toward Japan, he thought it would be more effective to remind them that Japan's isolation was not nearly so complete as appeared on the surface. The advocacy of such views could

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not have hampered the efforts of the Government, but ought * to have helped them.

The sudden flaring up of public opinion in favor of the Axis in the summer of 1940 was solely due to the success of the German army on the Western Front and not to the activities of any individual or group.

The YONAI Cabinet was succeeded by the second KONOYE Cabinet in July, 1940. As an Ambassador on the waiting list without political connections, the accused had no knowledge about the circumstances attending this Cabinet change. It was believed there would be a reorientation of diplomatic policy during the new ministry. Having seen very little of KONOYE, he had no idea as to what he was contemplating.

35048 * When MATSUOKA became Foreign Minister, he told SHIRATORI that he intended to effect a wholesale dismissal of senior diplomats and suggested that SHIRATORI show the way by resigning the position of Ambassador, offering in compensation the advisorship in the Foreign Office. He told the accused it was KONOYE's desire that his services be retained for the Foreign Office as Vice Minister, but that he had another man in mind. Not desiring to lend color to the gossip that SHIRATORI had been piqued at KONOYE's choice of members of his official family, the accused accepted MATSUOKA's offer without hesitation. By common, though tacit, consent, his position was to be a sinecure, and he was never consulted on policy. Moreover, important documents and information were kept from him, including Exhibit 541, which contained the basic policy regarding the Tri-Partite Pact.

35049 * It might have been supposed that his appointment was part of a program for the forthcoming rapprochement with the Axis Powers, but MATSUOKA seemed determined that no one should share with him either the blame or the credit for the new diplomatic venture. In the negotiations with Stahmer and Ott for the Tri-Partite Pact he was particularly secretive. He made a point of distinguishing this pact from the abortive attempt of 1938-39 and refused to consult anyone who had anything to do with the previous negotiations, and SHIRATORI refrained from butting in at any stage of the affair. He had been adviser for one month prior to the conclusion of the pact, and when he was first allowed to see the draft text of the treaty, it was in finished form in the English language. He was never told by MATSUOKA as to the real meaning of several articles of the pact, nor did he learn if there was any secret understanding. Until they were read in evidence before the Tribunal, he was entirely ignorant of the * existence of many annexes and exchanged notes concerning the Pact.

35050

It was true that after the treaty was concluded SHIRATORI was interviewed by the Asahi Shimbun (Exhibit 2234) and that he wrote a few articles on the subject (Exhibit 557-A), but these were only his personal interpretation and not based on official information.

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Page He was not conscious of putting forth any special efforts to unite the nation behind the pact. So unanimous was the acclamation accorded the pact that such efforts would have been superfluous. In MATSUOKA's other diplomatic moves, the accused was even less concerned.

35051 Toward the end of March, 1931, soon after MATSUOKA left for Europe, the accused became seriously ill and was unfit for any activities for almost twelve months during the most critical period. * Since then he did not put in an appearance in the Foreign Office, not had he seen MATSUOKA again until they were imprisoned together. The Prosecution's charge that he with MATSUOKA advocated in July, 1941 Japan's participation in the German-Soviet war, is entirely without foundation. After he returned home from the hospital in May, 1941, he lived a secluded life and never received visitors except a few personal friends.

35052 It was true that Ott called on him in July, 1941. The visit was a surprise and quite informal. The accused was in a weakened condition and does not have a clear recollection of the interview, but it could not have been such as Ott's cable to Berlin suggested. As to the other interview with Ott (Exhibit 608), he could not recall it at all. * Furthermore, the accused had a slight relapse in December, 1941 and was out of touch with the outside world.

These exhibits show the general character of Ott's reports, and the testimony, moreover, of Ott himself in the affidavit submitted in the accused's defense, make unnecessary his efforts to refute these telegrams. SHIRATORI never occupied positions of responsibility in the Government during Ott's sojourn in Japan, nor could there have been any question of official contact between them. Even privately there were not on especially friendly terms, and they only saw each other on social occasions.

35053 * The accused denies emphatically that he furnished Ott with important secrets. Much of Ott's information, the accused has been informed, came from KONOYE's confidential secretary, OZAKI, who was an associate of Serge, who was a Russian spy who had worked himself into the confidence of Ott. It seemed that SHIRATORI's name was used merely to give credit to this sort of information.

In April, 1942, the accused was elected to the Diet. As a recommended member, he almost automatically became a member of the I.R.A.P.S. and was nominated an ordinary director of that society. Since his health was not normal and internal politics were new to him, he played no role in Parliament. He was soon relieved of his seat on the I.R.A.P.S. and resigned from the Society in 1943. He seldom attended the Diet sessions and did not serve on any of the Parliamentary Committees.

35054 SHIRATORI's connections with the Government ended when he resigned as Foreign Office Advisor in July, 1941 and he never held another official position until the end of the war. He had scarcely any friends * in the Government or in the Army or Navy, nor any source of information. He was perfectly free and independent, with no brief for any group or organization.

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The accused stated on further oral examination that he never received any direct communications from the then War Minister ITAGAKI during his tenure of office as Japanese Ambassador to Italy.

Page CROSS-EXAMINATION by Mr. Sandusky.

35055 * The accused stated his present state of health permitted
him to understand the prosecutor's questions. He was stationed at Washing-
35056 ton about four and one-half years, * spoke and read English. He took
the examination for the diplomatic service one year prior to graduation
from Tokyo Imperial, and successfully passed it.

35057 Reference was made to the affidavit where it was stated that
between World War I and the Manchurian Affair, Japan pursued a policy of
peace and cooperation with foreign nations, * and afterwards there was a
departure from such policy. Regarding this, the accused explained that
there was no desire by Japan to depart from this policy, but Japan's
reputation in the world became unfavorable and cooperation did not progress.
The accused loyally and faithfully observed Foreign Minister SHIDEHARA's
policy, and since SHIDEHARA neither considered the Manchurian Incident an
act of aggression nor opposed it, the accused could not say that he
himself opposed it.

35058 The WAKATSUKI Cabinet resigned for internal reasons, and
SHIDEHARA also resigned. Before doing so, * SHIRATORI heard from
SHIDEHARA that so far as diplomacy was concerned, there was no need to
quit. SHIDEHARA did not consider that diplomatic relations as they
pertained to the Incident had become difficult. Asked if he therefore
felt free to continue on in the Foreign Office, he replied that he was
then nothing more than a bureau director, and there was no relation
between the minister's resignation and the position of a bureau chief.

Where he said in his affidavit that he was admitted into the
"inner council" of the foreign office in 1929, he was referring to a
conference attended by the minister, vice-minister and the director
concerned. He meant to say he was permitted to attend the meeting as
information bureau director.

35059 * Asked if it was true that as bureau chief he was the one who
explained to the press and through them to the world Japan's foreign
policy, he replied that he undertook to amplify and explain the policy
already decided on, and within the scope of that policy, policies newly
announced were released by his department.

Page DIRECT EXAMINATION by Mr. Okamoto,
Counsel for MINAMI.

35062 * The accused stated that just prior to and following the Manchurian Incident, the foreign office received reports from its consuls in Manchuria and China. Asked if such information was transmitted to other agencies, such as the war ministry or general staff, he replied that this was not the work of the information bureau, but it had been the long established custom in the foreign office that the telegraphic section should send telegrams concerning other ministries to them.

35063 * Asked if there were any occasions when the foreign minister himself directly transmitted such telegrams to the war minister or handed it to him, he replied it was possible that the foreign minister should give information to another in cabinet meetings, but the minister did not send out reports. Asked if it was the custom to transmit all reports received from abroad to the war ministry, he replied it depended. He believed that the number of documents communicated to other ministries was about half the total received.

35064 Asked if information which would be critical of the Kwantung Army would be transmitted to the War Ministry, he replied it was difficult to say as a matter of principle, as it all depended on the vice-minister's discretion. * The minister did not directly concern himself in such matters. He thought that messages transmitted to the war ministry were addressed to the vice-minister.

CROSS-EXAMINATION by Mr. Sandusky (continued)

35065 Asked if he himself wrote or finally approved all foreign office statements given to the press, he replied that the information board handled the actual business of releasing the communiques, but as to the contents, they were prepared by other bureaus. * From various related documents and telegrams from abroad, the accused had information, and by giving explanations to the press based on it was able to interpret and explain policy. To that extent he was in a position to interpret the announced policy. Asked if that put him in position to twist facts if he desired to achieve a particular effect, he replied he supposed he could have if he had wanted to, but as a civil servant he had a conscience regarding this, and had no recollection of twisting matters. * He recalled no occasions in which he was obliged to make his conscience subserve his duties as a civil servant.

35066 To the accused were read certain questions and answers from his interrogation. In his interrogation he had been asked if from 1931 on he was considered a friend of the military clique that was aggressive in Manchuria and China, and he had answered that he was not a friend, but being Japanese had to try to cast as plausible and bright a surface as possible on the things they had done.

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- 35067 * When he had been asked if what he had done was to try to cover up and pacify the public and make them pleased with what the military clique had done, he replied not so much the inside public but the outside world. In regard to the above questions and answers, the accused stated that he recalled they were along that line.
- 35068 * All official statements of the foreign office were not alone made with the approval of the minister, but were made on his instructions. Asked if his position required him to be extremely well informed on policy matters, he replied that on individual problems the bureau director concerned would know more than the information bureau, but since the latter bureau read all communiques the range of their information was far wider than of a bureau director. This position required practically
- 35069 daily contact with the foreign minister. * Asked if by reason of this position he also maintained close contact with KONOYE, KIDO, and others, who shaped government policy during this period, he replied that at the time of the outbreak of the Manchurian Incident he met KONOYE and KIDO two or three times, but then they were not deciding policy. He had not maintained frequent contact with the men mentioned. At the time he had no interest regarding domestic politics, and their conversation hardly ever touched that topic.
- 35070 * He had no recollection about 4 April 1932, being invited to dine and discuss with HARADA and KONOYE as to whether HIRANUMA or SAITO should be the next premier. Reference was made to the affidavit where it was stated that although foreign correspondents referred to him as the spokesman of the foreign office, his main business was only handing out news items. Asked if he meant that he was no more than a press copy boy for the minister, he replied he did not intend to represent himself in such an inferior light. In foreign nations the president or secretary of state is often referred to as a spokesman. In Japan it was the chief of the information board. He was never so referred to in Japan. Asked if he was suggesting that the press grossly exaggerated his importance, he replied it may be that since foreign correspondents had few opportunities to see any official other than the chief of the information board the
- 35070 position might have seemed * rather important to them. However, the position was not as important as they supposed.
- Asked if at that time it was necessary for him to keep in close contact with the military, he replied that they possessed quite a considerable amount of information regarding army activities, and there was no especial necessity to associate with army officers. Liaison with the army was carried on during the Manchurian Incident by the chief of the Asiatic Affairs Bureau. The accused received information from the competent bureau chief, and when he thought it necessary gave it to the press.

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The accused was read certain questions and answers from his * interrogation. When he had been asked if right after the Manchurian Incident he believed that he had gained favor with the army by his speaking and writing, he replied that he was in favor of the army. His connection with the army began when YOSHIKAWA said he could not do anything with the army head and wanted younger men to go to the army's younger men and find their real intentions. Foreign Minister YOSHIKAWA saw it was quite impossible to insist upon his own policy, apart from the army, and knew he had to compromise. SHIRATORI was made to go with other young officers in the foreign office to become a liaison instrument. This began his connection with the military. Ever since * SHIRATORI's name became known to the people generally as pro-military the young officers in the war ministry came to the foreign office at the beginning of the Manchurian Affair almost every other day. They came to Director of Asiatic Affairs TANI's office, and the accused as head of the information bureau attended those conferences often.

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When he had been asked if it was discussed what the army intended to do about the expansion in Manchuria and later in China, he had replied that the army did not let them know very well what they intended, but they wanted to know how to fight the Geneva matter and answer America and those things especially concerned with diplomacy. Asked if those questions and answers were as read to him, * he had replied that it seemed involved because the English he used at the time was not good enough. The passage relating to YOSHIKAWA seemed quite incorrect. He did not know now what he had exactly said, but he had the impression that the contents were vague and incoherent. * He did recollect that the prosecutor asked him at the time about people saying he was pro-military, and he did make an explanation in reply.

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In his affidavit he had referred to the birth of Manchukuo with its "Utopian" program. Asked if he considered at that time it to be "Utopian", he replied it was in the early stages and the various views regarding Manchukuo were idealistic. * The accused agreed with the program in Manchukuo in part, and approved of it in part. He had stated that the press did not respond to the appeal of the information bureau for mobilization of opinion for peaceful adjustment. This appeal was to cooperate with the foreign office policy. Asked if he instituted a policy to keep statements to the press free from inflammatory tone, he replied that Japanese newspapers were not as obedient as is generally thought and disliked outside interference. Therefore he made no such request.

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Asked if he issued any releases critical of the Manchurian Incident, he replied that some telegrams were received which it would not be to Japan's advantage to publish abroad. * It was his policy to give both good and bad news to both the domestic and foreign press, and there were times when he did so to the extent that he was reprimanded.

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He didn't recall Ambassador Grew protesting his distortion of news which led to inflammatory press articles, but did remember that any time an article unfavorable to the U. S. appeared in the Japanese press the U. S. Embassy thought they were inspired by the information bureau. This was because their realization of the actual position of the Japanese press was insufficient. Asked if the press added anything to the information he gave them, he replied that even if no new facts were added, an entirely different construction could be given on the same press release.

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* Asked if it was not true that SHIRATORI wanted to remove him from his post because he took action independently of his superiors, he admitted that as an official he might have been rather indiscreet and SHIRATORI might have thought so too, but he never thought SHIRATORI was so dissatisfied that he wanted to remove him. * The accused had no remembrance of opposing the policy of SHIRATORI's successor, YOSHIKAWA.

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Asked if he did not, about 21 February, 1932, ask KONCIE to influence the premier to dismiss YOSHIKAWA, he replied that the premier then was INUKAI and YOSHIKAWA was his son-in-law, and it was hardly possible that INUKAI would be urged to do this. KONCIE at that time was not in a position to exert such influence. * The accused never felt dissatisfaction toward YOSHIKAWA, and didn't think he did what had been suggested.

35081

It was not true that by May of 1932 he was widely known as an advocate of Japan's withdrawal from the League of Nations. The accused was asked if in May 1932, he told HARADA that Japan was unable to stay in the League after the Manchurian Incident, and Japan wanted the understanding of the big powers, but it was not necessary to remain in the League. * It was unreasonable for small European nations to try to restrain Japan, which could take an independent stand if she negotiated directly with England, France, and the U. S. Concerning these purported statements to HARADA, the accused stated he had never said them.

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Asked if in October 1932 he was appointed a member of a committee entitled "Committee for Drafting the Protest to the Lytton Report", he replied that no such committee was ever created for this, but he did take part in drafting the reply to the Lytton report. Vice-Minister ARITA, Chief of the Asiatic Bureau TANI, Chief of the First Section of that bureau MORISHIMA, and the accused did take part in drafting the reply, but there was no special committee. * The protest to the Lytton Committee was a detailed justification of Japan's action in Manchuria.

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Asked if in September 1932, he considered War Minister ARAKI a fellow faithful votary of SHIMIZU's conciliation diplomacy, he replied that when he referred to himself as a votary of this policy he was speaking of himself as a foreign office official, and did not intend to include high government officials. He believed ARAKI did agree with that policy, but could hardly say he agreed with it entirely.

Page In September, 1932, he did not suggest to HARADA that ARAKI be
35084 made premier. He did not argue for ARAKI's appointment on the grounds
that the Japanese exchange rate was dropping because she did not have a
strong government; and the best policy would be to have ARAKI representing
the militarists become premier and proceed on an unwavering program for
five or six years. The accused never harbored such thoughts.

35085 He considered his release from the post as chief of the information
bureau a routine promotion, and was never told it was changed at the
request of various ministers and ambassadors. He did not attempt to bargain
with Foreign Minister UCHIDA concerning the transfer. Asked if he said he
would accept a post as minister abroad if Vice-Minister ARITA were sent out
of the foreign office, he replied that there may have been rumors then that
he and ARITA had quarreled, but this was not true. * Asked if when ARITA
refused to go to England and resigned instead if the accused did not
consent to go abroad as minister if the foreign office policy is not
changed, he replied it was out of the question for bureau chiefs or
ministers to make such demands, and he had never done it.

35086 Asked if he became minister to Scandinavia within a month or two
of Hitler's domination of Germany, he replied he did not know when Hitler
seized power, but he became minister to Scandinavia in June 1933. During
his three years in Scandinavia he went to Berlin four or five times, but
didn't recall whether it was during this time that the anti-Comintern Pact
was being negotiated. The only time he met OSHIMA was at banquets, and
* he didn't recall discussing the anti-Comintern Pact with him. He never
met Hitler or Ribbentrop during these visits.

35087 Asked if he was widely accredited in Japan as one of the framers
of the anti-Comintern Pact, he replied he didn't think it was reported
that he was connected with the conclusion of the Pact. An American
journalist named Wilfrid Fleisher was one of the correspondents he knew
best while in the information bureau. Asked if he recalled discussing
the anti-Comintern Pact with Fleisher after returning from Sweden, he
replied he had forgotten whether Fleisher was in Tokyo when he had returned
and had forgotten whether he had discussed such matters with him. Asked
* if when Fleisher asked him what part he had played in the negotiations
he had replied that he was a "second-line soldier", the accused replied
he had never said such a thing.

35088 When he said in his affidavit that he knew no more about the
China War than an ordinary newspaper reader, he meant by that that he had
nothing to do with the China Incident. He had received on 29 April 1940,
the decoration of the Double Rays of the Rising Sun for his services in
the China Affair. All in government service then received such decorations,
and since he had been an ambassador * and adviser he thought that was
what he received it for.

Page asked if he was in favor or against the China Affair, he replied he wanted it settled as quickly as possible, but as to whether he was for or against it, since it had already begun he didn't think he could use either expression appropriately. Asked if he ever did anything in a positive way to object to continued military action in China, he replied that actually the Incident was a war, and since Japanese could not openly oppose it they could at least hope for its quick settlement and work for that end, and that was what he hoped.

35089 Reference was made to the affidavit where it was stated that SHIRATORI was reluctant to go to Italy as ambassador, and * at first declined. Asked if in view of the increased relations between Japan and Italy this was a definite promotion, he replied it was a natural promotion. The reason he had declined was that he wanted to remain in Japan and work for the settlement of the China Incident. Asked if the connections between Italy and Japan had not become quite close, he replied that Italy had joined the anti-Comintern Pact, but the Japanese considered Italy quite remote and unrelated to them. He did not believe that it would necessarily follow that the withdrawal of Germany and Italy from the League of Nations cemented the bond a little more closely.

35090 * He thought that in March, 1938, Italy sent a goodwill mission to Japan, and three months later an Italian Economic Mission arrived in Tokyo. Asked if in spite of the attractiveness of the Ambassadorship to Italy he continued to refuse it until he was told of a possibility of a treaty strengthening the three power alliance, he replied that he accepted because he could see that even from Italy he would be able to contribute to solving the China Affair. * He did go to Italy because he learned of the possibility of negotiating an alliance with Italy and Germany.

35092 * It was true that when the possibility of concluding such a treaty was defeated for the time being by the Russo-German pact, he immediately requested his recall to Tokyo. Asked if immediately on his return to Tokyo in October 1939, he issued a statement in favor of the old alliance policy even though negotiations had fallen through, he replied he didn't take any formal action such as issuing a statement, but did talk to newspaper reporters to that effect. He didn't recall apologizing to the press for the German action in concluding the pact with Russia. * At that time there may have been considerable enmity toward Germany for concluding the pact.

35093 Reference was made to the affidavit where it was stated that he didn't discuss the alliance with Foreign Minister UGAKI or his successor ARITA. Asked if it was not true that KONOYE was foreign minister for about one month before ARITA took office, he replied that that was so in form, but actually it amounted to there being no foreign minister for about one month after UGAKI's resignation.

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When the accused asked KCNCYE's advice on assuming the ambassadorship, he did discuss the alliance, but on no other occasion. Asked if his reason for discussing the alliance with UGAKI or ARITA was that he knew their views on the alliance did not coincide with his own, he replied that he did not consider them to be different.

35094 * Reference was made to the affidavit where he stated that high officials in the foreign ministry were left entirely in the dark about negotiations. Regarding this, the problem was not still officially taken up by the government, and the foreign minister did not tell the vice-minister and subordinates about it. He believed the related documents were in the hands of KCNCYE, who had copies of reports submitted to the army by Military Attache OSHIMA. * The original proposal regarding the alliance came from military channels.

35095 He first became acquainted with Ctt at an Italian Embassy luncheon prior to departing for Rome, and he didn't recall having any special conversations with him. * It was not true that Ctt used SHIRATORI's good offices to influence KCNCYE to come out with a more open expression of solidarity with Germany in the European crisis over the Czechoslovakian situation. * He did not hear that KCNCYE, on 1 October 1938, sent a telegram to Hitler on the success of his dismembering Czechoslovakia.

35096 The accused didn't think that he himself had been advocating for some time previous to August, 1938, a closer alignment with the Axis. He didn't recall saying to HARADA about 4 January, 1937, that he wanted an alliance with Germany to check Russia. In his letter to ARITA he had stated that there was no special necessity of reaching any understanding because Japan and Germany were in the same position.

35097 Asked if the stern attitude of England and the U. S. toward the Japanese advance in China led him later in 1937 to conclude that the democracies were the main obstacle to the realization of Japan's continental policy, he replied * that the contrary was true. It was his contention that if Japan's continental policy was to be pressed through to success and understood, the cooperation of the U. S. and Britain was essential.

35098 He didn't recall writing an article in "Contemporary Japan" in March 1938, that Germany, Italy, and Japan would enlarge the scope of the Pact so it would be directed also against the democracies if they continued to obstruct the "have-not" nations. When shown a document, he identified it as a collection of speeches and articles by himself entitled "The Age of War". This collection was handled by MISHIMA, the witness who had appeared for him, * and he gave it to MISHIMA at his request.

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He thought the book actually was published in the spring of 1941. On one page there was an article entitled "Fascism vs Popular Fronts", and in it was an article which was reprinted from the March 1938 issue of "Contemporary Japan".

35100 * Exhibit 3596-A, an excerpt from the book "The Age of War", was received in evidence.

35101 * Asked if before he went to Rome he wrote in October, 1937, an article in which he heralded totalitarianism as the future dominant political philosophy, he replied he didn't recall, but may have. When handed a document, he conceded that in it was an article entitled "The Fundamental Significance of our Continental Policy", and that it was a reprint from the October 1937 issue of the magazine "Kaizo".

35102 * In Exhibit 3596-B, a further excerpt from the book, "The Age of War," SHIRATORI stated that with the outbreak of the Manchurian Incident there arose a new spiritual movement in Japan, agitating national thought and leading to untoward incidents. This movement was closely bound up with Japan's military campaign in Asia. The followers of the movement were regarded as being inclined to fascism. Whether they were or not, their ideas had something in common with the new political philosophy of Germany in that they believed in totalitarianism and denounced Communism, democracy and other materialistic ideologies. *

35103 The difference was that the movement in Japan emphasized the unique national character and refused to follow European and American ways. In political theory and practice, liberalism and democracy based on individualism were becoming outworn and the new trend of nationalism and racialism seemed to be destined to continue developing, and tomorrow's political philosophy would probably be exclusively totalitarian. The new age was dawning and SHIRATORI saw no reason why Japanese thinkers should cling to outworn thought. It was not a creditable matter that there was no marked progress in the people's thought to keep pace with their continental policy.

35104 * Criticism of democratic countries against totalitarian states originated not so much in political philosophy as in the fact that the latter were "have-nots" and were compelled to adopt expansionist policies. Therefore, general condemnation of totalitarian states was not just. Future peace did not depend, as Roosevelt said, on the growth and diffusion of democracy, but rather on how well democracies understood fascism and totalitarianism. Japan, Germany and Italy had concluded an Anti-Comintern Pact with the sole aim of common defense against the Comintern. It was only by chance that the three powers *

35105 without natural resources were obliged to seize every opportunity to expand. It was understandable that this should cause apprehension on the part of the "have" nations, but it was difficult to understand that democracies, despite the absence of any threat of attack, should place a false construction on the intentions of the "have-nots" and attempt to check their activities.

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35106 * The accused was asked if within six months he did not go further in another article and argue that totalitarianism was identical with Japan's national policy, and he stated that the two essays referred to refreshed his memory. In those days his interpretation of totalitarianism was different from that ordinarily given in the West and he regarded it as being close to Japanese fundamental character. He did not recall writing another article identifying totalitarianism with Japan's national policy.

35107 * An excerpt was read from Exhibit 359C-A, in which he stated that in Japan the tide had turned against liberalism and democracy. Those who saw in Parliament the real center of power had been rejected and the country was becoming totalitarian, and this had been the fundamental policy of Japan's national life for thirty centuries. Government was a necessary evil and its ideal should be anarchy. According to totalitarianism philosophy, a nation was a tree with branches carrying out their own functions, unable to live apart from the whole. Japan has had no other principle since the beginning of her history, * and this principle was to the Japanese eternal and immutable.

35108 * The accused stated that he had no recollection of going to Rome prepared and determined to promote a treaty to serve as a basis for joint aims. Reference was made to his affidavit where he stated that he was not appointed to Rome to negotiate an alliance, and he was asked if he meant to deny that his personal reason for going there was to work for it. In reply he stated that this was the intention of KONOYE and himself at the time.

35109 * Aside from the question of whether * such a pact could be concluded, the fact of Japan on one hand and Germany and Italy on the other being brought into close relationship, might cause the U.S. and Britain to reconsider their position and force them to take a more favorable attitude, and perhaps act as mediator in the China affair. He did not go to Rome to get a military alliance.

35110 * In his affidavit he stated that the text of the treaty at an early stage was weak and harmless, * and he was asked if he meant that this was the type of agreement he personally wanted.

35111 * He replied he did not go to Italy to bring about a specific form of treaty. The draft agreed on was the type which he himself desired, but he did not intend to advocate a specific form. His desire was that it would be satisfactory if a treaty could be concluded along the lines already proposed by Japan, stating on one hand the desire to conclude a treaty, but on the other to advance

35112 * reservations. A treaty was, in his estimate, a disgrace on Japan's part.

The accused stated that he knew that Japan was going to make terms with Britain on the basis of concessions offered in the Tientsin affair. He thought the matter was brought up in 1939

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35113 after negotiations were underway * between Japan, Germany and Italy.

Asked if he meant that he opposed or encouraged ARITA to pursue the possibility for peaceful negotiations, he replied that it was ARITA's duty to bring about a rapprochement between Japan, the U. S. and Great Britain, and it was SHIRATORI's task to facilitate an alliance between Japan, Germany and Italy. Although it appeared that these were two opposite movements, he believed the work he was doing facilitated ARITA's work, and he prayed for ARITA's success.

35114 * He did not recall sending two cables in early 1939 in connection with this matter. When it was suggested to him that they were sent to the Foreign Minister when word came to the accused of anti-British feeling after the Tientsin Incident, he replied that he was quite sure such information had been received, but did not recall sending telegrams about it.

35115 From Exhibit 2234, one of the telegrams referred to, it was stated that in order to establish a new order in China, they must first drive out the old order represented by Britain, therefore, he believed Japan should conclude a treaty with Germany and Italy in opposition to Britain and France. After being read this telegram,

35116 the accused stated he did not recall having sent it. * He had never thought that the main purpose of the alliance was to intimidate the U.S. from making any movement in Europe or the Far East, nor did he recall anyone saying such a thing.

Asked what the reservations and disagreements were between himself and his Government in regard to the treaty, he replied he thought they were, first, that in case an attack was made by Britain and France, Japan would not be able to give substantial aid; and second, that in concluding the treaty, Japan would like to explain to Britain and France that the pact aimed only at the U.S.S.R.. The point of disagreement was that Japan to the last insisted that the reservations be written, whereas, Germany and Italy insisted on an oral understanding. * The accused favored the German view that an oral understanding was sufficient.

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According to his affidavit, he felt there was no danger in a pact with Germany because it could be invoked by her alone in case of an attack, and he felt it was extremely unlikely that an aggression would be started by England or France. * He held this belief to the end of the negotiations.

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Asked if at that time the Danzig issue had taken shape, he replied that the negotiations ended the latter part of May or the first of June, and he did not recall when the Danzig issue came to the fore. Asked if the negotiations did not continue until the conclusion of the Non-Aggression Pact in August, he replied he thought not. He read of the Danzig affair in the newspapers and did not think that Germany was necessarily an aggressor nation.

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35119 *Rather than advocate an alliance with Germany following the outbreak of war in Europe, the accused pointed out that as a result of the Non-Aggression Pact, the possibility presented itself to extend any pact to include the Soviet also.

35121 * In his affidavit he had referred to Exhibit 2232, a telegram by the German Ambassador in Rome dated 2 September 1939. Asked if he was not informed by Ambassador Mackenson on 4 September in response to SHIRATORI's request to see Ribbentrop that he had been willing to see him in Berlin, and he replied that his recollection was that the facts were to the contrary, for he did not inform Mackenson about 9 September that he had discarded the idea of returning via Siberia and that he would convey through OSHIMA the matters which he had planned to present to Ribbentrop himself. It was not true that he wanted to submit to Ribbentrop that he should make some statement that he would be willing to influence Russia to disassociate herself from China.

35122 * He did not ask Ott to obtain that sort of declaration from Ribbentrop in his first conference with Ott after returning to Japan. After his recovery he did not contact Ott to advise him of Japan's trends. About 18 August 1941 he did not have a conference with Ott advising him on the good and bad points of the newly appointed Vice-Foreign Minister AMAU.

He, together with OSHIMA, at the end of January, 1941, did not tell Ott that they thought Japan should ask for Germany's recognition of the Wang Ching-wei Regime, nor had they so advised MATSUOKA.

35123 When he stated in his affidavit that the fall of the YONAI Cabinet * was considered inevitable in view of the changed situation, he meant that the situation had changed because of Hitler's military successes. After returning from Italy, he did not oppose the policy of the YONAI-ARITA Cabinet, but might have expressed opinions contrary to it. He did not recall expressing an opinion calling for a Cabinet change about 18 June 1940, at a meeting of the League for the Sacred War. He did not recall stating there that he entertained no hope for reorienting Japan's foreign policy as long as the Cabinet was composed of men who opposed the military alliance of Japan, Germany and Italy.

35124 * He did not recall Ott telling him then that Ribbentrop had cabled him to investigate and report on SHIRATORI's state of health.

35125 * He did not recall in March, 1941 publicly stating that Japan, on the basis of the Tri-Partite Pact, would inevitably become involved in a European war if it continued for some period. He recalled an occasion in which he stated that such inevitability was nothing to be upset about as the country was well prepared. Asked if on another occasion he stated similar views on Asia Renovation Day in

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35126 March, 1941, he replied that the magazine "Contemporary Japan" printed the English translation of the address and he learned about it for the first time * at Sugamo.

35127 * Exhibit 3597-A, an excerpt from a book entitled "Radio Lectures and Speeches," quoting a speech of SHIRATORI in which he stated that the European war had every prospect of developing into a protracted world war lasting ten or twenty years, and Japan would inevitably become involved. This was clear enough from the letter of the Tri-Partite Pact. Such eventuality may be considered an expansion of the China Affair. This prospect would be a source of intense apprehension to many people and efforts would come to curb the progress of events, but this would prove fruitless. All great changes in human thought had resulted from long periods of struggle. When this long-term world war does come, Japan should not be uselessly upset but she should put right her internal conditions to cope with the impending world cataclysm.

35128 * When shown another article in the book, he conceded there was an article in it entitled, "World War and the New World."

35130 Exhibit 3598, the above article identified by the accused, stated that if America poured her immense manpower and resources into the war, it would cover a long period of time, but if one took this to mean the collapse of the culture of mankind, he did not understand the real significance of the war. Liberalism was the cause of the current turmoil. The destruction of human lives and materials was unavoidable, and this was neither the destruction of civilization nor the collapse of culture. It was nothing but a sacrifice for the sake of the brilliant birth of a new culture. Mankind in effecting any great change had always to undergo long periods of such destructions. It was natural that America would eventually become involved in the war, but this might be necessary for the interest of the world and of America herself,*because this was the only way that a change in history and a regeneration of the world could become possible.

35131 When shown his book, "The Age of War," he identified the article entitled, "Japan's Position as Regards a Southward Advance," dated 3 February 1941.

35132 * Exhibit 3599, the article so identified, stated that Japan was confronted with a crisis, which was said to be the greatest since the founding of the Empire. He could not agree that it was a time of national crisis and a dangerous time. He believes Japan was facing the most favorable time to make a great leap. The people most feared that national power had weakened as a result of the China incident, added to which relations with the foreign powers were extremely delicate, and they might next have to wage war against Britain and the U.S., and also Russia * could not be relied on.

35133 Such people thought that the shortage of commodities and the weaken-

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ing of the national power, plus delicate foreign relations caused Japan to be confronted with a great crisis, though SHIRATORI thought they ought not to be too optimistic, but also not necessarily apprehensive if the conditions of other countries were studied and compared with Japan.

Asked if in his speeches and writings he did not minimize the importance of treaties that stood in the way of realization of the program, he replied that he did not recall anything which indicated disregard of the value of treaties.

35134 * To the accused was quoted an excerpt from Exhibit 3596-A in which he had stated that a treaty once signed by a "have-not" nation through temporary weakness was considered sacred and its observance was insisted upon with the inexorableness of a Shylock demanding his pound of flesh. The accused stated that he recalled stating something to that effect. He did not recall even before this deciding that the New Order in East Asia could not be accomplished within the framework of international standards of conduct.

35135 To the accused was quoted from Exhibit 3596-B an excerpt in which it was stated that they had noticed how unprepared they were spiritually at the time of the Manchurian Affair. The six elapsed years had largely been wasted and when hostilities arose in North China, the Japanese nation had nothing to offer but such old jargon as the right of self defense or vested interests, or punishment of outrageous China. In the face of wonted * criticism in the Western press, the Government sent special missions abroad to express Japan's case. It was fundamentally mistaken to explain Japan's action in the light of Western views or within the scope of law and treaties only. If they followed Western ways of thinking, they had to obey Western rules of conduct and plead guilty where Western public opinion blamed them. The accused stated that he had a recollection of writing the above.

35136 * REDIRECT EXAMINATION BY MR. CAUDLE

35137 * To the accused was quoted a part of an answer in his inter-
35138 rogation in which he stated that there began his connection with the Army people, and the papers said that they acquiesced in the Foreign Office policy but that was not the case. Asked if he meant by that if the press were insinuating that the Foreign Office acquiesced in the policy of the Army, he replied, yes, he thought so.

35139 None of his articles or speeches were ever sponsored by the Government, or sanctioned by it.

35140 By his meaning of the word totalitarianism he meant a philosophy which could be regarded as opposed to individualism.

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35144 * Asked to explain his part in the drafting of the reply to the Lytton Report, he stated his work was to put into Japanese the draft reply prepared in English by Dr. Baty, an English adviser to the foreign office. The accused had no part in the actual formulation of the document.

35146 REDIRECT EXAMINATION by Mr. Brooks,
Counsel for MINAMI.

Reference was made to his examination (transcript 35082) in which when asked if it was not true that in October 1932 he was appointed to a committee entitled "Committee for Drafting the Protest to the Lytton Report" to which he had replied that no such committee was ever created, but he did take part in drafting the Japanese reply. From his last answer it could be inferred that the original draft was not prepared by him, and was prepared in English by other personnel.

35147 * Exhibit 3427-A, he thought, was a pamphlet published by the foreign office based on the original of the Japanese reply. He identified a document handed him as an official document of the League of Nations.

35148 In the lower corner was an official stamp. * From a perusal of it, he didn't think there was any mistake about its being official, and the subject matter in it covered the reply verbatim that he took part in drafting from English to Japanese.

35149 At the time of the WAKATSUKI Cabinet, the accused was in the foreign office. SHIDEHARA was foreign minister and MINAMI was war minister. Asked if in preparing this reply he ran on to any comments as to instructions by Japanese officials forbidding the participation * by Japanese any attempts to establish a new political authority in Manchuria, he replied he believed such instructions were incorporated in the reply. He didn't recall the dates of such instructions. He thought that about 26 September they were issued.

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* OPENING STATEMENT BY Dr. TAKAYANAGI.

Exhibit 3601, the affidavit of INCUE, Saburo, stated * that since childhood he had had close association with KIDO and KCNOYE, as well as Baron HARADA, and during his army service he contracted close friendship with the accused SUZUKI, often inviting the above persons to his home.

The affiant was informed about a projected coup d'etat of the March Incident some time after its disclosure, and he believed that SUZUKI's admonitions to the insurgents had been a patent factor in checking the incident, and he once told HARADA this. Around August and September 1931, rumors of the March Incident began to spread, and there was an increased tendency among young officers to discuss not only politics but also openly advocate national renovation by force.

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* From what he was told by KIDO, HARADA, the Lord Keeper MAKINO and SAIONJI, the Elder Statesmen were most worried about these unlawful movements. To smooth the way for sound parliamentary government, they ordered KIDO and HARADA to discuss with moderate officers to study methods of maintaining army discipline. It was probably for this reason that when KIDO, HARADA, and SUZUKI met at the affiant's home, KIDO and HARADA put questions to SUZUKI and the affiant about army affairs. These meetings were not for any political purpose, but were social gatherings in which politics were incidentally discussed.

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* Exhibit 3602, the affidavit of KAMEYAMA, Koichi, stated that the affiant was director of the third division of the planning board from November 1941 to July 1943. The board had no authority in the management of POWs, and did not formulate any principles for their transfer and employment.

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He had been shown exhibit 1971-A, an abstract from the Foreign Affairs Monthly Report for September 1942. * The first paragraph of it deviated from actual facts, and he had no knowledge of the facts in the second paragraph. The actual situation in relation to the conference of 15 August 1942 was that early that month, one of the affiant's subordinates in the planning board got a request by the POW Information Bureau wherein it was stated that the War Ministry had decided that some POWs detained in the southern region be transferred to Japan for employment in industries. The Information Bureau wanted to give an explanation on this to other ministries, and requested the Board convene a meeting of ministry representatives so that a war ministry officer could explain the matter.

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- Page When ministry officials met, the planning board frequently lent its conference rooms for this purpose and offered its services.
- 35164 * A subordinate therefore consented to this request. The five principles in paragraph 1 of exhibit 1971-A were presumably read by the war ministry officials. The meeting was decidedly not under planning board auspices. The affiant gave his approval to the loan of the conference room, but did not notify the president or vice-president of such routine matters. The Foreign Affairs Monthly Report was not distributed to the planning board.
- 35165- * Exhibits 3603, 3603-A, and 3603-B, the names of control
 35168 associations and their competent authorities regulated by the Act of Organizations, were received in evidence to show that the planning board had no jurisdiction over these ministries.
- 35169 * Exhibit 3604, the affidavit of Prince HIGASHIKUNI, Naruhiko, stated that on the evening of 15 October 1941, Premier KONOYE called on the affiant, asking him to head the next cabinet; and early the next morning SUZUKI, the planning board president, told him that he had been directed by KONOYE to explain to the affiant the condition of national strength so it might be taken into account by him in case he formed the next cabinet.
- 35170 * Recently, elements clamoring for the discontinuance of U. S.-Japanese negotiations and the commencing of war against them were in the ascendant, but it was incumbent upon them to do their utmost to avoid the war in view of national strength. Considering the navy's negative attitude, it must be declared highly dangerous that army people should be urging war, for the navy had to bear the brunt. Since KONOYE was a mere subject, it was beyond his power to evade war, and there was no alternative but to rely on the Prince's prestige and influence. SUZUKI begged permission to explain the state of national strength to the affiant.
- 35171 He then explained the matter on the basis of relevant figures, and added that both he and KONOYE solicited the affiant to form a cabinet. * However, on the evening of that same day, KONOYE wrote him that the question of the cabinet resignation and the consequent cabinet formation by the affiant had been shelved. The affiant had urged KONOYE on 3 August and 5 September, and also TOJO on 7 September, that they do their best to bring the negotiations to a successful conclusion. He presumed therefore that both had a full understanding of his attitude toward the problem.

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DIRECT EXAMINATION OF SUZUKI, Teiichi,
by Mr. Levin.

35172 * The accused identified and verified exhibit 3605 as his
 35173 affidavit. * The affidavit stated that the accused was born 1888, and
 35174 was graduated from the Military Academy, * and held various military
 posts from that time in China, and had studied Chinese affairs in
 Shynahai. On 10 December 1929, he was for the second time appointed
 Assistant Military Attache to the Legation in Peking. In January,
 1931, he was attached to the Military Affairs Bureau; in August, 1933,
 he became chief of the intelligence corps of the war ministry; 15 March,
 1934, chief secretary of the research section of the army staff college
 and an instructor in military science; in May 1935, an investigator
 to cabinet bureau investigation; August, 1936, regional commander of
 the 14th infantry regiment stationed in Manchuria; November, 1937, was
 35175 attached to the 16th home division in Kyoto; in April, 1938, chief of
 staff of the 3rd army stationed * in Manchuria; 16 December, 1938,
 chief of the political section of the China Affairs Board. On 4 April
 1941, he retired from military service and became minister without
 portfolio and concurrently president of the planning board in the
 second and third KANOYE Cabinet, until he resigned on 8 October 1943.

Certain things had influenced his career and political ideas.
 1, his professional military training had made him mainly interested in
 problems of national defense. It caused him to have high regard for
 the traditions of army discipline, and it instilled in him a spirit of
 self-sacrifice. 2, his studies in financial and economic affairs in
 35176 the finance ministry in 1919 * aroused a lively interest in national
 economy, and this interest was intensified when he was a cabinet
 investigator. These experiences enlarged his vision, and taught him to
 look at problems of national defense not in themselves alone, but in
 the texture of the entire national life. 3, his sojourn in England in
 1929 taught him to look at his country objectively and made him realize
 35177 his people's shortcomings. 4, his frequent * contact with China afforded
 him ample opportunity to become acquainted with the Chinese and cultivate
 their friendship. In January 1927, he was sent as a liaison officer by
 War Minister UGAKI to meet Chiang Kai-shek. SUZUKI learned from him
 his ideas and aspirations, and his sympathy for the nationalist movement
 35178 was intensified. * He was later assigned the task of assisting the
 supervision and guidance of Chinese military students. All these
 experiences deepened his understanding and friendly attitude toward the
 Chinese. He was convinced that their aspirations for recovery of
 China's national rights would be realized in due course and that Japan
 should cooperate and assist the new China represented by the nationalist
 party.

The course of events in Sino-Japanese relations ran contrary
 to what he had hoped, but his views on China's destiny did not suffer
 a change. He had read an affidavit of Mr. Hu Lin (Ex. 3606) in his
 behalf, and he was glad to know that one of his Chinese friends under-
 stood him thoroughly even now.

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- 35182 * Exhibit 3606, the affidavit of Fu Iin, stated that he was presently a Chinese publisher and had been a delegate to the U. N. Conference in San Francisco. * He had been personally acquainted with SUZUKI for almost 25 years, and as a publisher had been familiar with Sino-Japanese relations. He met SUZUKI in 1907, and discovered him to be a scholar, though soldier by profession. He sympathized with the Kuomintang, and advocated that Japan should help bring cooperation between Chiang Kai-shek and Chang Hsueh-liang.
- 35183
- 35184 He met SUZUKI again in 1935, when Sino-Japanese relations were getting worse, but SUZUKI still advocated cooperation. After the outbreak of the China War in 1937, his relations with Japanese friends were cut off. * The affiant knew that SUZUKI during the war had been president of the planning board and a member of the cabinet without portfolio.
- 35185 * The affidavit continued, and the accused SUZUKI stated that lastly, not only was his view of politics deeply influenced but the last phase of his career as a civilian administrator and statesman was determined by frequent contacts with KONCYE, KIDC, and HARADA. Among his seniors in the army were INCUE, Saburo, and their relationship had begun as early as 1919. INCUE was of moderate views, * and on intimate terms with KONCYE, KIDC, and HARADA. Thus, when SUZUKI was invited by INCUE he had an opportunity to meet those three, with whom he also became intimate. KIDC and HARADA often asked him about internal army conditions, and after July 1931 seemed especially interested to obtain such information. There had been various rumors concerning the March affair, and SAICNJI and Lord Keeper MAKINO, to whom HARADA and KIDC were secretaries, were seriously concerned over the rumored subversive activities of army officers, and directed the secretaries to obtain information. SUZUKI therefore used to tell HARADA and KIDC frankly what he knew.
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- 35187 * KONCYE, HARADA, and KIDC were ardent admirers of SAICNJI's liberalism, and their political views exerted influence on SUZUKI. During 1936 to 1938, while in Manchuria and at Kyoto, their contact was suspended for a time, but in September, 1938, when the accused was removed to Tokyo to assume work in the China Affairs Board, the contacts were resumed. It was chiefly his friendship with KONCYE that made him give up his military career in April 1941. Regarding his views on international political affairs, he felt much sympathy for the Chinese Nationalist Movement, and his observation of Chinese affairs convinced him that the gradual awakening of the Chinese would cause the recovery * of her national rights. It was his basic conception that Japan should bring order to East Asia by assisting and cooperating with the New China represented by the Nationalist Party on equal terms.
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Regarding the Soviet Union, he thought the Russian people were perfectly free to live under any government they chose, although a dictatorial and totalitarian government was not palatable to him. However, he felt no small disquietude over those activities which aided and abetted subversive and revolutionary movements in East Asia, especially Japan. Those aspects of the Japanese communist movement which advocated the abolition of the Emperor system by revolutionary methods and which discouraged all religion were especially abhorrent.

On the other hand, for preventing the communistic revolution in Japan, he considered it essential that Japanese statesmen adopt measures so that the people's livelihood should be more adequately guaranteed.

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35189 * He was aware from history that war between major powers would bring national disaster and believed that war between Japan and the Soviet should be avoided. For peace between the two he believed it indispensable that the Soviet cease to support the Third International in the Far East and that the arms competition be terminated. It was his theory that to stop mutual distrust, non-aggression treaties were not enough, but it was necessary for both to express sincerity by such measures as withdrawal by Japan of troops in Manchuria and by the Soviet of troops east of Baikal. However, he had to recognize that his ideas could not readily be realized and that so long as the Soviet increased her armament in the Far East, Japan must also.

35190 * Although Japan must make preparation for any eventuality although trying to avoid conflict, he was convinced Japan should keep on friendly terms with Britain and the United States unless attacked or immediately menaced. He thought this could be looked at solely from a national defense standpoint, in view of the fact that a serious potential danger lay in the north. Nazi totalitarian government was not in harmony with his views. He strongly opposed the Triple Alliance especially since Germany was at war with Britain. He was only a Section Chief in the China Affairs Board and in no position officially to express such views. * However, he told his opinion about August 1940 to KONOYE when he formed the Second KONOYE Cabinet, but by then the rough outlines of policy had been almost determined and he could not move him. After becoming Minister without Portfolio in the KONOYE Cabinet he found that the Triple Alliance was a serious obstacle to concluding Japanese-American negotiations.

After the outbreak of the German-Soviet war, he told KONOYE it would be better to terminate the Triple Alliance because of German perfidy toward Japan. KONOYE said he would consult the Foreign, Army, and Navy Minister, but because of MATSUOKA's opposition the suggestion was not realized.

35192 In the period covered by the Indictment, the accused's status was that of a military officer until he became a civilian by being appointed Planning Board President. However, the offices of the Cabinet Investigator and Chief of the China Affairs Section were civilian in character. * During 1931 and later when he was in the Bureau of Military Affairs he was much concerned over the subversive movements of young officers and directed his efforts toward the maintenance of discipline. He explained the condition in the Army to KIDO and HARADA so the situation could be wisely dealt with under the guidance of MAKINO and SAIONJI. While in Manchuria between 1936 and 1938 as Regional Commander at Tongning and Chief of Staff of the Third Army, incidents on the Manchurian-Siberian border were frequent and he feared they might develop into a major conflict. During his service at Tongning he devised a plan to obviate them and fix an operational boundary 35193 line, * inside the treaty boundary and ordered his men never to resort to force unless the operational boundary was invaded. There was no

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35193 instance of conflict on the boundary with the defense of which he was charged and in view of his success he persuaded the Third Army Commander to adopt this plan. Again, the Third Army boundary area had no case of a border incident. The China Incident commenced during his stay in Tongning but as a Regional Commander in remote Eastern Manchuria, he could do nothing but anxiously watch the situation. When called back to Tokyo in 1938 as Chief of the Political Section of the China Affairs Board, China policy had already been decided upon by the High Command and government. Many views of
35194 it were diametrically opposed to his own ideas* but as a Section Chief he had to execute the duties assigned to him. However, he did his best to deal with matters in a way most consonant with his convictions and was guided by these principles: (1) Cooperation with China on terms of equality, (2) the security of China in war-stricken areas, (3) respect for the rights and interests of Third Powers.

His efforts were directed so that Chinese property could be returned to its respective owners, Japanese interference in Chinese political affairs minimized and freedom of navigation in the Yangtse restored.
35195 However, these policies were not speedily realized because of local conditions, especially operational requirements, the establishment of new regimes in China was incompatible with his basic ideas, but he had no control over it. He worked however on the hypotheses that this was but a temporary phenomenon which would end with the cessation of hostilities and that the end of hostilities was needed to restore Chinese politics to their natural course. * In April 1941 KONOYE asked him to become President of the Planning Board--he was reluctant to leave his military career but since KONOYE told him that he would be in an awkward predicament if he declined, the accused finally consented. On April 4, 1941 he was appointed Minister without Portfolio and concurrently President of the Planning Board. The precedent for conferring on the Planning Board President the status of Minister had already been set, he was privileged to attend Cabinet meetings, but understood his primary function lay in execution of the business of the Planning Board under the Prime Minister's control.
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His first task as President was to draw up a commodity mobilization plan* for allocation of vital materials for the fiscal year 1941. The plan had already been initiated and was to have been put in operation April 1st, but because of a divergence of views no decision had been reached when he was appointed to the Board. When he was appointed, KONOYE told him that it might be natural that the demands of the armed forces should become more insistent, but since national economic life was strained, he wished SUZUKI to perform his work with that in mind. The accused had been chosen not to comply with exorbitant demands of the military but to see that the allocation of vital commodities be made so as not to exhaust economic power. Accordingly, he established an organ in the Board concerned exclusively with living necessities and
35198 initiating a plan for mobilizing such commodities. * He tried to adjust the demands of the ministries from this broader viewpoint. After the end of June he was confronted with the German-Soviet war which made it impossible to obtain steel and other items they had planned to import from Germany; and the sending of Japanese troops to southern French Indo-China

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35198 which brought about the economic blockade by America, Britain and others. After this he had to feel special concern over the United-States-Japanese negotiations.

35199 He did not recall attending the Conference in the Imperial Presence on July 2, 1941 but remembered hearing from KONOYE about June 30th that troops might be sent to southern French Indo-China. Lest this aggravate relations with the United States and add another obstacle to his commodity mobilization plan, he voiced the view that it would be serious if they should ever be subject to an economic embargo. The Prime Minister said the step was imperative to ward off imminent danger of war with the Soviet and since the step was not directed against America or Britain they would understand if the purpose was explained. However, as he feared, Japan found herself economically isolated and they were obliged to redraft the Commodity Mobilization Plan. The plan sanctioned by the government on August 22, 1941 was to ensure self-sufficiency in vital commodities to guarantee national livelihood and preserve the people's sense of security.

35200 While he had tried to effect a compromise and to draw up a mobilization plan, he realized that Japanese economy would be ruined if kept isolated for an extended period so he asked the Prime Minister to readjust United States-Japanese relations * and recommended steps toward lifting the embargo. KONOYE stated his mind was made up to confer with Roosevelt personally to arrive at a speedy settlement and SUZUKI hoped KONOYE's plan would bear fruit. However, KONOYE's views proved unacceptable to America and in Japan the opinion came to the fore that so long as the United States refused to sell needed commodities they had to use force to take areas containing such resources. In August 1941 KONOYE ordered him to study three problems: 1 - Can Japan provide herself with needed materials without relying upon America and Britain, to which he answered "No". 2 - If the severance of economic relations continues, would Japan be able to stand it for its duration? He reported that the severance of economic relations would put Japanese economy in a difficult position but as long as no further special * development occurred in relations, they could rely on stockpiles except for petroleum and a few other items and might escape collapse for possibly two years. In petroleum, they might obtain self-sufficiency after some years if capital and materials were thrown into those channels as the manufacture of substitutes was possible. 3 - If war broke out and they succeeded in taking Netherlands East Indies would they then be able to obtain the needed petroleum? He reported that the immediate acquisition of petroleum would be impossible as military occupation would be attended with serious destruction. At the end of August 1941 when the effects of economic severance became patent, KONOYE ordered him to attend a Liaison Conference to acquaint himself with its atmosphere, he thought the extent of his statements allowable at the Conference depended on his status and asked KONOYE * what his status was. In accordance with an agreement between General Headquarters and the government (Exh 1103) KONOYE told him (a) 'Persons who attend the Liaison Conference are the Premier, the Foreign, War and Navy Ministers and the two Chiefs of Staff. Other Ministers would be asked when it was deemed necessary.

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When SUZUKI's presence was required, he would receive orders from the Premier and was to attend as President of the Planning Board. The accused interpreted this to mean that he was to attend as the Premier's Technical Assistant and must refrain from speaking except by his order or command. (b) Even if an understanding had been reached between General Headquarters and the Government, its execution must be postponed until after Cabinet approval, but, if it was within the sole purview of the Ministers present at the Conference, it could be executed on his responsibility; he could carry it out without referring the matter to the Cabinet. SUZUKI interpreted these words to mean that the Liaison Conference was not a policy-deciding body over and above the Cabinet, but a meeting convened to reach understanding through an exchange of views between the government and General Headquarters.

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The Liaison Conference sometimes convened in the Imperial Presence, but he understood that the Imperial Presence Conference was a kind of Liaison Conference except that weighty matters alone were brought before it and explained that his status there was exactly as at the Liaison Conference. On the Premier's orders he attended the Liaison Conference of 6 September 1941 but he presumed it was KONOYE's intention to have him speak in case there was any occasion requiring elucidation on economic matters. At the Conference he was not called on to speak and was relieved to know that the topic of discussion centered on the continuation of the negotiation with America, war preparations having been considered only a safeguard against really remote danger. After the 6 September Conference, the Navy Vice-Minister requested him directly for an additional allocation of 300,000,000 tons of steel, about the same time the Director of the Equipment Bureau for the War Ministry asked for more steel. He refused these requests although both, especially the Navy repeated their demands. The question was left pending until the war was actually decided upon.

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35205 * Early in October, KONOYE told the accused he would like to withdraw from politics but the accused told him this notion was irresponsible and advised him to have a talk with the War, Navy and Foreign Ministers, and he did so on October 12 at Ogikubo with the accused in attendance.

35206 * On the question of withdrawing the forces from China, there arose a sharp difference between KONOYE and TOJO and the meeting adjourned without any conclusion reached. It became clear where the thorny question lay. The Navy thought war with America impossible but did not want to say so openly. The Army did not necessarily want war but vigorously objected to withdrawing troops from China. The Foreign Minister believed that negotiations could not come to success without withdrawing troops. The only way for the Premier to avoid war was either to make the Navy declare its real intentions or make the Army understand these intentions and agree to withdraw the armed forces. The accused saw that

35207 KONOYE was in a predicament, * and this was due to the decision of September 6. After the conference, he asked KONOYE if it was not advisable to request the Throne to wipe the September 6 decision off the slate and continue negotiations. He replied that this proposition would be advisable and ordered SUZUKI to talk it over with TOJO. SUZUKI did so on October 13 and TOJO said that to cancel the decision within one month was a grave matter and he could not agree to the proposition which could be carried out only if and when the Government and High Command leaders have been replaced.

35208 When SUZUKI conveyed TOJO's view to KONOYE, he said he would discuss the matter again with TOJO the next day. The same day SUZUKI visited KIDO stressing the necessity * of requesting the Emperor to nullify the September 6th decision.

At the cabinet meeting of October 14, TOJO declared he opposed the withdrawal of troops from China and that the negotiations with America would be brokered off. This declaration so surprised KONOYE and the members of the cabinet that the meeting was adjourned without anyone uttering a word.

That afternoon, SUZUKI was told by KONOYE that from TOJO's attitude, the negotiation was impossible. There was nothing to do except for the cabinet to resign en bloc. Since the resignation was due to TOJO's attitude, he wanted SUZUKI to sound TOJO on his views. SUZUKI called on TOJO

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35209 who told him * that he believed that there was no one except Prince HIGASHIKUNI who could save the situation and that he had spoken about this to KIDO. TOJO's reply was unexpected for SUZUKI had often heard that HIGASHIKUNI had an ardent desire for the success of the negotiations. When SUZUKI conveyed TOJO's words to KONOYE, he said it was splendid for HIGASHIKUNI was definitely opposed to war and wanted the negotiations to succeed. He asked SUZUKI to communicate his and TOJO's views to KIDO. SUZUKI did so on the morning of October 15.

35210 * KIDO, however, said it was not customary to install a member of the Imperial family as the head of a cabinet. Also there seemed to be a group of men in the Army who would make their way into war under HIGASHIKUNI's premiership so he would think it over. SUZUKI reported this to KONOYE.

Later, KIDO called SUZUKI and told him to go to TOJO and ask him if he could hold down the Army's war faction if HIGASHIKUNI headed the government and decided against war. SUZUKI visited TOJO in regard to KIDO's opinion and said that if HIGASHIKUNI headed the government and decided on a no-war policy, and if it could not check the Army, under whose premiership could it be checked? TOJO couldn't say whether it could be checked. SUZUKI transmitted these words to KIDO.

35211 On the 16th, KONOYE told SUZUKI that he had an audience with HIGASHIKUNI * and pleaded with him to accept the command to form a cabinet if it came to him. HIGASHIKUNI said he wanted to consult with TOJO and OIKAWA and would like to think it over. KONOYE asked SUZUKI to question HIGASHIKUNI of the nation's strength. SUZUKI did so and also on the need of a satisfactory settlement with the negotiations. HIGASHIKUNI agreed and said war must be avoided. SUZUKI called on KIDO and made a detailed report.

35212 * KIDO expressed fears that HIGASHIKUNI's premiership might cause undesirable impressions but did not positively say he was opposed to a cabinet formed by an Imperial Prince. That afternoon KONOYE told SUZUKI that KIDO had told him it had been decided not to request HIGASHIKUNI to head the government. He supposed KIDO had some idea that the cabinet would resign en bloc at once. SUZUKI accordingly tendered his letter of resignation.

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35213 On the 17th, KONOYE told him that KIDO had telephoned him that TOJO was to form a cabinet. At the same time, the Emperor was to give him word * to carry on the U.S. negotiations wiping the September 6 decision off the slate. KONOYE believed TOJO would check the war faction and proceed with the negotiations. SUZUKI was to remain in office and help him if he asked him to do so. If the new cabinet comprised many members of the KONOYE cabinet, it would show that it desired to carry on negotiations. When TOJO asked SUZUKI to continue in office, he consented in conformity with KONOYE's advice.

35214 His status in the TOJO cabinet was the same, Minister Without Portfolio and concurrently, President of the Planning Board but there was a considerable difference in practise. Since KONOYE was a close friend, SUZUKI gave him his opinion on political matters and sometimes SUZUKI was employed to conduct * political negotiations. TOJO, however, warned him that he desired SUZUKI to concentrate his energy on economic mobilization and not meddle in political affairs. The Planning Board President was to function under the Premier's control, therefore, SUZUKI tried to comply with his wishes and devoted himself to the work of the Planning Board.

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* TOJO's attitude after becoming Premier differed from that assumed by him before. In order to continue negotiations by wiping the September 6th decision off the slate, he decided to investigate various questions and SUZUKI was assigned the following two questions on which he reported to TOJO the Planning Board's conclusions after consulting certain other ministries.

Question A: If the negotiations were broken off and no prospect existed for ending economic severance, how far could Japan maintain her commodity supply?

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The Planning Board reported that the answer depended on the descriptions of commodities. Those available in Japan, Manchuria and China could be increased some * but as to commodities to be imported from FIC and Thailand, a decrease due to U.S.-British interference must be expected. Regarding imports from America, Britain and the Netherlands, especially petroleum, the prospect was not bright. The annual domestic production of petroleum did not exceed 400,000 tons while civilian consumption was about 1,800,000. That stored by the Army and Navy did not exceed 8,400,000 and civilian stores had been nearly exhausted and if military petroleum was to be employed for civilian purposes, it would be exhausted within three years. * The prospect for artificial petroleum production was not bright and the construction of factories for this could not speedily be realized nor meet the urgent needs.

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Question B: If Japan, in the event of war, succeeded in occupying natural resources zones in the south without serious damage, how far could self-supply be expected?

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Again, the Planning Board's answer depended upon the kinds of commodities. If war broke out, there would have to be an enormous amount of shipping available and certain ship losses must be taken into account. According to War and Navy Ministries' estimates, continuous employment of 3,000,000 tons of ocean going vessels was feasible, but if they were to be not only for transport to and from Manchuria and China but also between Japan and * NEI, it would necessitate strict economy resulting in some diminution in production. As to steel, it might diminish to 4,300,000 tons. Imports from FIC and Thailand would be reduced considerably because of military operations

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and the rice shortage thus created would have to be made good by substitutes. With regard to imports from the southern areas, especially petroleum, the estimate could not be made by the Planning Board. Since petroleum was a strategic commodity, petroleum questions were studied by the War and Navy Ministries not allowing Planning Board participation. The question of the destruction and repair of oil fields was closely related to the condition of military operations of which the Planning Board had no knowledge now was it aware * of the condition of tankers, etc. As to petroleum, the Board had to rely on the Army and Navy studies in its report. According to these studies, the petroleum obtainable in the first year would be about 300,000 tons and in the second, about 2,000,000 tons provided the southern areas could be occupied after the outbreak of war.

The Planning Board's report suggested that if the negotiation failed, war or no war, Japan's economy would be overwhelmed with difficulties. It suggested that Japan's economic life would be so impoverished that the minimum living standard might seriously be jeopardized.

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TOJO, after ascertaining the views of the Ministers responsible for the report, persuaded the High Command and decided to try to bring about the successful conclusion of the negotiations. * This policy was manifested in the Imperial Conference decision of November 5 which decided to withdraw the armed forces from China to make the negotiations successful. On the other hand, TOJO and TOGO seemed unable to totally disregard the High Command's demands.

The High Command's opinion was that the demands upon Japan by the United States seemed to increase in proportion to Japan's concessions and there was no prospect for a successful conclusion of the negotiation. This indicated that what the U.S. really had in view was not the amicable settlement of the China Affair but the destruction of Japan as a leading power. If Japan should recognize in principle the withdrawal of troops and evince her readiness to enter into negotiations concerning the details of the withdrawal and America should assume an attitude evading settlement, it might be concluded that the U.S.'s intention was to gain time and under guise of continuing the negotiations

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35221 * intended to strengthen her Far Eastern forces and when fully armed, drop negotiations and turn to an offensive against Japan. If Japan were destined not to be able to avoid war, the earlier it came, the better. Therefore, diplomatic negotiations should be concluded by the end of November and if there was no prospect of success at the beginning of December, the decision for war should then be made.

As one reason for this, the High Command pointed to the concentration of air forces in Malaya and the Philippines, and the growing divergence in fighting power and that after several months, the High Command could not be responsible for national defense.

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The Government, especially TOGO, put up a stiff fight against these contentions. The Liaison Conference of November 1 continued its deliberations until 2 a.m. November 2. The High Command did not relinquish its contentions until the very end and as a result, the Imperial Conference of November 5 decided on the one hand that negotiations should be carried on * without delay, and at the beginning of December, they could further continue them if the U.S.'s attitude allowed it. The conditions for conducting negotiations were now more favorable for settlement than at the time of the KONOYE Cabinet because of the recognition of troop withdrawal which had been opposed by the Army. Moreover, troops which advanced into Southern FIC were to be withdrawn.

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Further, a preliminary agreement to decide on war might, in view of the precedent of the 6 September decision, be rescinded. When SUZUKI saw this agreement of November 5, he felt that a new prospect of peace had arisen. * However, this determination to continue negotiations was nullified by the U.S.'s reply of November 26.

He was given the purport of the note at the Liaison Conference of November 27 or 28 and also heard TOGO explain that the note was tantamount to an ultimatum. In the previous Liaison Conferences he had frequently heard General Headquarters representatives reporting upon the strengthening of U.S.-British military preparations in the Pacific and he could not but sense

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now that war with America might be unavoidable. SUZUKI decided to abide by the final decision to be arrived at by consultation between TOJO, SHIMADA, TOGO and the Chiefs of the Army and Navy General Staffs.

35224

On November 29, an informal conference between the Government and Senior Statesmen was held at the Palace. He was directed by TOJO together with SHIMADA, TOGO and Finance Minister KISHI to attend the Conference and answer * questions regarding national economic strength. He did not volunteer any explanation but one of the Elder Statesmen asked a question concerning ship building capacity and airplane production capacity in the event of war.

To the first question he answered that the annual output would be between 700,000 and 800,000 tons and to the second, he replied that materials were not available at the Planning Board as the matter was solely within military purview. He also replied to another question regarding the supply of steel. The main theme of the conference was the circumstances in which the negotiation came to a deadlock. Therefore, there was little time left for SUZUKI to enlarge on economic problems.

35225

TOJO then seemed finally determined to enter into war. At the December 1 Cabinet meeting and before the Imperial Conference the same day attended by all Cabinet members, his conclusion was announced * that war with America, Britain and the Netherlands was unavoidable. The Army and Navy will turn to war operations but when they saw a definite chance for success in negotiations, these operations would be immediately suspended and they would turn to negotiation. SUZUKI agreed to the decision believing it unavoidable as long as they had an U.S. ultimatum.

Following this decision, he engaged himself busily with the revision of the Commodity Mobilization Plan. Although the preservation of a sense of security was an objective of the 1941 plan, it did not cover such a vast armament expansion as would be required for a war with America and Britain. Economically, Japan had not

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35226

been prepared for any war with America and Britain prior to December 1941 and quick readjustment had to be made. * Thereafter, he concentrated all energy in performing his duties. Prior to December 1, he earnestly wished for and contributed to the avoidance of war but once the decision was made, he considered it his moral duty as a Japanese to do his bit in the prosecution of the war.

Towards the evening of December 7, he was notified there would be a cabinet meeting the next day at 7 a.m. About 6:30 a.m. December 8, when he went to the Premier's official residence to attend the meeting, Chief Cabinet Secretary HOSHINO informed him of the Pearl Harbor attack and he knew for the first time that war had begun.

At the cabinet meeting, SHIMADA briefly explained that operation after which the cabinet decided on the text of the Imperial Rescript declaring war.

35227

After the war broke out, just as before, his main duties as Planning Board President consisted in the preparation of an effective plan * for commodity mobilization with the concurrence of the ministries concerned without authority to compel them or power of the execution thereof. After the war began, the necessity for unified administration of national economic power increased and various ministries came to accede more easily to the Planning Board's opinion. Especially after the end of 1943, the War and Navy Ministries became less insistent in their demands. Thus the Board which was a sort of conciliation Board in the pre-war days gradually commanded prestige. It did not cease to be a conciliation Board although the conciliators came to command more influence. At TOJO's request, SUZUKI left the Cabinet and Planning Board on October 8, 1943.

The Prosecution had referred to certain evidence allegedly proving he had participated in a criminal conspiracy. * As to Exhibits 179-F and 179-G, extracts from the KIDO Diary -- upon hearing about a plot later called the March Incident, he reported it to his Superior, Colonel NAGATA with whom he collaborated to check it. The March Affair did not come to pass but later caused agitation among young officers, some going so far as to advocate national renovation by military force.

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35229

SUZUKI admonished them against this reckless behavior and presented his views to his superiors to keep vigilant watch that junior officers might not be swayed to ruin their careers and cast reflection on the honor of the Army. * He did not think this recklessness was not without its causes, one of which was an apparent deterioration in politicians' morals. Another cause was economic depression and soldiers had been conscripted from families in great financial distress. It seemed to him natural that Section or Company Commanders should have sympathy for their subordinates' families and want a Government capable of saving the nation from economic distress. He thought their advocacy of national renovation was due to these causes and concluded that the military were duty-bound to exercise the strictest control over these young officers to maintain discipline but this might have a bad effect in intensifying their resentment unless the statesmen were above corruption, and unless more effective measures were adopted to deal with agrarian problems and unemployment.

35230

*From the standpoint of maintaining Army discipline, he was much concerned over domestic politics and remembered telling KIDO and HARADA that a young and able statesmen, such as KONOYE, should become Premier and form a coalition cabinet of men of known moral rectitude. What he had primarily in mind, was ways and means by which deterioration of discipline might be prevented.

Regarding Exhibit 2252 which concerned the succeeding cabinet and was KIDO Diary entry of May 17, 1932, he presented his views to his superiors that they might keep watch on young officers.

35231

However, on May 15, 1932 a deplorable incident occurred, in which the naval officers and military students * in collaboration with civilian extremists assassinated Premier INUKAI. War Ministry circles received a serious shock by the news and among his colleagues, there was a sentiment of self-reproach. The desire was expressed that the succeeding Cabinet not be organized by the SEIYUKAI Party which was generally condemned for lack of moral integrity but instead, that there be a coalition cabinet of upright men.

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When he met KIDO, he gave him the information available at the War Ministry and the views of his colleagues and he supposed the passage in the Diary was a summary statement regarding the conversations at that time.

35232

As to KIDO Diary entry of April 13, 1933, Exhibit 2253 describing Russia an absolute enemy, etc., he was reported * to have said that Russia was an absolute enemy and he was opposed to a non-aggression treaty with her. He did not remember the occasion well but possibly may have stated something to the effect that so long as the Soviet aided and abetted the activities of the Third International, the U.S.S.R. was their absolute enemy and that the conclusion of a non-aggression pact would be illusory.

35233

Exhibit 3371 and Exhibit 670 concerning his alleged speech at Toyama School in 1933 - he recalled that in 1933, War Minister ARAKI invited governors to the school to express thanks for their services to the Soldiers Assistance Society, a charitable organization. He thought ARAKI made a brief speech of thanks but did not recall making a speech himself. He remembered there were several maps of Manchuria * in the ante chamber indicating the state of bandit soldiers in Manchuria and remembered explaining the maps to the society president. He denied any speech there or elsewhere on the necessity of military occupation of Siberia for such idea was contrary to his ideas of national defense.

Regarding Exhibit 2266, an extract from KIDO Diary of 29 December 1938 regarding the KONOYE Cabinet's duty to carry on, etc., - from August 1936 to December 1938, his official assignments were in Manchuria and Kyoto. He was appointed Chief of the Political Affairs Section of the China Affairs Board at the end of 1938 when KONOYE was Premier and SUZUKI was to serve as a subordinate. Before ten days had elapsed after his arrival in Tokyo, he was disappointed to learn that the KONOYE Cabinet was to resign en masse. He thought that since the China Incident took place during KONOYE's premiership, it was irresponsible for him to leave his post with no prospect of its solution. He therefore went to KIDO and told him the KONOYE Cabinet should carry on.

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35234 *Regarding his talks with Goette, he remembered that about September 1939, two United States newspaper correspondents came to him at his office in the China Affairs Board and asked his opinion about Wang Ching-wei. SUZUKI did not favor the government policy towards the China Incident and he told him frankly that the policy to deal with Wang was illusory for Chiang Kai-shek was the only real ruler in China. He said hostilities must be terminated early by dealing with Chiang. SUZUKI did not remember whether this newspaper man was named Goette.

35235 Regarding Exhibit 1094, an extract from KIDO's Diary of 23 June 1941 regarding unification and reinforcement of General Headquarters, the Accused stated that he was appointed Planning Board President in April 1941 and charged with the preparation of a Commodity Mobilization Plan. * The worst trouble was that the Army and Navy, without consulting each other, demanded allotments of commodities and that antagonism between them made preparation of the plan impossible. Both kept their secrets from the other. The manufacture of war munitions, etc. had been carried on without any connection with each other involving a waste of materials and labor. SUZUKI thought that to obviate this, it was imperative that General Headquarters, which had been divided into compartments in the shape of Army and Navy divisions, be unified and a system of collaboration be worked out. He told this to KIDO who probably recorded the conversation.

35236 *Regarding Exhibit 1107 and 1152 regarding attendance at Liaison Conferences, the Prosecution alleged he attended the Imperial Conferences of July 2, September 6, November 5 and December 1, 1941. He attended the last three but does not remember attending the July 2 conference. He also attended many liaison conferences but there were some at which he did not assist.

35237 Concerning Exhibits 649, 650, 1241 and 1267 regarding attendance at Privy Council meetings, he attended them as an explainer but had no right to vote (Exh. 83). An explainer's functions were to make such explanations as might be ordered by the Minister in charge. The Premier directed him to attend probably expecting that explanations * might be necessary on Planning Board matters.

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35238

Regarding Exhibits 840, 1132, 1133 and 1140 regarding functions of the President of the Planning Board, his functions were provided for in the organization of the Planning Board (Exh. 71). When he assumed office, there was little to do in the way of drafting the outlines of laws and ordinances and his time was mostly devoted to adjustment of conflicting claims in the Ministry. The 1941 Commodity Mobilization Plan and the ancillary Plans relative to transport and labor were prepared under exacting circumstances such as the outbreak of the Russo-German War * which involved a stoppage of imports from Germany and the economic severance of the U.S., Britain and the Netherlands. Japan was confronted with brain racking problems concerning the readjustment of her domestic economy. Through stoppage of petroleum imports, civilian petroleum was exhausted. Certain means of transport could not be used and had to be replaced by railways and sailing boats. An embargo on scrap iron resulted in the necessity to manufacture steel by the use of iron ores requiring a large amount of coal. Those in export industries lost their jobs and there were other numerous problems.

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If the plain fact of the situation had bluntly been made public, * it would have inflamed an anti-American sentiment so as to seriously impede the negotiations. Therefore they used such phrases as "strengthening of national defense power," "war time structure," etc. to direct the nation's efforts towards increased production and make the people be resigned to a strained national economy.

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It was true that the Commodity Mobilization Plan of 1941 increased munitions allotments in view of the international tension and the China Incident but they were by no means such as would make war with America and Britain feasible. Although various economic plans were styled "Mobilization Plans", in fact, plans for the allocation of commodities, labor and transport were made with an eye to readjustments in domestic economy, out of supplies allocated to civilian use after deducting what had been assigned the military. The making of plans regarding supplies allocated to Army and Navy was outside * the Planning Board's purview. Economic mobilization plans were not prepared by the Board autonomously but various ministries

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presented their demands to the Board and if their total exceeded the amount of supply, the Board negotiated with the Ministries so that the total amount demanded could be curtailed to the amount capable of supply. The Board functioned thus as a conciliation Board and had no power to make an order binding on the Ministries so long as no compromise was arrived at between the Ministries. No economic plans could come into being nor was the Board invested with the authority to execute the plans.

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It was untrue to allege that as President of the Board, he had an all important authority and influence on Japanese economy nor was the allegation that the key Industrial bodies Ordinance was prepared during his tenure true. This Ordinance was deliberated upon and its outlines * formulated before he assumed office. (Exh. 2225). When he assumed office, the Board had nothing to do with its preparations, the Ordinance outlines having already been in the Legislative Bureau's hands.

Liebert's testimony that the Planning Board President controlled Japanese economy together with the control association presidents was in error for the Board had no connection with the associations, their operations being in charge of the ministries concerned.

It was wrong to imply that he was responsible for organizing the Imperial Petroleum Company for not only were matters relating to it outside the Board's purview, but the law regarding its formation was promulgated before he assumed office.

Exhibit 1142 from the KIDO Diary entry of 29 September 1941 regarding his explanations made in the Imperial Presence concerning rubber and tin resources in the United States was based on the fact that on that day he received word that KIDO requested him to go to the Palace and explain to the Emperor regarding U.S. rubber and tin resources. He explained that even if, as a result of war, the U.S. was prevented from importing these items from the southern areas, it would not be a vital blow to her for they could be replaced by

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imports from South America and he also said that large scale production of artificial rubber would be feasible for the United States.

35243

Regarding Exhibit 2280 from the KIDO Diary extract of 1 October 1941 re: Informal talks concerning the policy towards the United States, by October 1941 the effects of economic severance were becoming manifest. Army circles which had minimized them * became conscious of the grave situation. The opinion came to the fore that to wait for successful negotiation with America would be to wait for the day of economic starvation and they should find a way out by taking an offensive prior to the consumption of U.S. war preparations. However, KONOYE seemed to have felt himself quite helpless and SUZUKI talked to KIDO on encouraging KONOYE to redouble his efforts to bring the negotiation to success.

Regarding Exhibits 1147, 1148 and 2250 concerning the circumstances in the closing days of the KONOYE Cabinet, the Accused stated that at the time of the KONOYE Cabinet's dissolution, he played the part of a messenger between KONOYE and TOJO and KIDO, and KIDO and TOJO, and therefore, Prosecution evidence conflicting with what he had stated earlier in his affidavit did not conform to the facts.

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* Concerning the Exhibits 1331 and 1332, on the Sixth Committee and Outline of Economic Counter-plans for the Southern Areas in late November 1941, the Government was inclined to the opinion that opening hostilities might be unavoidable and they made studies to provide for this. To supplement materials necessary for carrying on the war, the November 28 cabinet meeting decided to organize a committee of the officials of the Planning Board and Foreign, Finance, War, and Navy Ministries to work out plans for the development, acquisition, and control of the resources in the Southern areas which might be occupied.

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On December 2 when hostilities had been decided upon, TOJO ordered him to be chairman of the committee and execute its functions in collaboration with the members representing these Ministries. *TOJO's instructions were* that the thing to be most feared after the outbreak of war was that irresponsible enterprisers would proceed to the southern areas, taking advantage of the military expedition and liable to come in conflict with the local population and disturb local economy, wasting funds and materials. Adequate measures should be devised so that these evils might not occur. The outline of policy prepared by the Sixth Committee was in the nature of wartime measures to realize TOJO's instructions.

Regarding Exhibit 1240, concerning the Imperial Rescript declaring war, SUZUKI signed it although war was not what he desired, but he thought hostilities unavoidable for defense so long as an ultimatum had been received and they were in a situation where they were liable to be attacked any moment.

35247

Concerning Exhibit 1271, regarding explanations at a Budget Committee of the House of Representatives,* in reply to an interpellation, he made the explanations mentioned.

Regarding Exhibit 1971A, concerning treatment of POWs, the Prosecution seemed to accuse him of collaborating with the employment of prisoners of war for military purposes, in reliance on a document called the Foreign Affairs Monthly Report which was prepared and circulated without the Planning Board's knowledge. This would be a false accusation for the Board had no authority concerning POW treatment and it was unimaginable that the Board should, without his knowledge, have held a conference under its auspices or participated in the formulation of such policies.

Concerning Exhibit 687, regarding Deliberations of the Establishment of the Greater East Asia Ministry, Prosecution alleged he had an important role at the Privy Council on the organization of that Ministry. However, he attended as an explainer.

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Concerning Exhibit 1272 (Ott's telegram concerning German decoration.) At the end of September 1942, the German Embassy invited him to attend a ceremony conferring decorations. He had no interest in such decorations for he had an antipathy to Nazi ideology. He notified the Embassy declining to accept. After the outbreak of the Russo-German war, he advised TOJO that since Germany attacked without giving notice to Japan immediately after Japan's conclusion of a non-aggression pact with the Soviet Union, she should recede from the Triple Alliance. SUZUKI did not know if Ott heard of this from someone and concluded that his attitude toward Germany was ambiguous. Ott's report in Exhibit 1272 contained inaccuracies. He never knew he was called Vice Premier of the TOJO Cabinet * for the order of Cabinet rank at official events was a sheer matter of court precedence and indicated no political significance. There was no special intimacy between TOJO and himself.

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The aforesaid decoration was later sent to his residence and as it would be awkward to return it, he kept it.

Regarding Exhibit 3372 re the Total War Institute, he understood at the time that the Institute was a place where academic studies were made and persons who would be needed in time of war would be educated. He was appointed a counselor but it was a nominal post accorded him as Chief of the Political Section of the China Affairs Board. While a counselor, he never visited the institute nor did he see any documents resulting from the studies. He remembered attending some ceremonies at the Institute with other Ministers.

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*In December 1943, he ceased to be a minister having resigned from the TOJO Cabinet in October 1943. The statement by the witness MURAKAMI that he was present at a ceremony in December must be in error.

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Concerning Exhibit 126, re decorations, he was conferred certain decorations for his services in the Manchurian and China Incidents. However, the decorations were as to the former was conferred on all colonels in active service and the latter was conferred to all majors in active service without any special merit. At the time of the conferment of these decorations, he had already received other decorations. *The accused stated that no protests from foreign governments as to treatment of POW's was ever presented at cabinet meetings.

DIRECT EXAMINATION BY MR. LOGAN

35252

KIDO, the accused stated he recalled the Ogikubo Conference held at KONOYE's home October 12, 1941, and that in his affidavit he had made a report of what had transpired there. He took the minutes of the meeting down in a small notebook * and then handed them to KONOYE, but he did not know what KONOYE did with them. Cabinet Secretary TOMITA was not there at the conference but he did not know whether he was KONOYE's home in another room.

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Page He remembered hearing the KIDO diary entry for October 12, 1941, read in which KIDO recorded that TOMITA visited him and reported what had transpired at that meeting. The diary entry for that date was correct as it concerned the Ogikubo Conference but the notes which* SUZUKI took there did not cover any decisions reached between War, Navy, Foreign, and Prime Ministers. The Ministers talked on various problems but there was no decision reached at the meeting and, therefore, there is no memo concerning any decisions. He did not know what TOMITA may have told KIDO but his own notes did not indicate that they had reached any final decision. * It was true that matters discussed at the conference were left to the Foreign Minister for further study.

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CROSS-EXAMINATION BY BRIGADIER NOLAN

Reference was made to the affidavit where it was stated that by reason of his long residence in China and his interview with Chiang Kai-shek in 1927 he was sympathetic with the Chinese nationalist movement and it was his* conviction that Japan should assist and cooperate with the new China. Asked if he would say that the Army, War Ministry, and the General Staff were sympathetic to the nationalist movement, he answered that could not say positively that all were so disposed for some were not.

35255

While in the Bureau of Military Affairs in 1932 and 1933 his duties were liaison matters regarding military matters concerning China, matters relating to Japanese advisers and instructors sent to China, and matters relating to Chinese military students sent to study in the Japanese Army.

His duties brought him to study the Manchurian problem and the China Incident,* and he went to Shanghai in 1932. Asked why he went, he replied that the Manchurian Incident had just broken out and the anti-Japanese movement in China had been intensified. He was sent to Shanghai to investigate conditions and went to North China in May 1933 after the Tang-Ku Truce was signed and met Hwang Fu and other Chinese leaders. After his return, he reported to the War Ministry. He did not recall if, at that time, the Army was considering the revision of policies toward China as a result of the Tang-Ku Truce. He did not remember taking part in discussions concerning a revision of China policy. * Asked why he was not considered in view of his knowledge of the China Affairs, he replied that he may have been considered but did not recall. He did not recall a question of China policy arising in July 1943 after returning from North China.

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As a result of the Manchurian Incident, Central Army authorities were apprehensive lest the military movement should extend into North China. When shown the document *, the accused stated that he did not recall seeing it before. He read in it that it said it was received from Lt. Colonel SUZUKI on 12 July 1933, with the note that as the War Ministry and General Staffs had un-animously agreed on the following gist of policy, it was decided the Government would decide its policies along the lines of the document". The accused stated that he did not remember handing the document to MORISHIMA and could not remember anything about it. MORISHIMA was a Section Chief in the Asiatic Bureau of the Foreign Office. He did not recall on 12 July 1933 to whom he delivered or caused to be delivered the document to MORISHIMA. At the time documents were exchanged frequently between his office and the Foreign Office and this one may have been one of them, but he could not recall.

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*He could not testify with assurance that he did send the document although he may have sent it.

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*Exhibit 3607A. The document so identified by the accused being an excerpt from a pamphlet entitled "China Policy Reference Material" compiled September 1933 stated that it was received from SUZUKI on 12 July 1933 with a note that the Government would decide its policies along the lines of the document since the War Ministry and General Staffs unanimously agreed on it. It was signed by MORISHIMA.

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Concerning the gist of the measures they must make the North China regime suppress the National Party's anti-Japanese activities in North China and make the Party reduce itself until dissolution. * They should make every effort to prevent foreign powers, especially the United States and the U.S.S.R. in expanding influence over China and giving support to the government officials.

Policies taken by the Nanking Government previously were permanently and fundamentally contradictory to the Empire's policies. They should proclaim to the world that the Imperial Government and its people shall be hostile to the Nanking Government as long as it did not alter its attitude toward Japan, but they were willing to shake hands with China under fair conditions at the earliest possible date.

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*In regard to this document the accused stated that he did not express his views toward China and the Nationalist Government.

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*The opinion he gave to Hu Lin (Exhibit 3603) was his private opinion. Asked why he didn't tell Hu Lin what the policy of the War Ministry and General Staff really was, he replied that the Army policy, both before and after the Manchurian Incident, was desire for the establishment of satisfactory relations.

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Asked if they would do this by making the Nationalist Party reduce itself to final dissolution, he replied he never thought along those lines. When it was suggested that he misled Hu Lin, he replied that he did not say anything wrong nor did he neglect to tell him what was right. Reference was made to the affidavit where SUZUKI stated he deeply deplored the China Incident and in September 1938 accepted the post of the Chief * of the Political Section of the China Affairs Board. The Board was established in December 1938 and he was the first head of the Political Section. He was not one of the chief persons responsible for establishing the Board but he was one of its organizers. The Premier was President and the Vice Presidents were Cabinet Ministers. The principal officers in China were at Peiping and Shanghai and there were other officers at Kalgan and Amoy. * It was suggested to the accused that the Board dealt virtually with all matters relative to China except those related to the Army and Navy, and he stated it handled matters on China with the exception of Foreign relations. It handled business affairs related to industries, transportation, and economic problems and its control was effected through the North China and Central China Development Companies. Matters relating to economy in the field of operations of the two companies were handled.

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The China Affairs Board did not give guidance to the Provincial Government in China * but he believed that they did give advise at times. He did not remember what they did about Chinese school textbooks since cultural matters were handled by the Cultural Section.* He did not know whether the Board actually revised Chinese textbooks. He recalled nothing about the control of opium and narcotics. He thought opium matters were handled by the Economic Section rather than the Political Section.

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When asked who handled the profits from the opium trade, he replied that he knew nothing about them. None of them passed through his hands nor were placed by him in secret funds. He did not know who was head of the hong at Shanghai.* His Board had nothing to do with Japan's relation with third nations in China. He learned later that there was opposition from the Foreign Ministry to the organization of the China Affairs Board but since he was in Manchukuo up to the time of the Board's founding, he did not know anything about the circumstances.

He remembered the resignation of Foreign Minister UGAKI. Asked if a reason for UGAKI's resignation was the creation of the China Affairs Board and relation to the diplomatic relations with China, he replied as far as he knew UGAKI's reason was incomprehensible. He had never heard that the China Affairs Board was established because the military did not want the Foreign Office interfering in China affairs.

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In his affidavit, he stated that features of the policy relative to the China * Incident and decided by the High Command and Government were diametrically opposed to his fundamental ideas on China. Asked what was the policy decided upon by the High Command and Government, he replied that they were the decisions standing at the time he returned to Japan of January and October 1938. These decisions were that Japan hoped for the establishment of a new China East Government and then cooperation with it would work for the stability of East Asia and Sino-Japanese cooperation. This was diametrically opposed to SUZUKI's idea for he felt that though the Army talked of establishing a new regime in China, it would naturally be established under the authority and influence of the Army and it would be difficult to hope for a spontaneous expression of will by the Chinese people * to establish their own government. Also he felt it wrong for Japan to possess an economic system in China based on Japanese laws.

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Page

35275 * In his affidavit he had stated that the establishment of new regimes in China was incompatible with his ideas and that he directed efforts so that this interference could be minimized. He was asked what he did to minimize it, and he replied that when the establishment of a new government had been decided upon it was their desire that under
35276 * those circumstances nothing be done to force Japan's intentions. He was making every effort to advance along lines that would make Japan's interference as small as possible.

In December 1938, he became chief of the political section of the China Affairs Board, and in March 1939 liaison offices were set up in China. This was while he was chief of the political section. Regarding the liaison offices, until their establishment the army had had special service agencies throughout China, and the opinion was advanced that it was not good that the army solve all China problems, but the viewpoint of all government officers should be taken into
35277 consideration also. Liaison offices were established in accordance with this idea. It was not true that their real purpose was the guidance of the new central government.

When shown a document, the accused was referred to a decision in it at the meeting of the China Affairs Board on 7 April 1939. He could not recall exactly whether the conference was held on that day or not, but had no reason for suggesting this. * If such a conference was held, certain instructions by the premier and chief of the general affairs section of the board were probably issued. The accused thought he was present. Although he did not remember now, he could not identify with certainty that the instructions written in the document were actually given on that date at that conference. He had never seen the document before. If instructions had been issued, he would have seen them. He believed instructions were issued, * but had no recollection as to whether they were the same as those in the document.
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He didn't recall large sums of money being appropriated in June 1939 for the Wu project, for at that time the China Affairs Board did not concern itself with such matters. Asked if the monies were to be paid out of the surplus of maritime customs revenue, he replied he knew nothing of this, nor did he know anything about the funds being drawn in the name of a Japanese to maintain secrecy.

35280 * When shown a document, he replied he was not sure about it, but did know that the army was engaged in such projects. The first document was issued in SUZUKI's name. According to the document, communications were sent from the war ministry to the China Affairs Board, and from it passed on to the foreign ministry. He thought he had seen these documents before.

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35281 * Exhibit 3608, the document identified by the accused, being "Foreign Ministry File of Wang Ching-wei" stated that it was from SUZUKI, Chief of the Administrative Affairs Board of the China Affairs Board to the Chief of the Bureau of East Asiatic Affairs, KURIHARA.

35282 * Regarding a spot Japanese nominal person responsible for movements, SUZUKI informed KURIHARA that he had submitted a notification to the vice-chief of the liaison office of north and central China, as per separate sheet. The separate sheet stated that with regard to the spot Japanese nominal person responsible for expenses needed for the National Salvation Anti-Comintern League in accordance with the China Affairs Board of April 1, and for movements of Wu Fei-fu in accordance with the Board's decision of June 23, the chief of the MAB had notified them, as per separate sheet. This separate sheet from the chief of the MAB, MACPIJIRI to SUZUKI, informed SUZUKI * that he had notified the finance ministry regarding the spot nominal person mentioned before. The person named was Artillery Colonel KAGESA, Sadaaki, but the name "KAGESA, Sadaaki" should be used in case of receiving money. (The next sheet was the same, except that the expenses were for the movements of Wu, and the name was OSEKO, Michisada.)

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The accused thought there had been expenses provided for this Wu project in accordance with the China Affairs Board decision. Asked if he passed on the names of those Japanese who were to draw the money secretly, he replied he did not know what the purpose of the funds was to be, or whether they were to be drawn out secretly. He merely conveyed to the foreign office and branch offices the communication sent him from the war ministry. * He was not present at the meeting of the China Affairs Board when this question of expenses and secrecy was decided. Asked why the names were sent through him, he replied that it was the custom that they be sent in the name of the general director or in his name.

35285

* He knew about such communications being sent, but didn't recall clearly that this money was to be derived from maritime customs revenue. All that he remembered was that various branch army agencies in China were carrying on the Wu Project then, and may have utilized customs revenue for their expenditures. This maritime customs revenue was a duty levied on imports into China, but he didn't think it was collected by Japanese authorities and used for their own purposes.

35286

* In September, 1939, there may have been a decision to appropriate further sums of money for establishing the new Central Government, but he presently had no recollection of it. However, the question of how to finance the new government came up when the question of establishing it was raised. The Republic of China depended basically on customs revenues, and therefore a new government would have to rely on this also.

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35287 Asked if it was not allowed to collect them, he replied he didn't recall such minor details. * The problem of creating either one or more new governments in China was the most important matter which came to the board's attention, and he remembered when KAGESA went to see Wang Ching-wei and that he carried a letter of introduction from SUZUKI. Asked if this was indicative of his reluctance to interfere with the establishment of the new regimes in China, he replied that at the time the establishment of a new government had not become a question. This was not, however, because they were still trying to persuade Wang Ching-wei to accept. The reason he wrote the letter was that the question of immediate peace with China was all important. Wang Ching-wei had come in answer to the KCNOYE declaration to make every effort for peace.

35288 * KAGESA was to meet Wang and was given letters from the premier, war, navy, and foreign minister. The China Affairs Board was also asked to send a letter to show it was not opposed to Wang's peace moves, but the Board Director YANAGAWA did not know Wang personally. SUZUKI, however, did, and was therefore requested to write a letter exhorting Wang to make every effort for peace.

35289 He did not remember what happened to the money allocated for Wu Pei-fu's expenses when he died. He didn't recall a document which referred to a decision of the China Affairs Board of 28 December, in which it was decided by the Board as to the disposition * to be made of the expenses for the Wu Project after Wu died.

290 When shown another document which referred to a decision in November 1939, he remembered that such matters were discussed, but did * not know whether he had seen the document before. Asked if it was not reasonable to suppose that he had seen it if it was a decision arrived at at a Board conference, he replied he could recall matters actually discussed there, but did not remember whether this document embodied what was discussed and decided on. All documents which embodied decisions of the Board received the signatures of the president and vice-president, and the accused took them to the office of the general director. He didn't recall taking this particular document.

35291 * He didn't know whether the accused DOIHARA played a prominent part when the army was working on the Wu Project, but knew that DOIHARA was connected with it. He remembered that in February 1940 the China Affairs Board recommended advisers to the new Central Government, and he thought that in that month forty million yuan were authorized to be loaned to that government. On 4 April 1941, he became president of the Planning Board and Minister without Portfolio. * He had stated in his affidavit that he was reluctant to accept appointment, but did so because it would have placed his friend KCNOYE in an awkward predicament.

35292

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In those days there were movements agitating for establishing a new structure, and they were being advanced in a manner which overstepped the bounds than what KONOYE expected. KONOYE wished to curb this tendency and decided to reorganize the cabinet. OGURA was taken in as the principal leader of economic affairs, and a condition which OGURA laid for his acceptance was nomination of a new planning board president.

In his affidavit when he said that he understood his primary function lay in executing the Planning Board's business, he was not suggesting there that he could escape responsibility attaching to a minister of state. * In connection with his duties, he took over and revised the five year plan of his predecessor, HOSHINO.

35293

The Emperor named the president of the board on recommendation of the premier. The president had the power to advise the cabinet on national policy other than those concerning military or foreign affairs. In other words, those which would affect trade and national resources.

35294

* In his affidavit, he had referred to the impossibility of obtaining special steel, machine tools and scrap iron because of the German-Soviet war and the dispatch of troops to FIC. In the light of the situation, these items were to be used on the whole for the manufacture of war munitions. When he stated in his affidavit that he told KONOYE that the dispatch of troops to south FIC would be a serious matter if they were subjected to an economic embargo, this meant that he objected to the move. He believed that military power should be contracted so they would be able to concentrate it at one point, and * he felt that in view of the domestic situation the deployment of their forces over a wide area was unwise. Although he opposed this move, he did nothing to relinquish the office which he held.

35295

When he stated in his affidavit that the premier told him that the move into south FIC was imperative to ward off danger of war with the Soviet, this was not a question of agreement or disagreement, but SUZUKI merely listened to what KONOYE said. The accused was one of the cabinet ministers who decided on the dispatch of those troops. He didn't think himself that a move into south FIC would ward off immediate danger of a war with the Soviet.

35296

* Reference was made to the affidavit where it mentioned the commodity mobilization plan sanctioned by the cabinet on 22 August 1941, and there was mentioned self-supply and self-sufficiency and the guaranteeing of national security. Asked if this was not merely a war plan, he replied that one could not say so. The key point was not necessarily prompt expansion of armament. They laid great stress on it but that was not all.

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1222

To the accused was read a part of exhibit 1132, which purported to be a statement of SUZUKI in which he said that the government previously set the scheme for enforcing the commodity mobilization plan for the first quarter of the 1941 and 1942 fiscal year. The government had examined various measures necessary for the completion of the wartime system in response to the changed international situation. * Asked if he said it, he replied he didn't recall it, but was bending all efforts to strengthen national economy. He may have said that the enforcement of the mobilization scheme depended on a strong war sense and the cooperation of officials and people, as the exhibit stated.

1227

To the accused was read a part of exhibit 1133, a newspaper excerpt of September 7, 1941, which stated that the government, at the cabinet meeting on September 5, decided on the traffic mobilization plan to place transportation on a wartime basis to meet the requirements of the times. The accused stated that this was not a plan made in preparation for war.

35298

* The accused was read from exhibit 1140, a newspaper extract of September 13, 1941, which referred to the workers mobilization plan and said that the scheme jointly formulated by the planning board and welfare office, was based on the emergency labor policy decided in a recent cabinet session, and was aimed at insuring the supply of labor for increased munitions production. The accused stated that this was not a war plan.

35299

* The accused was read from exhibit 1192, another newspaper excerpt, which in describing the new newspaper plan, stated that the new system was aimed at placing newspapers on a wartime basis for fulfilling their mission as an organ of the state and the people in the present strained situation. Asked if this plan was in preparation for war, he replied that the planning board had nothing to do with newspapers, and had nothing to do with formulating that plan. It did have to do with the other plans mentioned.

3300

Reference was made to the affidavit where it was stated that the opinion was brought to the fore, that as long as the U. S. refused to sell needed commodities, they were compelled to take by force of arms the areas containing them. Asked if he considered that America's refusal to trade with Japan constituted a justification for aggressive war, he replied that he believed that aggressive warfare under any circumstances was wrong.

Reference was made to the affidavit where he referred to the stockpile supply and pointed out that the petroleum supply was inadequate. Asked when the oil well equipment in Japan was dismantled by the army and navy to be taken south, he replied his understanding was that the navy began it and the army followed later, and he first heard of it in mid-August, 1941.

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35301

* Asked if this was oil drilling machinery or refining plants, he replied that the planning board heard that orders had been given that equipment in the oil fields in Akita would be dismantled with the thought that there might be a possibility of war, and that it might be useful to exploit the oil fields of the areas to be occupied. He understood that in July 1941, a plan was made for FIC and the exploitation of its natural resources; and he understood also that there was a stationary economic organ to be established in the Japanese Consulate General at Hanoi and Saigon.

35302

In his affidavit he described the conversation with Premier KONOYE, in which he interpreted KONOYE's remark to mean that when SUZUKI attended imperial conferences, it was as the premier's technical assistant. By this, the accused stated he meant to say * he replied to questions on economic problems.

35303

In his affidavit he had stated that he understood from what KONOYE said to him that the liaison conference was not a policy-making body over and above the cabinet, but its so-called decisions would not be binding on the cabinet. It was suggested to the accused that when a decision had been made at a liaison conference there was little or no change in it when it went back to the cabinet, and he replied that this was so, but explained * that of the matters discussed at the liaison conference, most concerned foreign relations and a great number matters of commodities relative to military affairs. As the premier was also in attendance, generally what was discussed at the liaison conference was approved by the cabinet.

Before subjects for discussion were submitted to the liaison conference, considerable study and investigation on them had been given by the officials of the foreign, war, and navy ministry, and it was not usual for people not connected with those ministries to make remarks. He did not attend liaison conferences regularly just prior to the war, but only began to attend them after August 1941, and even then attended only those to which he was ordered by the premier.

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35304

*After the establishment of the TOJO Cabinet, Liaison Conferences were held continuously until the end of November and he attended all of them. In his affidavit he had stated that he was invited by KONOYE to Ogikubo on 12 October 1941 having been directed to record the proceedings. He was not suggesting he was a mere secretary. The conference was held informally merely to enable KONOYE, TOJO, OIKAWA and Foreign Minister TOYODA to discuss matters on intimate terms.

35305

The main topic was whether to continue negotiations with America and in this connection, the question of withdrawing troops from China also arose. * Since SUZUKI was not asked to do anything by KONOYE, he made no remark there being busy taking notes of what the others were saying. In his affidavit he had referred to certain conversations with KONOYE and KIDO. He did not recall telling KIDO after the fall of the third KONOYE Cabinet that the Army wanted war but did remember telling KIDO that the only way to suppress the Army's attitude was to have the Emperor state he did not want war and he remembered that KIDO did not agree with his views. *

35306

* He told KIDO TOJO's ideas as to whether TOJO could control the Army if HIGASHIKUNI became Premier and established a policy against war. He had done this in response to KIDO's request. When he informed HIGASHIKUNI on the nation's strength, he told him of the material mobilization plan for 1941 with 4,700,000 tons of steel as its base. * He told HIGASHIKUNI that Japan was not strong enough to go to war about 16 October 1941.

Asked if he had known TOJO for a long time and intimately, he replied the only times when he worked together with TOJO were when he was third Army Chief of Staff, when he was Chief of the Political Department of the China Affairs Board and TOJO was its Vice-President, and when he was President of the Planning Board and a cabinet colleague of TOJO's. He did not think this was a very long period when compared to the total length of his military service.

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35308

*He thought at the time that TOJO would be able to check the war faction and so did KONOYE because up to a certain time, TOJO had been an ardent supporter of the negotiations and even when MATSUOKA had been replaced, TOJO agreed wholeheartedly to the change. At the time the Army was urging war and therefore when SUZUKI talked with KONOYE, he took into consideration that TOJO did not necessarily seem to advocate war on his own but it was some hidden power pushing war agitation.

35309

*In his affidavit he had stated that TOJO asked him certain questions and he had answered with the prospect of imports of petroleum from America were not bright and that synthetic petroleum could not meet urgent needs.

35310

Asked what these urgent needs were, he replied that he meant they had already looked upon the severance of diplomatic relations with America as a possibility for the situation was tense and under those circumstances, by the manufacture of synthetic oil alone, they could not establish a feeling of real safety as to national defense. His statement that if they were able to seize the southern areas they could increase the oil supply from 300,000 tons the first year to 2,000,000 the second year * was not the result of an investigation carried out by the Planning Board itself. He was merely stating the result of a joint Army-Navy investigation on the matter at the Liaison Conference.

When he was ordered to make this study, he gathered together various ministry officials connected with the mobilization of materials and ordered them to conduct studies. The Planning Board, however, and the other government offices could not touch upon the oil problem except domestic production and consumption and civilian supplies.

Reference was made to the affidavit where he mentioned the Imperial Conference of November 5 which decided to withdraw the armed forces from China to make the negotiations successful and he was asked if there were not certain qualifications to that withdrawal.

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35311 He replied it was also decided that those conditions could be changed depending upon the progress of the negotiations. *His recollection was that since Japan was offering to withdraw troops, she also desired America to accept some of her requests.

35312 *Asked when Japan was willing to withdraw the troops according to this decision, he replied that the greatest stumbling block in the negotiations was the question of withdrawal of troops from southern FIC and from China. Once that basic principle had been decided on then the other details were to be decided in the course of the negotiations. When it was suggested to the Accused that the decision reached at the conference was that there would be no troop withdrawing until peace between China and Japan had been come to, he replied that he thought that peace and the withdrawing of troops were the same thing.

35313 In his affidavit he had stated that he was told about an ultimatum or what virtually constituted an ultimatum, and that he could not but sense that war might be unavoidable and he had stated that they were placed in a situation liable to be militarily * aattacked at any moment. He was not sure when hostilities were to be opened against the United States nor did he know the place or day they would commence, nor that the time for opening them was fixed for 8 December. He did not suggest that no notification be sent to the U.S. of this attack.

35314 Asked when the task force sailed for Pearl Harbor, he replied he knew nothing about it. * He first learned of it after the conclusion of the war. He thought this was at some prison when he met SHIMADA who said something to the effect that the fleet had sailed one or two weeks before the beginning of hostilities but he was not sure as to what SHIMADA actually said. The first time he heard of the Pearl Harbor attack was on the morning of December 8 when he went to the cabinet to attend a cabinet meeting and was told by the Chief Secretary.

Asked if the final note sent to the U.S. was signed by all ministers of State including himself, he replied that most of the cabinet members had nothing to do with it, including himself. The matter was not discussed at

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35315 any Liaison Conference * or Cabinet meeting he attended. He never knew about any note being sent such as he heard of later. He neither signed it, discussed it at a Liaison or Cabinet conference, or knew its contents until after it was delivered.

35316 . Asked what took place with respect to the note to Britain, he replied that once the decision that war was unavoidable had been reached, technical matters were left up to Foreign Minister TOGO so that all proceedings would be in accordance with international law and therefore he had little interest in the matters. He felt that even to Britain a note would be sent and if there were not, there would be ample reason why it was not so he did not concern himself with it. * He did not know why no note was sent.

35317 He recalled faintly that after the outbreak of the war, the whole matter came up for discussion and TOGO explained that since Britain was one with the United States, there was no necessity to send such a note because it would automatically be made known to Britain. He knew that Britain was a sovereign state, had an ambassador in Tokyo and that Japan had an ambassador in London. Asked if he knew that ambassadors were the usual channels for communication between nations and if he knew nothing was done to warn Britain of an impending attack, he replied that he had no interest in such matters but * after hearing all the evidence he felt that from his own point of view, he would certainly have sent such a note.

35318 *In his affidavit he had said that economically Japan had not been prepared for war with America and Britain prior to the first of December 1941. He was not suggesting by that that Japan's preparation for war took place in the succeeding seven days. It was suggested to the Accused that the idea of the Greater East Asia Ministry was to apply the same methods to the areas comprising * Greater East Asia as had been applied to China by the China Affairs Board.

35319

He stated he did not think it was necessarily so. After the establishment of the Nanking Government, the China Affairs Board was abandoned and the plan under

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study was to conduct affairs vis-a-vis China through the Ambassador. It was his understanding that the Greater East Asia Ministry was established after the outbreak of war to handle economic and other matters in the occupied areas.

Asked if it was being used to exploit the natural resources of those areas he replied "Yes, that was one of the main tasks."

35320 The Planning Board had no authority concerning the employment of POWs but did have authority and was concerned with the supply and demand of labor in Japan. *In part this labor power was supplemented by POWs but in connection with the business of supplementation or detention, the Board had no power whatsoever with that. The Planning Board never did issue any directive whereby this supplementary POW labor would be utilized.

Asked if the Board said they required POWs for stevedoring purposes, he replied that the Board not once requested such laborers. The demands came from the various ministries which had something to do with such matters and they consulted the War Department.

35321 *The Board made no request for such labor by reason of the ministry requirements. Such matters as labor required for stevedoring purposes were never brought to the Board's attention. The ministry concerned notified the Welfare Ministry and the Planning Board of the number of laborers available from the general supply after POWs had been deducted.

35322 Asked if it was not true that POWs were used for stevedoring to speed up the transportation of war materials, he replied he thought they were utilized for the general purpose of facilitating transportation but did not know in detail whether POW labor was included in the transportation of material or war. *He never saw POWs working as stevedores but saw them working once at a coal mine.

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35323 Leaving the presidency of the Planning Board on 8 October 1943, he was appointed administrative inspector in April 1943. His duties were to see to it that production increases were made by inspecting the various factories to take steps to increase production. * One or two months after he left the cabinet, he was appointed Economic Adviser to the Cabinet and in September 1944, he was appointed Chief of the Great Nippon Industry Patriotic Association.

35324 In his affidavit he stated he had deplored the China Incident, that many features of the government and High Command carried out by the China Affairs Board were opposed to his ideas, that the move into southern FIC would be a serious matter, he opposed the Tripartite Pact and was convinced Japan should keep on friendly terms with Britain and the US. Ask if there was a single incident because of his opposing views where he voluntarily resigned from office and refused to carry out the program and policy * of his particular department, he replied that at that time he did express his own views to his superiors but it had always been his way to entrust matter of decision to his superiors and not to press his own views upon them.

CROSS EXAMINATION BY MR. LOGAN,
COUNSEL FOR KIDO

35325 *The Accused were reading questions and answers during his cross examination in which he had testified that while he did not recall telling KIDO the Army wanted war about the time of the fall of the third KAWAYE Cabinet, he remembered telling KIDO that the only way to suppress the Army attitude was to have the Emperor state he did not want war and that KIDO did not agree with his views. SUZUKI stated that he thought this conversation took place on the night of October 13 at KIDO's home.

35326 *He told KIDO about the matters discussed at Ogikubo on the 12th and that since matters had come to this state, it seemed advisable to request the Emperor to use his influence to prevent war. To his recollection, KIDO replied that perhaps in the final analysis, it might be necessary to petition the Emperor for his influence but it was not yet the proper time. SUZUKI did not suggest to KIDO that he petition the Emperor.

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35327 In his affidavit he had stated that he was messenger between KONOYE and KIDO, KONOYE and TOJO and TOJO and KIDO. Asked where he got the suggestion to petition the Emperor * he replied he spoke of this idea to KONOYE after the Ogikubo talk suggesting to KONOYE that the Emperor be consulted and state he did not want war. He did not know if KONOYE ever told the Emperor of this. KONOYE said that before bringing this message to KIDO, it would be necessary to obtain the agreement of the War, Navy and Foreign Ministers and if agreement was obtained, it would be no matter at all to petition the Emperor. He therefore asked TOJO's opinion first.

35328 Asked if the idea to request the Emperor to suppress the Army attitude by stating that he did not want war came originally from him, he replied he did not know, but * his idea at first was to have the Emperor scrap the September 6 decision and he proposed that idea. After the talk with KONOYE took place and after meeting TOJO, it was found that the matter was difficult and thereafter he spoke to KIDO about it. He did not see the Navy Minister pursuant to KONOYE's suggestion.

35329 * He did not hear KONOYE tell him to take the matter up with KIDO. KIDO did not explain why the time was not opportune but KIDO always thought that since the Emperor did not desire to voice his opinions on political affairs and relied on the Premier, that course should be taken. * Asked if he himself thought that this was a matter for the Premier to take up with the Emperor, or that of KIDO, he replied that it had always been his belief that while asking the Premier on one hand, at the same time it was necessary that one who was a close advisor to the Emperor should also be informed.

35330 Asked whether it was KIDO's or the Premier's duty to take the matter up with the Emperor, he thought it was the Premier's duty and in case the Emperor was to make any such expression, he thought it was also the responsibility of the Lord Keeper. Insofar as the Premier was concerned, he meant it was the Premier's duty to take it up with the Emperor and also part of the Lord Keeper's duties to keep himself informed in case the Emperor asked him about it, and it was his

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35331 idea that whenever such important question was brought up * it was the Lord Keeper's responsibility to have with him such advise as would be decisive in case an inquiry was put to him by the Emperor. Asked what the Army attitude was on October 13, 1941, he replied that from general information as well as what he learned from KONOYE, it was that the atmosphere around General Staff Headquarters strongly favored dropping negotiations and declaring war against the U.S. Asked if on October 13 the situation was so critical that the Emperor was even thinking ahead about an Imperial Rescript in case war should be declared any day, he replied he knew absolutely nothing about that. His feeling at the time was that the time had not come for any final decision as to whether war should * be declared or not.

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Asked if there was anything to prevent a Minister of State approaching the Emperor and suggesting to him that the Army could be suppressed if the Emperor stated he did not want war, he replied he could not believe that any Minister except the Premier, or War or Navy Minister could do this. As far as channels are concerned, it would be more properly their function rather than that of the Lord Keeper because he would be interfering in political affairs.

CROSS EXAMINATION BY MR. BLAKENEY,
COUNSEL FOR TOGO

35333 The Accused stated he did not recall whether he
35338 attended all of the Liaison Conferences between the first of December and the outbreak of the Pacific War * and there may have been some from which he was absent.*

REDIRECT EXAMINATION
BY MR. LEVIN

Reference was made to the affidavit where it was stated that in 1933 he met Hwang Fu in Peking. Hwang Fu was senior of Chiang Kai-shek with whom he was on very intimate terms. The main subject of discussion between Hwang Fu and the Accused was around the question of how to restore relations between Japan and China. Hwang Fu indicated there were three points around which the two countries should make efforts for restoring relations emphasizing that if the three were carried out, it would be possible.

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35339 The first was not to take up the Manchurian problem until the feelings in both countries had cooled off. Second was that Japan should not seek a special * economic status in China proper but should engage in economic activities on equal terms with the Powers. Third, he proposed that the common aim of their relations should be placed in anti-communism and SUZUKI expressed wholehearted approval of his suggestion. He report Hwang Fu's opinion to his superior upon returning to Tokyo.

Hwang Fu understood Japan very well. Not only was he on intimate terms with Chiang Kai-shek but was also chairman of the Political Council. In addition, General Ho Ying-ching was Chairman of the branch in Peking of the Military Council. In the light of this, SUZUKI expressed his opinions to his superiors that they should undertake to settle local issues in North China by trusting these various North China organs of the Chinese in cooperation with them.

35340 *At that time not all his opinions were accepted because as a result of the Manchurian Incident, there was a feeling of contempt in the Army for the Kuomintang and furthermore, because of the fact that he was only a lieutenant-colonel perhaps, his views did not carry weight.

35341 There was a Lieutenant-colonel SUZUKI other than the Accused in the War Ministry about 1933 and there was a Lieutenant-colonel SUZUKI in the General Staff Office about that year. As regards the relation of the 1941 mobilization plan not being directed against war with the United States, he stated that in comparison with the amount of materials allocated to the Army, the allocation of materials allocated to the Navy was very small, especially of steel which was hardly different from peacetime allocation. It was only after the decision for war that special allocation of steel was made to the shipping building industry.

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* OPENING STATEMENT BY MR. BLAKENEY.

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* Exhibit 3609, the affidavit of ARITA, Hachiro, certified that the affiant was vice-minister of foreign affairs from 10 May 1932 to 16 May 1933, and as such examined and read in 1933 a report by TCCC, then director of the European-American Bureau entitled "On the Foreign Policy of Japan vis-a-vis Europe and America Following Withdrawal from the League of Nations", which was prepared for submission to Foreign Minister UCHIDA. He had seen a * document which he identified as the original report he read at the time.

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* Exhibit 3609-A, the document identified by the above affiant, stated that toward the Manchurian Incident the Soviet Union maintained an attitude of neutrality and non-interference. In view of Japan's neutral attitude at the time of the Soviet-Chinese conflict over the Chinese Eastern Railway issue in 1929, this attitude was understandable. Moreover, the Incident was at first * restricted to southern Manchuria, which was outside the Soviet sphere of influence. Even when operations extended to northern Manchuria, involving Soviet interests, Russia continued her neutral attitude. Her consent to Japan's sending troops by the CER, her refusal of the League request for cooperation of Soviet consular officials in Manchuria with the Lytton Commission, her offer of good offices in evacuating Japanese at the time of the Su Ping-won Incident; her expression of consent to the sale of the CER to Japan, and her rejection of the League request to join its advisory council, were among the facts worthy of note. This attitude of the Soviet Union should properly be interpreted in the light of its understanding of Japan's power being much greater than other countries and of the fact that since incidents with foreign countries could not be permitted to occur while Russia was busily occupied with internal activities, she was avoiding any provocative actions.

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The desire of the Soviet * for a non-aggression pact with Japan was motivated by its desire to secure the safety of its far Eastern territory from the increasing threat it feels since the Japanese Manchurian advance. To the extent that the Soviet was striving toward world revolution, a clash with Japan might be unavoidable, and the five year plan should be watched. The course which Japan should follow was to pursue their Manchurian and Mongolian policy, but avoid friction and promote friendly relations with other powers. As to Soviet relations, there were various issues hard to solve, but they should make every effort in accordance with the * policy to promote friendly relations with her, and they might be able to solve these issues. It might even be possible to get the Soviet to recognize Manchukuo.

35366

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35367 A review of Soviet-Japanese relations would show that the Soviet felt a sense of insecurity over its far Eastern territory since the Manchurian Incident, and especially after Japan, in replying to the Soviet proposal of a non-aggression pact in December, 1932, stated such a pact was premature. This apprehension was to be noted in the statements of influential Soviet leaders. There were difficult issues between the two countries, but if things were left as they were, mutual distrust could not be removed and relations * might come to be dominated by the domestic communism problem or the development of Soviet-Manchukuo problems.

35368 Japan should try mainly to develop Manchukuo and should watch the progress of the five year plan, and the Soviet attitude toward other countries, endeavoring to avoid friction with Russia and establish friendly relations with her. As to the possible influence of the improvement of these relations on third powers, there was no reason that it should disturb U. S.-Japanese relations, as America did not want Japan to dominate Siberia and was not pleased to see Soviet communism firmly established. The fact that some Americans suspected Japan of aggressive intentions because of her refusal of the Soviet * offer of a non-aggression pact showed that improvement of Soviet relations was desirable for betterment of U. S. relations.

With regard to Britain, some feared that friendly relations with the Soviet might cause trouble in relations with Britain, but it was clear that Soviet-Japanese accord would not extend to such a point that the two in combination would oppose Britain. It was not reasonable for Britain to have any apprehensions over this.

35369 Improvement of Soviet-Japanese relations would have a good influence on third powers by proving Japan's peaceful intentions and contribute to the improvement of better relations with other nations. * It was by all means advisable that they make efforts to improve relations with the Soviet, and of all the measures for accomplishing this, that most desired by the Soviet was a non-aggression pact; but there were pros and cons on the question in Japan.

35370 * There were no reasons why such a pact should not be concluded. This pact was recommended, and thereafter they should proceed with negotiations on the questions of recognizing Manchukuo, purchase of the CER, and issues relative to concessions in northern Sakhalien. If the domestic situation did not permit concluding such a pact, they should first endeavor to tranquilize relations between the two countries, keeping in close touch with Manchukuo with respect to her policy toward the Soviet.

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35371 To realize these aims, it was recommended that in the economic sphere they conclude a commercial treaty, thus promoting economic relations with the Soviet. In the political sphere, it was recommended that measures be found to prevent border clashes, and in * this connection the problem of demarcation of the Soviet-Manchukuo border should be solved; a system be established peacefully for Soviet-Manchukuo management of the CER on an equal basis; and steps taken to purchase Soviet rights in that railway.

35372 The problem of demarcating the boundary was pending even before the establishment of Manchukuo. Left unsettled, it was a source of trouble. Although there might be difficulties, it should be solved quickly. Also, the CER was built by Czarist Russia as an instrument for Far East exploitation. Since they could not justifiably obtain Russian * interests in the railway forcibly, they should purchase their share in it.

35373 Since the Manchurian Incident, various nations had charged Japan with practically ignoring her treaty obligations and embarking on aggressive actions. They were apprehensive lest Japan engage in such actions whenever opportunity was offered. As a result, Japan had lost as much international confidence as she had gained military prestige. In modern international society resort to armed force was a matter of the utmost seriousness, and every effort should be made to avoid it. Although there were instances in history of unjustified use of armed force, Japan should not repeat this. Respect for truthfulness should * be the same among nations as among individuals, for when a nation forfeits international confidence it was ultimately the loser.

The Soviet was not only making efforts to avoid conflict with Japan, but was not in a position to apply either military or economic pressure in the near future, and Japan should give attention to this point. In case armed conflict with the Soviet became inevitable, it was most desirable to make a common front with Britain and America, but since it was clear the Soviet was trying to avoid this eventuality, other powers would not support Japan but would condemn her as an aggressor, and Japan should by all means avoid clash with the Soviet.

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DIRECT EXAMINATION OF NCGUCHI, Yoshio,
by Mr. Blakeney.

35375
35377

* The witness identified and verified exhibit 3611 as his affidavit. * The affidavit stated that the witness was a member of the staff of the first section of the European-American Bureau from July 1925 to March 1926, and TCGO was section chief from July 1925 to the end of the year. When the witness was in the first section from January 1930 to October 1933, TCGO was bureau director throughout. When the witness was a secretary-interpreter of the embassy in Moscow from October 1939 to November 1940, TCGO was ambassador, and the witness returned home about a month after TCGO was recalled by MATSUCKA.

35378

While in Moscow, the witness was interpreter at all conversations between TCGC and Molotov, following the settlement of the Nomonhan Incident in September. Thereafter he was in the same capacity in the European-Asiatic Bureau from December 1940 to February 1943, and TCGO was foreign minister from October 1941 to September 1942. It was immediately after TCGO became foreign minister for the second time that * the witness was ordered to serve in the Political Affairs Bureau, TCGC remaining minister until August 1945. During the two tenures of TCGC's ambassadorship the witness was interpreter at all conversations with the Soviet ambassador, and he was therefore familiar with the negotiations and with TCGO's opinion in connection therewith.

35379

While TCGC was ambassador to the Soviet, he took the opportunity immediately after the Nomonhan Incident, when relations showed a favorable turn, to further improve relations, and succeeded in solving various problems which were described by the witness. As to the negotiations for the epoch-making neutrality treaty between Japan and the USSR, TCGO carried the negotiations all but to consummation. * In this, TCGO did not insist on the exclusive interests of Japan, but maintained that the interests of both should be mutually respected. Whenever he found the Tokyo instructions excessive or improper he did not hesitate to ask reconsideration of Tokyo, and always undertook negotiations after fully understanding the facts. This attitude caused him to win Molotov's confidence, and the conversations were carried on in a most friendly atmosphere.

35380

Molotov then was concurrently chairman of the council of commissars and Commissar for Foreign Affairs. It was unusual in Soviet practice that Molotov accepted with hardly exception TCGO's request for interviews. In the all-night negotiations over the modus vivendi of the fisheries problem on the night of 31 December 1939, Molotov insisted when the * question of the gold clause concerning the last payment for the CER that the opinion of experts be obtained, as the question was economic.

0 152 0003 5753

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TOGO, however, pointed out there was not enough time, and requested Molotov to accept his word that the proposal was not disadvantageous for the USSR. Molotov replied he would rely on TOGO's word and would sign the document. Upon the conclusion of the fisheries agreement on 1 January, Molotov expressed his respect for TOGO's efforts and that Russian-Japanese relations would become more friendly, thanks to TOGC.

35381

* It was TOGO's intention to establish peaceful relations with the USSR, and he recommended the conclusion of a non-aggression pact, finally obtaining government instructions to open negotiations. He made the following oral proposal to Molotov in early July 1940: 1, the two parties should confirm that the basic treaty shall be the basis of relations and declare they will maintain peaceful and friendly relations, respecting each's territorial integrity; 2, if one of the two was attacked by a third power the other shall maintain neutrality; 3, the agreement shall be effective for five years.

35382

Some days later Molotov agreed in principle to the proposal, saying it was in substance a non-aggression pact, and communicated to TOGO in mid-August that the USSR would accept the proposal on condition that the paragraph referring to the fact that the basic treaty shall be the basis of relations * be deleted, and proposed that the concessions in northern Saghalien be terminated. TOGO recommended to Tokyo that the Russian proposal should be accepted, and the proposed pact be concluded. However, MATSUCKA, who became foreign minister in July 1940, when the pact was all but concluded, ordered TOGO home and to suspend negotiations. Molotov repeatedly asked TOGO before his departure as to Tokyo's intentions concerning the pact, as to sudden change of ambassadors being incomprehensible, and that the new ambassador TATEKAWA had made a statement that Japanese-Russian relations should be restored to a clean slate.

35383

TOGO tried to dispel Russian concern by explaining that the negotiations had been conducted with full contact with the government and the cabinet change could not change the policy, and that he, * on returning home, would do all he could to improve Russian-Japanese relations. The witness recalled TOGO's telling him that the motive for his proposing a neutrality pact was to take the opportunity for settling the Nomonhan Incident. The witness was then half TOGO's interpreter and half his secretary, and he recalled TOGO telling him that Japan should not seek in the south anything beyond the promotion of economic interests, for this would cause a clash with the U. S. and Britain. TOGC went to Berlin for a few days in May 1940 for a medical examination, and not for official business, and this was his only trip there that year.

0 152 0003 5767

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35384 When TOGO became foreign minister in October 1941, Ambassador Smetanin often communicated Soviet requests concerning the maintenance of neutrality between the two on these occasions. TOGO suggested his desire to render good offices for peace between Germany and the USSR. * When Smetanin was leaving for home in January 1942, TOGO entrusted with him a message to Molotov that if the Soviet should come to entertain a desire for peace with Germany, he was ready to render his good offices. TOGO remarked that when the whole world had become involved in war, Japanese-Soviet relations were like a shaft of sunlight, and he desired to extend this light to the whole world. The witness recalled that in the summer of 1942, TOGO complained that the activities of the Japanese authorities abroad were too passive when it was deemed urgent to bring about a general peace through Russo-German peace. When he called on TOGO in early 1943, he urged him to act for Russo-German peace, and TOGO said he deemed this the most proper way to bring about general peace, and was willing to work toward that end if the government would give him powers for action.

35385 The witness returned from Bulgaria in April 1945, and TOGO summoned him in May and told him of his intention * for negotiations with the Soviet to terminate the war. This intention materialized in June with conversations between HIROTA and Ambassador Malik, and the witness served as interpreter and liaison between TOGO and HIROTA. Although the negotiations failed, it was because the war situation had too far deteriorated.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

35386 Exhibit 3162, a supplementary personnel record of TOGO, was received in evidence but not read, to show that the accused was ordered home on 29 August, and left Moscow on 29 October 1940.

Exhibit 3613, a certificate of the foreign ministry, showing the appointment of TOGO's successor, General TATEKAWA in September, was received in evidence but not read.

0 152 0003 5770

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DIRECT EXAMINATION OF NARITA, Katsushiro,
by Mr. Plakeney.

35387 * The witness identified and verified exhibit 3614 as his
35388 affidavit. * The affidavit stated that the witness served in the first
section of the European-Asiatic Bureau from June 1934 to January 1938;
in the Embassy in Berlin from March to October 1938; in the embassy in
Hsingking from December 1938 to August 1940; as senior secretary and
later chief of the first section of the European-Asiatic Bureau from
August 1940 to November 1942; and as chief of the personnel section
from November 1942 to August 1945.

35389 For over three years of his first service in the First Section
* The Bureau Director was TCGO. In this period there were numerous
Japanese-Soviet problems. TCGO's practice as bureau director in charge
of Soviet affairs was to protest stiffly against any Soviet delicts, but
to be equally stern in reprimanding those on the Japanese side guilty of
improper practices. They got many requests from the war ministry or
the ambassador in Hsingking, who was concurrently C-in-C of the Kwantung
Army, to make protests to the USSR concerning border incidents. These
requests were routed through the first section, were quite numerous,
and many were seen and managed by the witness, and many were not.
Requests were sometimes made orally by the war ministry to his section.
TCGO frequently said that before making the protest further investigation
35390 would * have to be made to give assurance that the fault was not on the
Japanese side, and in such cases had such instructions for further
investigation sent to the Hsingking embassy or war ministry. He often
suggested to the war ministry and Kwantung Army that they mend their
ways and refrain from committing wrongs themselves if they wished the
Japanese position to be strong when there were cases of Soviet faults.
TCGO also admonished military authorities concerning other cases of
Soviet-Japanese or Soviet-Manchukuoan disputes.

35391 Business men operating concessions in Sakhalin and Japanese
fishermen operating in Soviet waters under fisheries agreements, fre-
quently complained to the foreign ministry, through the first section,
of Soviet oppression. TCGO often told them in the witness' presence
that there was fault on their side too, and that they were exaggerating
or concealing facts, and were generally not devoting their sincere
efforts to compliance with their concession contracts or fishery rights.
* On these occasions when they asked the ministry to take a strong
stand against the USSR, TCGO would tell them that they were attempting
unduly to depend on government protection, and that only when the USSR
had acted in a clearly illegal manner could they expect government
help.

During this period the conclusion of the anti-Comintern Pact
had a cooling effect on Soviet-Japanese relations. Although it was the
European-Asiatic Bureau under TCGO which had to manage the foreign
ministry's work in connection with its conclusion, he had then that

7 152 0003 5771

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35392 TCGO's opinion was that the conclusion of a political agreement for coping with an ideology was meaningless. TCGO strongly opposed strengthening the anti-Comintern Pact, or anything in the nature of a German-Japanese-Italian alliance, and immediately on learning of the negotiations he presented his views to the foreign minister to that effect. The witness learned that his opinion was that Nazi foreign policy * would eventually bring Germany into conflict with the Soviet, Britain, and other countries, and that such an alliance not only would not contribute to solving the China Affair, but would involve Japan in Europe and eventually world turmoil. TCGO's attitude toward the alliance, and his unresponsiveness to German suggestions of closer cooperation in economic matters relating to China, led to deterioration of his relations with Ribbentrop and intensified opposition from military and naval circles to whom his presence in Berlin appeared an obstacle to realizing their desire for closer German-Japanese collaboration.

35393 It was this attitude and opposition from military circles which the witness learned brought about his removal from Berlin and Moscow. What the witness learned then and reported to TCGO in a letter of 6 December 1938, he identified as exhibit 3614-A. * Exhibit 3614-A stated that the witness was supposed to have been informed that TCGO was actively working in Moscow, while in Tokyo he was informed that the choice of ambassadors to Britain was difficult, and Foreign Minister UGAKI said it would be good if TCGO went to London, but if he did so the problem would arise of promoting OSHIMA to the ambassadorship. When the army started to work for transferring the ambassador to Berlin, UGAKI

35394 * was said to have seen no necessity for the transfer, for the ambassador at that time had not failed. However, malicious telegrams were sent from Major-General KASAHARA and Naval Attache KOJIMA, stating that TCGO was extremely unpopular with German authorities and higher officials such as Ribbentrop paid no attention to him, and at the time of the Czecho-Slovakian problem all the ambassadors of friendly nations went to Munich except TCGO.

Moreover, it began to be urged that OSHIMA should be used for the negotiations. The pressure of the military had thus prevailed. It seemed therefore that the telegrams from Berlin pointing out OSHIMA's disqualification had hardly been utilized by foreign office authorities.

The affidavit continued, and the witness added that this information came from the director of the European-Asiatic Bureau, who was familiar with the matter.

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*As Chief of the First Section of the European-Bureau during TOGO's first term as Foreign Minister, the witness was familiar with the attitude toward the U.S.S.R. TOGO worked hard for the strict observance by both parties of the neutrality then prevailing.

On 22 November 1941, he called on Ambassador Smetanin and reminded him that on 5 and 13 August, Smetanin had talked with the then Foreign Minister TOYODA, at which time he had assured that the U.S.S.R. would remain faithful to the neutrality pact and grant no military bases on Soviet soil to foreign powers. TOGO asked Smetanin to confirm this policy and that the neutrality pact would continue to be the basis of relations between the two. On 1 December, Smetanin gave this assurance and again on 6 December.

35396

* From the outbreak of the Pacific war to the beginning of September 1942, there were several questions in connection with the navigation of Soviet vessels, etc. The Japanese navy had established sea defense zones and decided to restrict navigation in those areas. On such questions, the Foreign Ministry would notify the Soviet Embassy beforehand of the navy measures and when questions arose, such as detention of a Soviet vessel, it made efforts for a speedy settlement.

Some Soviet vessels were damaged and sunk in areas where there were hostilities. On these occasions, the Ministry did its utmost to accord all facilities for the protection or repatriation of crews, etc.

35397

*Throughout TOGO's second term as Foreign Minister, the witness was Chief of the Personnel Section. At this time military circles intimated the desirability of removing the Ambassador to the U.S.S.R. SATO, who was alleged to be "insufficiently positive" in his attitude toward the Soviet. The witness brought up the question with TOGO, who told him that if SATO were removed, it would be to a European post where he could get in touch with the U.S. and Britain with a view to ending the war. He told the witness to study the question of appointing as minister one who was then an ambassador, having in mind that the post to which SATO would have had to be sent would have been Sweden, Switzerland, or the Vatican. The witness thereafter reported to him. These discussions were held in April 1945, but nothing came of the idea because soon thereafter projects for ending the war through Soviet intermediation were set in motion.

7 152 0003 5773

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* While Chief of the Personnel Section, the witness was in charge of the examination of ministry officials' services for the grant of awards in connection with the China Affair and conducted negotiations with the Board of Decorations. The Ministry had two fixed standards. One was a list of important matters taking place during the China Affair in which the Ministry was concerned and examination was made of services relating to enumerated matters not limited to those having direct connection with the China Affair. Careers were considered in the light of the table and long service in an important position.

35399

* In TOGO's case, the Board of Decorations agreed according to the first standard that his services in negotiating the Truce of Nomonhan deserved an award. TOGO was already in the category of those deserving a decoration according to the second standard. The Grand Cordon of the Rising Sun was not the highest decoration and was not bestowed upon TOGO for any special reason, but only because he had been already decorated with the next lower decoration in grade in May 1941.

35400

*CROSS-EXAMINATION BY MR. SUTTON

35401

It was some time in March, after the witness' arrival in Berlin, that he learned that the military attache OSHIMA was working for the strengthening of the Anti-Comintern Pact, and was directly negotiating with Ribbentrop without informing Ambassador TOGO. The witness was reminded that he wrote TOGO on 6 December 1938 (Exhibit 3614A) concerning telegrams from General KASAHARA and attache KOJIMA. Asked if these telegrams contained the statement that OSHIMA was so popular that he went to Munich in Ribbentrop's private plane,* the witness replied he did not read the telegram himself but only heard there was a telegram to that effect.

35402

CROSS-EXAMINATION BY Mr. SHIMANOUCHI,
Counsel for OSHIMA

35403

The witness stated that he knew that KASAHARA returned from Berlin to Tokyo in connection with strengthening the Anti-Comintern Pact* and thought KASAHARA left Berlin in July 1938.

0 152 0003 5774

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35404

*The witness did not remember the Foreign Office sending inquiries to TOGO regarding his opinion on the proposed treaty. He had stated in his affidavit that he learned in March 1938 that OSHIMA was working for strengthening the Anti-Comintern Pact and he heard it from his colleagues in the Embassy at Berlin. He never himself made sure of this. Asked if, after hearing this report, he talked with TOGO or OSHIMA on the matter, he replied that he had never talked directly with either.

35405

*Reminded that OSHIMA had stated that it was from about July that he began talks with Ribbentrop, the witness stated that OSHIMA did talk on this matter in July. The witness did not know what kind of conversations were actually being held between OSHIMA and Ribbentrop.

Redirect Examination by Mr. Blakeney

35406

*The witness stated that the part of his affidavit in which he had made statements concerning TOGO's opposition to strengthening the Anti-Comintern Pact concerned matters during his service in the Embassy after March 1938.

Direct of Examination of YAMAJI, Akira,
by Mr. Blakeney.

35407
35408

*The witness identified and verified Exhibit 3615 as his affidavit. *The affidavit stated that in April 1934 the witness was assigned to the Second Section of the Bureau of European-American Affairs, being appointed Chief in September 1936, remaining so until April 1938. From April 1934 to October 1937, the Bureau Director was TOGO.

At the beginning of February 1936, the Foreign Ministry received a semi-official report addressed to the Vice Minister from the Charge d'Affaires at Berlin, INOUE, that the military attache OSHIMA often informally carried on political negotiations with the Germans.

35409

*In April 1936 ARITA became Foreign Minister and shortly after told Ambassador MUSHAKOJI that it was considered proper to conclude some agreement with Germany and MUSHAKOJI should make necessary investigations in Berlin. In May ARITA cabled instructions requesting the Ambassador to sound out German intentions. In July MUSHAKOJI reported that a plan of agreement had been submitted by Ribbentrop containing stipulations for an Anti-Comintern Pact and cooperative measures against the Soviet.

0 152 0003 5775

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35410

*At that time TOGO told the witness he was against any international agreement based on ideologies and was against a Japanese-German Anti-Comintern Pact. The cabinet members concerned, however, supported the Pact and TOGO could do nothing but carry out their policies. However, TOGO paid attention so that damage to relations with the Soviet and Britain might be avoided and that cooperation with Germany might not exceed the limit of true necessity.

35411

At the joint conference between the Foreign and War Ministries, TOGO maintained with ARITA that it was absolutely necessary for entering into the Pact to conclude also a political agreement with Britain* and succeeded in overriding military objections and persuading them to accept this condition. In negotiating with the Germans, TOGO had MUSHAKOJI request certain amendments which resulted in propagandistic words being toned down, the scope of cooperation in exchange of information concerning destructive activities of the Comintern was limited and the term of validity was reduced from ten to five years.

35412

TOGO also succeeded in amending the draft of the Annexed Agreement in that*the too-comprehensive condition of the first article to the effect that it was to become operative in case either became an object of attack or threat of attack was amended to apply only in the event either became "the object of an unprovoked attack or threat of attack".

35413

*As to Japanese relations with Britain, TOGO often told the witness that he cherished the same belief that relations should be smoothed by an agreement with Britain thus improving also relations with the United States and maintaining world peace. He said the conclusion of such an agreement should be a condition for execution of the Anti-Comintern Pact. Conditions at the time of signing the pact were unfavorable to obtaining British agreement and negotiations were not begun, although TOGO did not give up hope. He determined to resume negotiations with Britain in the spring of 1937 and persuaded Ministry authorities and induced the military into agreement.

0 162 0003 5776

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Page The plan of Anglo-Japanese Pact, with respect to
British concessions in China, was completed and instructions
given to Ambassador YOSHIDA in London to open negotiations
but various requests by YOSHIDA consumed time and the
35414 negotiations had hardly * opened when the China Affair broke
out and TOGO's efforts came to nothing.

On further oral examination, the witness was asked
how the Anti-Comintern Pact of 6 November 1937 came to be
concluded and he replied that toward the end of October 1937
Ribbentrop came to Rome and after conferring with Mussolini
and Ciano, the Pact was signed. Japan's attitude toward the
Pact was negative.

35415 Asked if TOGO participated in the conclusion of
this negotiation, he replied that the Government had
established a policy which sought a political agreement with
Britain at the same time as the conclusion of the Anti-
Comintern Pact. He corrected his previous answer and stated
that it was around October and November that the conclusion
of the Anti-Comintern Pact became* a pressing matter.
TOGO's promotion to Ambassador in Germany was decided in
September and in October TOGO was on a tour in Manchukuo
and during this two weeks INOUE was Director ex-officio.
After TOGO's return, he was formally appointed Ambassador
and, therefore, TOGO had no connection with the negotiation
of the Pact. There was no cross-examination of the witness.

35416 *Exhibit 3616, a certificate concerning TOGO's
absence from Tokyo and from his office at the time of
Italy's entrance into the Anti-Comintern Pact, was received
in evidence, but not read, to show he was ordered to
Manchukuo on 7 October and actually left on the 10th.

0 152 0003 5777

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35417 Direct Examination of KAMEYAMA, Kazuji
by Mr. Blakeney.

35418 *The witness identified and verified Exhibit 2753 as his affidavit. *The affidavit stated that from February 1922 to March 1927 and from November 1930 to May 1935, the witness was in charge, while holding a position in the Bureau of European-American Affairs -- later the Bureau of European Asiatic Affairs -- of questions regarding the conclusion of the Soviet-Japanese Peking Convention of 1925, the discussion of a Soviet-Japanese non-aggression Pact and the purchase of the Chinese Eastern Railway.

35419 TOGO was chief of the First Section of the Bureau from January 1922 to March 1927 and director of the Bureau from February 1933 to October 1937 and the witness served under him until he left the Bureau in May 1935. The Soviet-Japanese treaty was signed at Peking in January 1925 restoring diplomatic relations. TOGO had been dealing with Soviet-Japanese affairs since 1923 * and it was his efforts that brought about the treaty. As Bureau Director, TOGO had to deal with difficult questions with the Soviet asserting himself to bring them to amicable settlement and succeeded. In bringing to successful conclusion the negotiations for the purchase of the CER, he worked hard, persuading military leaders and negotiating with the Soviet Union and Manchukuo, and achieved success in concluding the agreement for the purchase of the railway on 23 March 1935.

35420 *When the selling of the railway was proposed by Soviet in 1933, there was an opinion supported by the military and other circles that it was useless to pay a high price for a railway which was sure to fall into the hands of Manchukuo for nothing. It was feared that this might prove an obstacle. TOGO, however, reasoned the Director of the Military Affairs Bureau and the Chief of the Second Department of the General Staff into agreement as to his own opinion, resulting in the Cabinet decision of 23 May that the Soviet proposal should be accepted that Manchukuo should be advised to be the purchaser and that Japan should use its good offices in the negotiations. The progress of these negotiations was set out in Exhibit 3234. They made little progress* and often came to a standstill. TOGO had frequent interviews with the Soviet delegates concentrating his energies on removing misunderstandings and finally the negotiations were concluded.

35421 While Bureau Director TOGO, to prevent complications arising in connection with Soviet-Manchukuo boundaries, set himself to form a committee for their demarcation and committee for settling boundary disputes and proposed it to the Soviet side.

0 162 0003 5778

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35422 In July 1935, after the conclusion of the CER negotiations, the Soviet notified Japan it had no objection to negotiations for establishing the committee for settling boundary disputes and in August *submitted a draft agreement.

Manchukuo and the Kwantung Army, however, insisted that boundary demarcation be submitted prior to the committee's formation and this hampered the negotiations. In March 1936, the Soviet notified Japan of its intention to accept on terms the proposal for border demarcation in the negotiations from April until November 1936. Both governments proceeded with a view to forming this committee for settling boundary disputes, but the negotiations failed to materialize.

35423 From the day of his appointment as Director of the Bureau, TOGO was an eager advocate of the conclusion of a Soviet-Japanese non-aggression pact but *as Director was too busily engaged in many problems arising from the Soviet to realize his intention. No proposal was made by Soviet on this problem while he was Bureau Director. There was no cross-examination of the witness.

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35423 *From Exhibit 3609-A a document on foreign policy following Japan's withdrawal from the League of Nations, it was stated that in connection with Japanese-German relations, Germany was presently too involved in European problems to give much attention to those in the Far East.

35424 Her attitude towards the Far East problems * had never been positively anti-Japanese but had been rather neutral. Germany had always followed the suit of the other Big Powers. Recently some Germans had advocated recovery of her former Pacific Mandates but it might be presumed she would not insist upon regaining them in the face of Japanese objection. It appeared that Germany intended to make use of this question as an excuse to regain her former colonies in Africa. It was now advisable for Japan to make efforts to have Germany understand Japan's international position in the Far East and promote closer scientific and cultural contacts. *

35428

35429 Exhibit 3618, the Affidavit of KASAHARA, Yukio stated * that in January 1938 he, as Major General, was sent as a General Staff Officer to Europe and was in Berlin until November 1938. He had no particular mission there but was informally told he was to be appointed Military Attache. During this time he met TOGO but had no official connection with him.

35430 In July Ribbentrop proposed to Military Attache OSHIMA concerning a German-Japanese-Italian Alliance Pact which had been discussed sometime previously between them. The Affiant then remarked to OSHIMA that it was strange the proposal was not shown Ambassador TOGO but OSHIMA replied that Ribbentrop asked him not to mention it to TOGO * because he first wanted to sound out the intention of the Japanese military and also he was afraid TOGO would oppose it if he were approached first.

35431 At OSHIMA's request, the Affiant left Berlin arriving in Tokyo the beginning of August. He delivered the German proposal to the military authorities and also informed the Foreign Minister and it was brought before a Five Ministers' Conference where a decision was made. The Affiant returned to Berlin the end of September and reported to OSHIMA. The Affiant called upon TOGO to explain why he had gone to Tokyo with Ribbentrop's proposal without letting him know about the question. TOGO said that although he had been told there had been a Five Ministers' decision on the question * he was opposed to an Alliance with Germany and had submitted these views to the Foreign Minister.

0 152 0003 5780

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While in Tokyo the Affiant met Foreign Minister UGAKI and told him TOGO was not on good terms with the German authorities who considered him not cooperative with Nazi policies and that was why they had not wanted Ribbentrop's proposal shown him. There was a prevalent opinion among the military then that OSHIMA should be made Ambassador. The Affiant remembered that at the time of the Munich meeting in September 1938, OSHIMA was taken to Munich in Ribbentrop's private plane while TOGO did not go at all.

7 162 0003 5781
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CROSS EXAMINATION BY MR. SHIMANOUCI,
COUNSEL FOR OSHIMA

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35432 *The Witness stated that OSHIMA asked for a
direction from the General Staff in regard to the
35433 Witness's return to Tokyo. * This was to the effect
that the Witness might return temporarily to Japan
for submitting a report.

35434 *Asked if there had been continuous discussion
between Ribbentrop and OSHIMA before July 1938 con-
cerning the Alliance Pact, the Witness stated he
heard from OSHIMA that the matter had been taken up
a long time before but the talk had been discontinued
and it just had been brought up again suddenly by
Ribbentrop. The proposal Ribbentrop made in July was
a request to sound out the Army's ideas.

35435 A few days before Witness' departure, he met
Ribbentrop together with OSHIMA and Ribbentrop and
Ribbentrop told him that this * proposal was not in-
tended for war but would enable them to avoid it to
which OSHIMA agreed wholeheartedly. OSHIMA said that
since he had hoped to obtain the views of the military
he would send KASAHARA to Japan but thereafter would
like to have the negotiations carried out through a
diplomatic channel.

35436 Asked what attitude OSHIMA took towards the
opinion in military circles that he be made Ambassador,
the Witness replied that OSHIMA told him he had heard
that there were rumors he would be appointed Ambassador
but his real intention was to remain as an Army officer
and he was reluctant to be appointed. The Witness was
to tell people in Japan * that OSHIMA would not like
the appointment. The Witness knew that OSHIMA stubbornly
refused to accept the appointment when the telegram
came that he would receive the post.

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DIRECT EXAMINATION OF SHUDO, YASUTO
BY MR. BLAKENEY.

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35437 *Witness identified and verified Exhibit 3619
35439 as his Affidavit. * The Affidavit stated that from
February 1937 to December 1938, the Witness was
Commercial Attache in the Embassy in Germany and from
December 1937 to October 1938, he served under Amba-
sador TOGO and in this time there were two important
problems of Japanese-German collaboration on which he
was officially informed of TOGO's views.

35440 On the question of strengthening a Japanese-
German-Italian Alliance, TOGO was consistently opposed
to them by Military Attache OSHIMA. OSHIMA was work-
ing for them ignoring the Ambassador and the Embassy
was well aware that OSHIMA was negotiating directly
with Ribbentrop. TOGO's opinions were often expressed
to the Witness and the Witness expressed his opinion
to TOGO that Germany had become economically strong and
was * closely connected by trade relations with Eastern
Europe and the Balkans and these relations were becoming
more important and if they developed, would collide
with Britain. Japan if bound to Germany by a Military
Alliance would be drawn into war with England as well
as the United States which was not to Japan's interest.
TOGO agreed and said that Germany would eventually
clash with Britain, Russia and other Powers and he de-
preciated Japan's aligning with Germany.

35441 In March or April 1938 the Naval Attache cabled
the Navy Ministry strongly urging TOGO's removal as he
was on bad terms with Ribbentrop. The cable stated
that the matter had been talked over with OSHIMA.
*This became known when the contents of the cable were
transmitted to TOGO. The Embassy Staff were indignant
but could do nothing and in the end, TOGO was transferred
to Moscow.

When he received this order he told the Witness
he was being expelled from Berlin because of his oppo-
sition in the Alliance matter. When the Witness left
Berlin on 8 December 1938, enroute to Tokyo, he stopped
in Moscow and talked with TOGO who asked him about the
subsequent development of the Alliance problem.

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The witness replied progress was being made and TOGO requested him that when he reported to the Premier and other ministers, he should say that TOGO was absolutely opposed to the Tripartite Alliance.

35442 *When the Witness arrived in Tokyo he repeated TOGO's opinion to ARITA, SAWADA, KIDO, KONOYE and YUASA.

The other problem during the Witness' service under TOGO in Berlin was that of economic cooperation in China between Japan and Germany. In February 1938 the Government's Economic Mission which had no power to enter into agreements or negotiation directly, visited Germany to assist the Embassy. The Germans first understanding that it was to conduct negotiations concerning commercial agreement but the truth was that the Embassy was to negotiate.

35443 Meanwhile the China situation had so developed that Japanese influence became dominant in North China whereupon OSHIMA after consulting the Naval Attache and the Economic Mission, but not the Embassy, made to Ribbentrop the proposal for settling the conditions of German trade * in China. His proposal was that since Japan had caused much difficulty to Germany in her China trade since the start of the China Affair, she would now give to Germans equal treatment with Japanese in the occupied area. Ribbentrop was much pleased with this proposal thinking it necessary to put it into a formal agreement, he presented TOGO with his memorandum around May, but TOGO replied that any proposal made by unauthorized persons could not be the basis of formal negotiations, that he had received no instructions on the matter and could not enter into the negotiations. TOGO told the Witness about this conversation and the

35444 Witness understood later * from TOGO that Ribbentrop was much dissatisfied with TOGO's attitude but after further conversations with the Attache and the Economic Mission, Ribbentrop presented TOGO another memorandum with the word "preferential" substituted for "equal." TOGO told the Witness about it and since it was the second request, he could not refuse to transmit it but TOGO and the Witness agreed that it was not practically possible to give preferential treatment and Japan could not make such an agreement and this opinion was transmitted to the Ministry.

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35445 Because the Witness was completely occupied for some-time thereafter with negotiations for a commercial treaty, he had little acquaintance with subsequent developments on economic interests in China and knew only in a general way that instructions were sent and negotiations continued in the matter but it was his understanding * they showed little progress and he knew no agreement had been reached regarding German trade in China when TOGO was transferred from Berlin.

DIRECT EXAMINATION BY MR. LOGAN,
COUNSEL FOR KIDO

35446 *Reference was made to the Affidavit where it was stated that the Witness told KIDO that TOGO was opposed to the Alliance and the Witness was asked what Welfare Minister KIDO said at the time.

The Witness replied that KIDO said that although he was not a member of the Five Ministers' Conference, the matter being of importance he had heard about it and added that he himself felt that the proposal should not be carried through.

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CROSS-EXAMINATION BY MR. SHIMANOCHI,
COUNSEL FOR OSHIMA

35447 *Witness stated that the Naval Attache in Berlin in March or April 1938 was KOJIMA but he did not know if TOGO and KOJIMA were on intimate terms then. The Witness had never heard that telegrams were shown to OSHIMA but not to KOJIMA.

35448 The Head of the Economic Mission * from Japan was GODO and among the members were NAGAI and IINO. He did not know GODO's rank at the time but thought he was a former Minister of Commerce and Industry. He recalled that GODO received specific instructions for coming to Germany. He believed that the Mission came with the idea of conducting negotiations for a commercial agreement but this was found to be a mistake and instructions came that the Ambassador was to conduct the negotiations and the Economic Mission was to assist. * There was no occasion in which disputes arose concerning this matter of the power of the economic delegate. The Witness did not know of any specific matters on which KIDO was negotiating.

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The Witness was reminded that in his Affidavit he said that OSHIMA, after consulting with the Naval Attache and the Mission, but not with the Embassy, made to Ribbentrop a proposal for settling conditions of German trade in China and he was asked how he knew this. He replied he knew it because TOGO told him that Ribbentrop had told him of this. In this way also he found out that OSHIMA made proposals to Ribbentrop concerning the terms of this agreement.

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*Asked how he found out that OSHIMA consulted Ribbentrop a second time after which Ribbentrop handed TOGO another memorandum, the Witness replied that it was in the same way. TOGO told him that Ribbentrop had informed him about this.

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35452 *Exhibit 3620, the Affidavit of SAKAYA, Tadashi
35453 stated * that the Affiant from December 1937 to
October 1938 was First Secretary to the Ambassador
in Berlin under TOGO and was in charge of the
Ambassador's telegraphic code and came to be directly
acquainted with such questions as the strengthening
of the Anti-Comintern Pact, the German-Japanese
Alliance and the change of the Ambassadors to Germany.

35454 In July 1938 he had an inkling that OSHIMA had
been negotiating with Ribbentrop for strengthening the
Anti-Comintern Pact and that KASAHARA had returned to
Japan with a German proposal. The Affiant reported
on this to TOGO who cabled the Foreign Minister in
middle August * that a German-Japanese-Italian Alliance
would not contribute to solving the China Affair and
that it would be foolhardy for Japan to cooperate with
Hitler. He urged that a Tripartite Pact contained the
possibility of being abused to bring about a European
war in which Japan might become involved and the pend-
ing negotiation should be abandoned as the establishment
of closer relations or an alliance with Germany and
Italy would threaten great danger to Japan. However,
the Foreign Minister replied at the end of August that
the Cabinet Ministers concerned had decided to have
OSHIMA keep in touch with Ribbentrop on the question
of strengthening the Anti-Comintern Pact.

35455 TOGO strongly urged Foreign Minister UGAKI's
reconsideration * and that it was not proper for a
Military Attache to be charged with matters other than
military affairs.

Within a few days after sending this message,
TOGO received a cable from UGAKI requesting his agree-
ment to transfer to Moscow. TOGO refused to assent
and answered that he would rather remain in Berlin.
The response was another telegram from UGAKI urging
his assent which TOGO then gave and left Berlin in
October for Moscow.

On 9 April 1945 TOGO was appointed Foreign Minister
in the SUZUKI Cabinet. The previous March the Affiant
talked with the Swedish Minister Bagge who was leaving

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35456 for Sweden shortly and Bagge told him that he wanted to be of some service to Japan. He set forth his views that the Allies * would not necessarily adhere to unconditional surrender if Japan proposed to conclude peace and at the question of the Imperial Household would not come into question. He suggested that Sweden could sound the intention of the United States and asked if the then Foreign Minister SHIGEMITSU would agree to it. The Affiant conveyed his views to SHIGEMITSU. Later when Bagge called on the Foreign Minister, the matter was brought up and SHIGEMITSU stated that it would greatly oblige him if Sweden would take the trouble of sounding out American intentions in connection with peace terms.

35457 After TOGO was appointed Foreign Minister, the Affiant called upon him and reported these details and asked his intention. TOGO referred to his eager desire for prompt restoration of peace and requested the Affiant to ask the Swedish Minister * to bring his suggestion to realization.

On 12 April the Affiant called on Bagge and told him TOGO was of the same opinion as SHIGEMITSU. Bagge promised to set about bringing the project to realization but was compelled to leave Tokyo without seeing TOGO.

35458 Exhibit 3621, the affidavit of ITO, Nobufumi stated * that in 1939 he had the rank of Minister in the Foreign Ministry and in January left Tokyo under instructions to convey to the Ambassadors in Germany and Italy the Government's intentions on the question of a Tripartite Alliance. He arrived in Berlin in February and while exchanging views with OSHIMA was confined to bed because of illness. During this time TOGO the then Ambassador to the U.S.S.R. called on him. He explained to TOGO that although there were various views in Tokyo concerning a Tripartite Alliance, the Government could conclude it * if it were understood that the measures to be taken in certain eventualities would be decided independently by each party with possible agreement for an exception in the case of the U.S.S.R.

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TOGO said Japan should not adopt such a policy even against the Soviet and expressed himself as opposed to an alliance because it would not contribute to the solving of the China Affair and increase the danger of European war and of Japan's being entangled in it.

TOGO desired that the Affiant should promptly return to Tokyo and try to prevent such an Alliance.

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35460 * Exhibit 3622, the affidavit of Kurt Meissner, stated that the affiant was president until 1946 of the German Society for East Asiatic Natural History and Ethnography, a society for studying oriental culture. He had never held political office, nor was he in the Nazi party. He had known TOGO since 1921, and it was not TOGO's habit to mix with German residents in Tokyo except in official * relations with embassy personnel.

35462 During the years of his acquaintance with TOGO he had talked with him frequently, and he had occasion to hear TOGO's views on international questions. TOGO had mentioned his dislike of the German-Japanese rapprochement before he became ambassador to Germany. When the anti- * Comintern Pact was concluded while TOGO was director of the European and American Bureau, he commented at the making of alliances on ideological grounds as undesirable, that Japan should not adopt a policy which would alienate Britain and America or the USSR, and that the effect on Japan's international position from entering into this arrangement would be bad.

35463 * As the power of the Nazi regime grew, TOGO became increasingly cold toward Germany and determined that Japan should avoid entanglement with her. His opinions were always anti-Nazi, and when the affiant visited Berlin while TOGO was ambassador he learned he was on bad terms with Ribbentrop.

When TOGO became Foreign Minister, he told the affiant that averting war was his task, and he would fight to the end for a peaceful solution of Japan's problems. TOGO's acquaintance with TOGO, he said, was slight, but he had come into the government on the assurance that his efforts for peace would be fully supported by TOGO and the cabinet.

35464 * Exhibit 3623, the affidavit of MATSUMOTO, Shunichi, stated that while TOGO was foreign minister for the first time, the affiant was director of the Treaty Bureau, and when he was foreign minister the second time the affiant was vice-minister from 13 May 1945 to 17 August. As chief of the personnel section from April 1939 to March 1940, the affiant participated in the examination of the services of those concerned in the anti-Comintern Pact. In conferring rewards for services, consideration must be given to the influences it may exert upon both internal and international relations, and it would not be easy to consider such circumstances as that the success of negotiations should be largely attributed to certain person's efforts, * or that a certain one who was originally against the conclusion of the treaty took charge of the business reluctantly. Therefore, on such occasions the ministry would recommend first the chief officials in charge of the matter.

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In the case of the anti-Comintern Pact, those in the foreign ministry receiving rewards were the minister and vice minister, and bureau directors in charge of the matter and lesser officials. TOGO was awarded his decoration as director of the European-Asiatic Affairs Bureau.

35466 When the agreement was concluded on 25 November * to extend the pact five years, the secret agreement between Japan and Germany annexed to the pact was abrogated. TOGO intended, in view of Soviet dissatisfaction, to seize the opportunity to abrogate it so it might not hinder friendly relations with the Soviet, and at his own initiative instructed the ambassador in Berlin, OSHIMA, to propose its abrogation. After obtaining German consent, he referred the matter to the cabinet.

35467 The foreign ministry had nothing to do with the tripartite military agreement on 18 January 1942. No treaty to such an effect was concluded among the three, and the Privy Council's opinion was never requested. If such a military agreement was really concluded, it was no more than an arrangement among military authorities regarding operations. It was not possible under Japan's constitution to commit herself to a plan to divide the world among the * three countries through an arrangement among the military authorities. Moreover, the affiant never heard that an arrangement was made at the time among the military authorities regarding the division of the world.

35468 * At 7 a. m. on 10 August 1945, Japan's notification to the U. S., Britain, the Soviet and China concerning the acceptance of the Potsdam declaration was sent. It stated that it was understood that the conditions included in the Potsdam declaration did not include any request prejudicial to the Emperor's prerogative to rule the country. At 1 a. m. 12 August, the affiant was telephoned by TOGO, who told him that the ministry had heard a radio report of the Allied reply, and he asked the affiant to report on this. At about 5.30 a. m. he called at the minister's residence with bureau directors ANDO and SHIBUSAWA, and reported that their study concluded that the Allied reply accepted in general the Japanese proposal. The reply issued by Hull through the Swiss government was received by the ministry in the early morning of the 13th.

35469 * From exhibit 3609-A, "1933 Suggested Policy", it was stated that as a result of the conflict of views between Japan and the League of Nations concerning fundamentals for establishing peace in the orient, rendering it no longer possible to cooperate with the League, Japan had recently notified of its withdrawal. Now that Japan was outside the League, it was incumbent to give most careful consideration to foreign policy so they could meet the nation's critical situation.

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35470 Although the U. S. was not a member of the League, its enormous national power gave it a leading position, and its * influence could not be ignored. Although some elements in the country seemed to expect that the Japan policy of the new American political administration which brought Roosevelt into power would develop favorably to Japan, a change in basic policy could not be expected since U. S. policy had consistently been in accordance with the Open Door principle, the principle of territorial integrity of China, and the principle of international pacifism, condemning the use of armed force.

35471 * At no time had Japanese-U. S. relations been so tense. The entire U. S. fleet was concentrated in the Pacific, and it was not likely any part of it would be returned to the Atlantic. Since many in the U. S. opposed an economic embargo since it would inevitably lead to war, the adoption of such a measure was unlikely. However, a resolution had been presented to Congress proposing to grant the president authority to place an embargo on the export of arms and munitions. It was generally observed this would ultimately pass. If things were left as they were, any development might arise, and there was even a danger of war.

35472 With regard to the prospects of war, there was a faction in Japan urging that if war * were fought with the U. S., the present would offer the best chance, as by the London Naval Treaty the ratio of naval strength between the two countries would become unfavorable to Japan after 1936. If, however, such a war broke out and Japan succeeded in her operations, captured the Philippines and destroyed the U. S. fleet, this alone would not mean that a fatal blow had been dealt to the U. S. as to force its surrender. Japan might win local battles, but little could be expected in the way of victory outside the Far East. The possibility was great that as an inevitable consequence they would be involved in a protracted war unfavorable to Japan. It was difficult to expect that the U. S. would be the only antagonist, for Britain and
35475 France might act together against Japan. * Therefore, such a war should be avoided.

35476 From the U. S. viewpoint, she would not gain much either in the event of such a war. Any idea of trying to monopolize the Pacific was unrealistic as to either the U. S. or Japan. It was to be expected that the U. S. would not countenance the establishment of a Japanese hegemony over all the Far East. Since the actual interests of the U. S. in the Far East essentially consisted of commercial investments, there was conceivably room to moderate * the U. S. idea of moral guardianship over China, and it was therefore essential to persuade the U. S. to consider its Far Eastern policy.

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The basis of policy should be to avoid war and to have the U.S. reconsider its policy. Relations should be studied from all angles, and any measures which would contribute to this basic policy should be carried out, and thus restore stability in the Pacific area. As to concrete steps, it was necessary first to have the U. S. reconsider her China policy. For this, it was essential that the foundations of a really independent Manchukuo be established and that she be allowed to observe as much as possible the Open Door principle and equal opportunity, and it be made clear that Japan entertains no territorial or political ambitions in any area except Manchukuo.

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* Steps should be taken to urge the U. S. to remove the discriminatory anti-Japanese clause in its immigration law and to adopt an equitable quota for Japan. In view of U. S. suspicions of Japanese ambitions toward the Philippines, an agreement should be concluded guaranteeing Philippine neutrality if the U. S. would not use the islands as a naval base. Since these measures were not possible of immediate realization, it was proposed first that a treaty of arbitration and one of mediation be concluded to make relations normal.

It would be extremely difficult to come to an agreement on a treaty of arbitration, since the U. S. would insist on excluding domestic matters and the Monroe Doctrine, whereas a treaty of mediation would have a better chance and should be first concluded. It was also desirable to have silk and cotton placed on the free list and to conclude an agreement for reciprocal tariff rates on certain items.

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35479 Britain constituted one of the most important international relations. The British Empire possessed strategic points and had established a strong economic ground work in China. In the past, relations with her seemed to have a close connection with Japan's national fortune and would continue so. The problem now facing Japan was to pursue her Manchurian policy and adjust relations with China. This would take considerable time to solve and in the meantime, they had to keep good relations with other Powers. Britain not only had the greatest * interests in China but played a leading role in international affairs. She was the first country with whom cooperation was to be expected. Although some in Japan talk about reviving the Anglo-Japanese Alliance, a study of the situation showed this could not be hoped for nor was restoring cooperation with her with respect to the China problem an easy matter but in view of their common interests, room should be found for cooperation. To realize this it would be proper to try to make Britain thoroughly understand Japan's Manchurian policy, respect Britain's interest in China, cultivate a good atmosphere and urge her help in improving U.S. relations.

35480 France was not responsive to Japan's friendly * attitude towards her because she first had to consider her relations with Britain and America with whom Japan was not quite in harmony. In order to promote friendly relations with France, Japan must first improve her relations with Britain and America.

35481 The Netherlands had vast colonial possessions in the East and was greatly interested in Far East problems. At the time of the Four Power Pact, Japan in compliance with a Netherlands request pledged on February 1922 to guarantee its rights over Dutch possessions in the Pacific but in spite of this pledge, the Dutch were under the impression Japan might entertain ambitions towards their possessions. In connection with this matter, KONOYE had recently submitted a recommendation to the Foreign Minister in view of the possible feeling of uneasiness over future relations between Japan and NEI, * KONOYE suggested certain diplomatic steps such as the conclusion of a treaty of

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Page arbitration and mediation. It was advisable that Japan promote amity with the Dutch and declare to the world her sincere desire to maintain peace in the Pacific. Relations with NEI and Dutch Borneo had always been important. Economic relations with NEI were becoming closer and investments there promise to grow. It was proper they should by their actions, eradicate Dutch misgivings and promote economic relations. Japan was now negotiating with the Netherlands at the latter's initiative, * the conclusion of treaties of arbitration and mediation and Japan should strive for their success. If the Netherlands proposed a treaty similar to the Four Power Pact Japan should respond.

35483 *The basic policy towards the US should seek American reconsideration of her Far Eastern policy. As the U.S. did not want Japan to exercise absolute superiority over the entire Far East, Japan should not make this her actual policy in the foreseeable future. Japan's concern was the development of Manchuria and Mongolia and the US desire was to promote markets and enterprises in the Far East. Thus the interests of both could be adjusted if the principle of the Open Door and equal opportunity were realized. As US's opinion was generally ready to accept Japan's occupying a superior position in the Far East, they should try to have America understand the present Manchurian and Mongolian situation and in China, they should cooperate to develop her with others Powers, especially the U.S. and Britain.

35484 To stabilize relations with the U.S. * it was necessary to push efforts towards treaties of arbitration and mediation proposed by the U.S. From former times, Britain had not only enormous stakes in China but since India was her lifeline, it was essential for her to give consideration to maintain friendly relations with Japan. However, Britain's position in the Far East was second to that of the U.S. as she had many interests in China common to Japan's and room for collaboration was great as compared with other countries.

35485 *Exhibit 3624, the Affidavit of MORISHIMA, Morito stated that the Affiant in mid-October 1936 served in the Bureau of East Asiatic Affairs and in December, became Bureau Director. His duties required him to keep in touch with TOGO. When Chang Hsueh-liang tried

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35486 to forcibly recover the CER, the Affiant was Consul at Mukden and was sent together with TOGO to Harbin for a month or so; also they worked in close connection in the negotiation for the purchase of the CER. TOGO as Director of the Bureau of European-Asiatic Affairs was in charge of the Tokyo negotiations while the Affiant * dealt with the Soviet Consul-General. The Affiant accordingly was in a position to get a correct knowledge of TOGO's thoughts and actions.

35487 When the Affiant became Acting Director of the Bureau, negotiations with China had come to a standstill because of the Suiyuan Incident. The Anti-Comintern Pact had provoked the Soviet to refuse the execution of the Fisheries Treaty. The U.S. and Britain also were unfavorably disposed to the Pact. Japan's international position was indeed difficult and TOGO told the Affiant that as to the Anti-Comintern Pact, he did not think it proper to set a political agreement against an ideology * and he could not agree to such measures though it seemed unavoidable.

TOGO said the Anti-Comintern Pact would not strengthen Japan's position but might weaken it and because of this, it was necessary to negotiate and adjust relations with Japan prior to or simultaneously with those of Germany. He considered it necessary also that a Japanese-Soviet non-aggression pact and a Japanese-American Arbitration Treaty be sought.

To secure understanding with Britain he maintained that China problems must be settled. These opinions of TOGO gradually saturated various Government's departments. Meanwhile an understanding was reached with Britain and consideration was also given to one with the U.S.

35488 By the spring of 1937 the policy was established that negotiations with China and Britain be carried on simultaneously * in consideration of their inseparable relation. It was because of TOGO's strong feeling that there was this inseparable relation that despite the fact that the Government confided China affairs to the Bureau of East Asiatic Affairs and that the Bureau Director of the European-Asiatic Bureau participated in them only indirectly. He earnestly advocated the

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35489 policy which was eventually adopted of concurrent settlements. The chief subjects of the negotiation with Britain were to be the problem of China, adjustment of commercial interests and the question of the international money market. Britain would not easily be convinced of Japan's true intentions by mere promises and it was necessary to show concrete actions and a radical alteration of policy towards China was necessary. It was decided that certain matters should be first taken up for discussion with China and then when the atmosphere with Britain should have improved, adjustment of foreign relations should be * worked for.

35490 When the subjects for negotiation with China were under discussion, TOGO made great efforts to persuade the Army and Navy to agreement. It was impossible to expect smooth progress of the negotiations unless perfect military understanding was obtained and for this purpose, the Foreign, War and Navy Ministries dispatched representatives to China to explain Government policy to military authorities. The Affiant was sent by the Foreign Ministry and accompanied by the War Ministry representative, visited various cities in China and succeeded in Hsingking in obtaining the consent of the Chief of Staff of the Kwantung Army TOJO. The policy thus established, instructions were sent to Ambassador YOSHIDA in London and consultations were carried on between the Foreign Ministry and YOSHIDA, when the Marco Polo Incident occurred * frustrating all hopes in the negotiations.

On the occasion of the Soviet-Chinese complications of 1929, TOGO who had been sent to North China and had got full knowledge of the importance of the question through his experiences there considered it necessary to settle Manchurian problems through negotiations with Chang Hsueh-liang and he recommended this to the then Foreign Minister Count MAKINO and others.

As to the purchase of the CER, there was very strong opposition from the Army and the SMR Company and various things hindered the progress of the negotiations but in spite of this, TOGO's zeal was unchanged.

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He beat down opposition and the success of the negotiations was largely due to TOGO.

35491 *Another excerpt from Exhibit No. 3609-A stated that in the light of present developments a divergence of opinion was likely to occur between Japan and the U.S. at the Naval Disarmament Conference to be held in 1935. If matters stood as at present, agreement on disarmament would naturally fail and the agreement for the maintenance of the status quo with respect to Pacific fortifications would be abrogated. The consequent armaments race leading to a Japanese-U.S. war would ultimately bring a world war unfavorable to Japan. They should make every effort to have the U.S. reconsider her Far East policy and at the same time, Japan should reconsider her own disarmament policy.

35493 *Exhibit 3625, the Affidavit of INOUE, Takajiro stated that the Affiant was a Secretary in the Bureau of European-American Affairs (later European-Asiatic Affairs) from 1931 to 1938 and was in charge of business concerning naval disarmament under the Director TOGO from 1934 to 1937 and attended the London Naval Conference of 1935-36. The Foreign Ministry attached *importance to the Conference and therefore assigned the Fifth Section of the Investigation Bureau exclusively to the transaction of disarmament problems and ordered the members of that Section to serve concurrently in the Bureau of European-Asiatic Affairs under TOGO.

35494 The Affiant was then a member of the Fifth Section. It was common knowledge in the Ministry that TOGO was well versed in disarmament problems and had enthusiasm for the success of the conference. The Affiant was in charge of the business concerning disarmament under the two Section Chiefs and was often called before TOGO to receive orders and TOGO revealed his opinions to him.

35495 *Based on this the Affiant could state that in connection with Japan's attitude towards the Preliminary Conference of 1934 the two outstanding points were the common upper limit system of disarmament and the abrogation of the Washington Naval Treaty, both of which the Navy advocated.

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35496

As to the common upper limit Japan had accepted the ratio system in the Washington and London Treaties and moreover, had even advanced at the Geneva Conference in 1932 a proposal accepting the ratio system. Considering these facts, it was too sudden a leap to advocate establishing a common upper limit and the plan was apparently advantageous exclusively to Japan. There was little hope that the agreement of the other Powers could be obtained and TOGO foresaw that it might cause doubt by Britain and the U.S. as to Japan's intentions. It would be useless to make * a proposal that they could not accept. TOGO took a firm stand against the common upper limit plan and tried to find a meeting point between the Navy and the Foreign Ministry in some other plan but the Navy did not yield. TOGO adhered to his conviction and opposed the Navy to the last but the negotiation failed.

In the meantime, the opening of the Preliminary Conference was drawing near and the government heads decided to adopt the Navy plan. TOGO considered the abrogation of the Washington Treaty a serious question and feared it might stimulate the national sentiments of other Powers. It would be different if that treaty were replaced by a new treaty but otherwise, chaotic conditions and naval competition would result which would lead to war. His opinion was not adopted, however, owing to naval objections.

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*In considering the instructions to be given the Japanese delegates discussion was had chiefly on the question whether Japan should accept qualitative disarmament or the obligation to notify the naval construction program if Japanese points were not approved. The Navy opposed acceptance because it would be nonsense unless quantitative limitation was established. TOGO however, insisted upon accepting at least these as they would make a contribution towards ideal disarmament and help remove the uneasiness among the participant Powers but his opinions were not realized.

As to qualitative disarmament, TOGO thought that the limitation of ships' sizes and gun calibers alone would be sufficient.

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35498 As to notification of naval construction he tried to persuade the Navy into agreement * but the Navy insisted upon rejecting it insisting that the maintenance of secrecy was not impossible in Japan. TOGO took a serious view of the influence which the termination of the treaty would exert upon world peace although he hoped for the substantial solution of the disarmament question partly because he wished to lighten the various nations' burdens. Especially it was his desire to restore Japan's international credit by bringing the Conference to a successful conclusion. He adhered most persistently to his stand and often had heated discussions with YOSHIDA, of the Bureau of Naval Affairs.

As to the reply of the Government in February 1938 in connection with notification of naval construction, TOGO had nothing to do with it as he had already been transferred as Ambassador to Germany.

CROSS EXAMINATION BY MR. BRANNON,
COUNSEL FOR SHIMADA.

35503 *Witness stated that he was presently Chief of
the Economic Section of the Central Liaison Office
35504 which is an outer bureau of the Foreign Office.* TOGO
had been his superior officer for some time. So long
as he could say something in TOGO's behalf which was
in accordance with the facts, he was glad to do so.

In his affidavit he had stated that there had been advanced at the Geneva Conference in 1932 a proposal accepting the ratio system and that considering certain facts, it was too sudden a leap to advocate establishing of a common upper limit.

35505 Asked if he considered himself an expert on disarmament he replied that as a Foreign Office Secretary most concerned with the * problem of naval disarmament, he considered himself one of the most well versed members in the Foreign Office in such affairs. Asked if he then should not know what actually took place at the Geneva Conference, he replied that at the time he had not been charged with the problem of naval disarmament and was not thoroughly vested in those details. The statement in his affidavit was the opinion of both himself and TOGO.

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35506 Asked if he did not know that Japan proposed a common upper limit at that time and confined it to B class cruisers, destroyers and submarines, he replied he believed that Japan made a proposal for establishing a ratio in regard to battleships and A class cruisers and warships of the B class cruiser type * and lower. He believed a common upper limit was proposed. This was not a new idea.

December 17, 1947

35508 *If the idea of a common upper limit alone was considered, it could be said that France had once before proposed it.

35509 *The Foreign Minister at that time was HIROTA and his views were the same as the views he had set forth in his affidavit. HIROTA gave instructions to the plenipotentiary that the basic policy was to establish a common maximum limitation (Reference was made to Exhibit 3001). The Witness, however, believed that instructions were given jointly with the Navy Minister.

35510 The Premier at the time was OKADA but he did not know what his views were. * The draft of the instructions was brought up before the Cabinet meeting and decided upon. Following an agreement among the Premier and other ministers at the time, the draft was finally approved. The Witness believed that if a single cabinet member disagreed with the proposal, it could not have passed.

35511 Asked if he believed TOGO was better able to advise on these matters of naval security than the Foreign Minister, Premier or naval experts, he replied that at that time TOGO was not only Director of the European-Asiatic Bureau but also Bureau Director in charge of naval questions and was one of the officials most vested on naval disarmament. In 1932 TOGO was Secretary-General * of the Geneva Conference Delegation and the Witness believed that TOGO was, from the standpoint of the Foreign Office's viewpoint, the most suitable person to handle these matters.

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 INOUE - Cross

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Asked if TOGO's experience was not confined to the years 1932-34 regarding such naval matters, he replied that at the time the disarmament question was brought up at the Washington Conference in 1933, TOGO was the Section Chief of the European-American Bureau which was in charge of all naval questions.

35512 At the time of the London Conference in 1930,
 TOGO was counselor of the Embassy in Germany and he
 believed TOGO was well informed of the situation at
 the London Conference * and as a staff member of the
 Embassy continued his studies of naval questions at
 35513 the time. * Of course TOGO did not handle naval
 questions exclusively but was the Bureau Director in
 charge of naval questions and although there was no
 specific section to handle such questions up to that
 time, such a section was established under TOGO's super-
 vision in connection with the London Conference in
 1935 and 1936. He did not think it would be an over-
 exaggeration to say that from 1934, TOGO as Bureau
 Director handled the naval question exclusively.

35514 Asked if he did not know that if the Japanese
 naval proposal had been accepted there would have been
 a drastic reduction in all types of naval craft, he
 replied that the Foreign Office consistently advocated
 the reduction of naval strength * to lessen the people's
 burdens and frequently asked the Navy as to what
 strength it would be satisfied with if the Japanese
 plan was accepted but the Navy replied that the question
 of naval strength belonged exclusively to the High
 Command, and was not a matter in which the Foreign
 Office should interfere and therefore, they were unable
 to learn the substance of navy intentions.

The previous question was repeated to the Witness
 and he stated that reductions might have been effected
 but the reason he had given the foregoing explanation
 was that they were unable to know just what extent
 such reductions would take place.

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* In response to a question by the Tribunal as to OKA's position at this time the Witness stated that OKA was one of the few able disarmament experts in the Navy and at this time a special naval disarmament section was established which the Witness thought was called the Investigation Section with OKA in charge.

0 132 0003 5803

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Defense - TCGO

SUEMITSU - Direct

DIRECT EXAMINATION OF SUEMITSU, Kadowaki.

- 35517 Exhibit 3626, the affidavit of the witness, stated that he was chief of the personnel section, Foreign Ministry, from March 1940 to
- 35518 October 1942. * At the end of the spring of 1941 he called at TCGO's private residence at the order of his superiors, and in accordance with instructions asked TCGO to resign as ambassador. TCGO then held the nominal post of ambassador, but since his return from Moscow in October 1940 he had no assignment and had been requested by MATSUCKA and the vice-minister to resign. TCGO told the witness that he was not only opposed to MATSUCKA's foreign policy, but was entirely dissatisfied with the way the latter conducted personnel affairs, and that he would not resign because the resignation might be construed as a concurrence with the policies. MATSUCKA should take steps to remove him if he desired. TCGO stated in detail his criticisms of MATSUCKA's policies.
- 35519 * The witness reported TCGO's refusal to his superiors. Shortly after TCGO became foreign minister in October 1941, the witness learned from vice-minister NISHI that TCGO was considering approaching the radical elements in the ministry in order to execute his policies. Thereafter NISHI, at TCGO's order, requested one of the ambassadors who was closely identified with the Southern policy, to resign, and the resignation was given effective October 25. Thereafter, NISHI informed two section chiefs and a secretary who were radical and violated proper discipline that they were to be ordered into temporary retirement. They offered to resign rather than to take temporary retirement. NISHI instructed the witness to accept the resignations, and they were accepted on October 29.
- 35520 * Certain officials in the foreign ministry were dissatisfied with the moderate foreign policy and urged a strong policy, especially toward Britain and the U. S. They not only criticized TCGO's policy openly, but went so far as to violate official discipline by requesting cooperation of radical elements of the army and navy. TCGO's purge was the first in the true sense of the word ever conducted in the foreign ministry, with the design to put an end to these conditions. Only a few were purged, but the effect was remarkable.

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Defense - TOGO

TOMIYOSHI - Direct

Life DIRECT EXAMINATION OF TOMIYOSHI, Eiji.

35521 * The witness identified exhibit 3627 as his affidavit and verified
35522 it. * He stated he was a member of the Diet, belonging to the Japan
Socialist Party, and had often talked with TOGO. In the middle of
December, 1940, after TOGO returned from the Soviet Union, the witness
and FUMIO, a newspaperman, called on him and talked on various matters.
The witness, who was opposed to the Tripartite Alliance, asked for
TOGO's opinion. TOGO hinted his opposition, saying it was not desirable
35523 to conclude an alliance in accord with * preferences of an individual
without considering the true interests of the nation. The witness did
not pursue the point further because of TOGO's opposition, but stated
that he was opposed to MATSUOKA's methods.

35524 * TOGO told him that Molotov and other high Soviet officials
regretted his transfer and were wondering as to MATSUOKA's real
intentions. There was a grand farewell party for TOGO, and Molotov
toasted him twice.

At the end of October 1941, soon after TOGO became foreign
minister, the witness called on him and asked him how he could realize
his diplomatic policy by entering the TOJO Cabinet of the military
clique. TOGO replied that he had entered the cabinet since TCJC had
undertaken that he would try to solve the situation through negotiations.
TOGO would do all he could to avert war. In the middle of November 1941,
the witness again called on TOGO and asked him whether the sending of
KURUSU was not a trick. TOGO replied sharply that it was not, and that
KURUSU had been sent solely to solve the situation through negotiations
and it was wrong to say it was a trick.

35525 * In October 1942, after TOGO resigned, the witness asked him
the reason for his resignation. TOGO replied that the reason he was
opposed to establishing the Greater East Asia Ministry was not that the
scope of the power of the foreign ministry was diminished, but that it was
contradictory to the idea of treating East Asiatic countries as independent
states. He resigned because the military interfered with diplomacy on
every matter concerning it, forcing their way through.

CROSS-EXAMINATION by Mr. Keenan.

The witness stated that he used the term "military clique" because
the TCJC Cabinet was constituted largely of military men and that it was
organized for some military action. He had no profound meaning when he
35526 used the term. * At the time he was a member of the Diet. The witness
stated it was not his meaning that it was the common understanding of the
TCJC Cabinet that it was committed to military action. It was that the
cabinet was largely constituted of military men. It did not necessarily
mean that it was devoted or organized for military action, because such
35527 * action takes place in accordance with or dependent on the course of
diplomacy and international conditions.

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Defense - TCGO

TSUNYOSHI - Cross

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He could not recall, but he was quite certain that there were a few other military men in the cabinet other than SHIMADA and SUZUKI. They believed at the time that the minister of welfare was a military man. He believed it was General KIZUMI.

35528 * The view to which he had reference was based entirely on what he might call the view of common sense, and it was because he always believed that TCGO was consistently an advocate of peace that he had posed the question to him. He didn't recall that TCGO denied that the TOJC Cabinet was one of a military clique, but stated that TCGO told him he decided to

35529 * enter the cabinet because TCGO had given his assurance to use every effort to bring about a successful end to the negotiations. He didn't recall whether TCGO affirmed or denied the fact that the TOJC Cabinet was a military clique.

When asked what he meant by his question to TCGO whether the sending of KURUSU was not a trick, he stated that he meant that Japan, while not desiring peace, she was feigning peace. When asked why he

35530 * asked that question, he stated that while he had personally always had misgivings as to the character of the TOJC Cabinet and was apprehensive of U. S. relations, it had always been his hope that the deadlock in the negotiations would be broken and that a successful consummation be realized. Because of these feelings he asked TCGO whether there would be anything

subversive behind the dispatch of the ambassador. He stated that he trusted TCGO and KURUSU, but the political situation was very unclear and diplomacy was not necessarily progressing in the way the people desired and expected. He asked the question because of this doubt. * The people of Japan really wanted peace with the western powers. When again questioned, what occurred to his mind was whether or not hostilities were going to be commenced while placing the other party off guard.

CROSS-EXAMINATION by Mr. Logan.

35533 * The witness stated that it was not his opinion that the TOJC
35534 Cabinet was organized for military action. * This was an old opinion of his. He had always disliked the idea of an active army officer becoming prime minister. He had held the idea from the time of the triple alliance. Of course, the tripartite alliance was concluded before the TOJC Cabinet was organized. He had formed his opinion in 1941 as to the TOJC Cabinet,

35535 * at the time it was formed. He did not know at the time of the message given by the Emperor to TOJC and CIKAWA on October 17, 1941. He did not

35536 know that the army and navy had been told to cooperate. * He did not know that KIDO had delivered the message to disregard the resolution of the September 6 conference, and he did not know about the conference. He had formed his opinion without these facts. He did know that after October 17, efforts were made to bring about diplomatic settlement, and he had been much encouraged and relieved when he heard from TCGO that such efforts were to be made.

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TCHYOSHI - Cross

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* He did not trust the TOJC Cabinet completely, but was somewhat relieved. He did trust TOJC, but did not necessarily believe that everything would progress as TOJC desired. He did believe that they were making efforts to settle matters diplomatically. The witness had never been purged.

REDIRECT EXAMINATION by Mr. Blakeney.

35538

* The witness did not remember how long prior to the TOJC Cabinet it had been since an active army officer was premier, but he recalled that in the Taisho Era General TERAUCHI formed a cabinet. He did not recall the exact dates of the Taisho Era. There had been no active army officer as premier since TERAUCHI.

35539

He knew that in the TOJC Cabinet, Admiral TERAJIMA was minister of communications. Also, there was General ANDO as minister without portfolio and later home minister. * When the TOJC Cabinet was formed, the witness held no position in the government, and held no position up to the present, when he had taken a position after the formation of the present cabinet. As a member of the Diet, he had no information as to the progress of the negotiations with the U. S., except what could be gathered in the newspapers. Until the present cabinet, his party had always been in opposition.

07 152 0003 5807

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TANAKA

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Page TANAKA, Ryukichi, DIRECT EXAMINATION

35540 * Exhibit 3628, the witness' affidavit, stated that the witness came to know TOGO in February 1936, and he had frequent opportunities to talk with him. In July 1935, when the witness was staff officer with the Kwantung Army, the Soviet informed Japan that it did not object to opening negotiations to establish a commission to settle the boundary disputes, but later the negotiations met difficulties because of the attitude of the Kwantung Army which insisted that the boundary demarcation should be accomplished * before the establishment of the commission, since otherwise the commission would be unable to carry out its tasks smoothly. 35541 TOGO, then director of the European-Asiatic Bureau, sent NISHI to Hsingking in September 1935 to persuade the army, but this failed. When the witness spoke to TOGO in February 1936, TOGO referred to this question, and stated while the army was not unreasonable, it was too much to say that the commission could not function without border demarcation, and he requested army cooperation and stressed that the establishment of the commission would accelerate border demarcation. The witness then suggested that they simultaneously establish a commission for settling border disputes and a commission for border demarcation, to work in parallel, to which TOGO agreed. Vice-minister SHIGEMITSU also consented to this.

The witness reported the matter to General ITAGAKI, vice-chief of staff, and General MINAMI, Commander of the Kwantung Army, who both 35542 approved the plan. As a result, * Japan began to negotiate with the Soviet on this principle. TOGO became foreign minister in October 1941, when the witness was with the War Ministry. In the latter part of October he told the witness he had agreed to enter the cabinet on condition that TOGO would do his best to bring the U. S. negotiations to a successful conclusion.

35543 * When the TOGO Cabinet was formed, it was felt in the army that all civilian members of the cabinet were under the control of the military. TOGO's opinion provoked great dissatisfaction within military circles when it was learned that he had stated at the liaison conference in November that failure of negotiations would not necessarily mean war and that the proper way for Japan was to persevere under all difficulties and wait for the opportune moment to mature. It was not rare for a state secret to be divulged through the general staff to younger officers. A party of radicals in the army maintained that it was an encroachment on the prerogative of the high command for a foreign minister to utter such an opinion, and declared that he should be disposed of. The witness asked the gendarmerie to protect TOGO.

35544 At the end of October 1941, the witness spoke to TOGO, * and the latter intimated his intention to resign on the ground that he was strongly against war with the U. S. The witness asked him to remain in office, pointing out the impossibility of finding another person who would do his best to check the outbreak of war in opposition to the army;

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if a person like MATSUOKA were recalled to replace him, it would be more difficult to prevent war; and if war did break out, TCGC's remaining in office would be all the more necessary in consideration of Japan's national strength, so that he could seize the easiest opportunity to conclude peace.

35545

At the end of August 1942, TCGC sent his private secretary to tell the witness that the further existence of the TCJC Cabinet was against the interests of Japan, since it had begun to make mistakes in directing the war. There was also the question of establishing the Greater East Asia Ministry, to which he was opposed, * because it would violate Japan's fundamental principles of diplomacy. TCGC revealed that his resolution was not only to resign, but to make persistent efforts to have the cabinet resign generally. The witness expressed his consent, encouraged him to stand out for the sake of the country, and promised to resign in case his efforts should end in failure. TCGC was already then under the surveillance of the Mikuni Organ, the secret police of the army.

35546

TCGC resigned alone. He told the witness that although he did all that he could, he had been compelled to resign alone on learning from SHIMADA that the overthrow of the cabinet was practically impossible owing to dissention in court circles. In July, he called on TOGO as foreign minister in the SUZUKI Cabinet, and asked him if peace could be restored. He stated that he was making efforts in that direction, though the time * was very late. The witness saw him again in November 1945, when TCGC explained the circumstances about the end of the war, and stated that it was to his satisfaction that battles in Japan proper had been avoided.

In the July interview, TCGC declared that he had no way of knowing the exact time and place of the commencement of hostilities ahead of time, the matter being an operational secret, though he had often heard the Naval High Command before the outbreak mention "surprise attack". He also referred to the fact which he had previously told the witness in December 1941, that despite the Naval Staff having committed itself to open hostilities a considerable space of time after the Japanese note was served at 1 p. m. 7 December 1941, the attack was commenced shortly after 1 p. m. and that Admiral ITO, vice-chief of Naval Staff, had expressed his regret a few days after the outbreak, when TOGO had reproached him.

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SATO - Direct

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Page DIRECT EXAMINATION OF SATO, Naotake.

35547 * Exhibit 3629, the affidavit of the witness, stated that in 1931, while Ambassador to Belgium, he was designated as one of the delegates to the Geneva Disarmament Conference, and served until the spring of 1933. He had held various positions in the foreign ministry until 1945, and was presently a member of the House of Councillors of the Diet.

35548 * TOGO, then Councillor of the Japanese Embassy in Berlin, was the Secretary General of the delegation to the conference at Geneva. At that time the session of the Assembly of the League to consider the Manchurian question was held in Geneva, and many Japanese were in Geneva for both conferences. TCGC proposed that the business of the Disarmament Delegation should be kept separate and not mixed with that of the Delegation to the Assembly, and that the two delegations should be composed independently of each other. MATSUDAIRA, the chief delegate, consented, and TCGC worked exclusively on the business of the Disarmament Conference without becoming involved in the Manchurian question, although some of the personnel were connected with both.

35549 * During the recess of the Disarmament Conference in 1932, TCGC was ordered to Japan to make report and receive instructions on disarmament questions. On his return in November he came to Geneva and reported to the delegates, but having been recalled, he stayed in Geneva only a short time.

The chief delegate to the League was MATSUOKA. The session convened in October 1932, and MATSUOKA arrived some time afterwards. TCGC and he were in Geneva for only a week after TOGO returned, and they were engaged in entirely different business. MATSUOKA had nothing to do with the Disarmament Conference, and TOGO had nothing to do with the League. At the time, rumors were current of Japan's withdrawal, and although the question had no connection with the Disarmament Conference, it was

35550 discussed * as one of the burning issues of the hour. The witness recalled that TCJO said Japan should remain in the League and try to maintain friendly relations with other nations. He had known TCGC was one opposed to extreme measures and an advocate of peace with foreign countries.

Toward the end of October 1941, TOGO invited a number of those in the diplomatic service to dinner at his official residence after he had become foreign minister. Relations with the U. S. and Britain had already deteriorated, and the witness asked TCGC to continue with the utmost perseverance for the success of negotiations. The witness pointed out the danger that the situation might develop into a war, and told him that at that critical stage the people would never understand the situation if hostilities had been opened as in the China case, without adequate diplomatic efforts, and should drag on for years. He emphasized

35551 * that should war break out with the U. S. it would be a matter of life and death for Japan, and demanded the best efforts be made to maintain peace.

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He told TCGC that the people would never be persuaded to rise in arms, since they were convinced that the war was really inevitable in spite of Japan's efforts, and requested that he leave nothing undone to bring the negotiations to an amicable conclusion, despite all unfavorable criticism, and never give up hope to the last. TCGC stated he was of the same opinion, and was doing his utmost to carry out his task on that principle.

35552 * The following morning the witness was requested to call on TCGC and ask him to become a diplomatic adviser to the foreign ministry. TCGC stated he was too busy with important conferences and interviews to think things over himself. The witness accepted the offer and was appointed adviser on November 11.

At the end of November, after the receipt of the Hull note when TCGC conveyed to the witness that Japan had been compelled to put an end to the negotiations, the witness urged him to try further. TCGC stated he had already done all he could, and he could do nothing further except try to obtain U. S. reconsideration. He stated he was willing to resign and be replaced if a way could be found to bring matters to a conclusion, because it was his greatest desire that Japan should not enter upon a war. 35553 The witness told him that the senior diplomats had full confidence in him and that he should not resign, since no one could do any better.

As diplomatic adviser, the witness was not in charge of any routine business, but from time to time gave advice to TOGO upon his request. In January, 1942, TCGC requested that the witness, in view of the importance of the problem of treatment of POWs, should assist with that bureau by making contact with the diplomatic corps, especially those representing enemy interests. The witness talked about the matter from time to time with the representatives concerned in order to contribute to the satisfactory handling of the matter. At the end of February he was appointed Ambassador to the Soviet, before he had a chance to do much in that direction.

35554 In July, 1942, while Ambassador to the Soviet, he received instructions from TCGC to pay as frequent visits as possible to Moscow * and to pave the way for Japan using good offices to restore peace between Germany and the Soviet. Japan intended to spare no effort toward ending the Russo-German War in order to bring about general peace. The witness considered that since battles were being bitterly fought there was no prospect of peace, and so reported to TOGO. In the middle of August, TCGC again instructed the witness to visit Moscow as frequently as possible, and sent the draft of the new fisheries convention and suggested that he call on Soviet authorities in connection with this matter, as it would give opportunity to bring up the subject of peace. While he was prevented from visiting Moscow, TCGC resigned from the Foreign Ministry, and communications ceased.

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35555 Exhibit 3612 stated * that on December 9, 1931, TOGO was appointed to the suite of the delegate to the General Conference on Disarmament in Geneva. On August 13, 1932, he was ordered home temporarily, leaving Berlin on August 22 and arriving in Tokyo on October 22, and returning to Berlin on November 19.

Exhibit 3630 stated MATSUOKA left Tokyo for Geneva on October 21, 1932.

Case

- 35556 Exhibit 687-B, an excerpt from the proceedings of the Privy Council Investigation Committee on the establishment of the Greater East Asia Co-Prosperity Sphere, stated that ISHII inquired into the constitutional doubt that despite diplomacy being the prerogative of the Emperor with the Foreign Minister having responsibility for assisting, the plan seemed to assign to the new ministry the responsibility for aiding the Throne in connection with diplomacy but the organ to execute policies was decided by the government organization. He made it clear that it was the designation of the minister who should have charge of the administrative execution and did not mean limiting the scope of the responsibility to the Throne, that the pure diplomacy was assigned to the Foreign Minister and all other matters to the Greater East Asia Ministry.
- 35557 *Member MINAMI asked for the reasons for TOGO's resignation and TOJO replied that it was for personal reasons and that he did not believe it proper to give a detailed explanation.

DIRECT EXAMINATION OF SHIMAZU, Hisanaga.

- 35559 Exhibit 3631, the affidavit of the witness stated that he was *private secretary to TOGO from October 1941 to September 1942. His duties were not to participate in transacting diplomatic affairs but to arrange documents for TOGO's inspection, to arrange interviews with the staff and with visitors and to accompany TOGO when he attended various meetings. Diplomatic corps interviews were dealt with mostly by another secretary.

- 35560 About December 6, 1941, TOGO was requested to attend the Central Cooperation Conference of the IRAA to be held December 8th and to make a speech there. TOGO ordered two different drafts of his address, one to be used in case war should be opened and the other in case it had not begun. * The address was abandoned.

After midnight on December 8th Grew called on TOGO and delivered a copy of Roosevelt's message. TOGO ordered KASE to prepare a translation. When this was done, TOGO went to TOJO's residence with the witness, arriving there about 2 A.M. The witness waited for TOGO and they then returned to TOGO's residence and left for the Imperial Palace about 2.30 A.M.

DIRECT EXAMINATION OF YAMAMOTO, Kumaichi (by Mr. Blakeney)

- 35561 *The witness identified and verified Exhibit 3632 as his affidavit. He stated that he was director of the East Asiatic Bureau of the Foreign Ministry from September 1940 to November 1942 during which time he was concurrently director of the American Bureau from October 1941 to November 1942. OKA's affidavit Ex. 3473 had stated that the final reply to the United States

0 152 0003 5813

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OFFENSE - TOGO

YAMAMOTO- Direct

Excerpts

35562 was drafted by the Foreign Office and delivered to him by YAMAMOTO. OKA had ordered his subordinates to study the draft and as a result felt that it was inadequate and that it would be appropriate to insert the wording

35563 that they had reserved the right to freedom of action. * This was inserted in the draft and sent to YAMAMOTO. When the draft was distributed at the liaison conference the suggested revision was not made. YAMAMOTO assured OKA that the note could be regarded as a final note.

The witness stated that the draft of the final memorandum which he sent OKA was as he had previously testified prepared in accordance with the liaison conference discussion but he did not thereafter receive from OKA any draft suggesting that freedom of action be reserved and did not discuss the question with him. He distributed the draft of the memorandum at the Liaison Conference December 4th but could not recall that at the adjournment he had been asked by OKA whether the memorandum was an ultimatum nor having replied to him.

CROSS EXAMINATION BY MR. BRANNON (Counsel for OKA)

35564 *The witness stated that Director OKA never made such a recommendation to him. The witness had discussed various matters at many times with OKA, including several talks on the wording of the note. The witness

35565 could not recall everything that OKA had said. * The witness recalled being interviewed by Mr. Brannon March 11 1947 and he recalled that Brannon had stated that he had an interpreter present and a reporter taking down what he said. He admitted that when Brannon had asked him about the matter he had stated that the officials of the army and navy ministries came to his office and discussed the wording and many other matters and he did not recollect clearly whether OKA came to discuss the particular wording or not. But OKA did come to his office many times to discuss the draft and he did not know whether in those discussions this particular incident had actually happened or not. When asked how he remembered at this time that

35565 OKA absolutely * had not come on that matter, he stated that in March when he talked with Brannon it was an informal talk based on his recollection and he had told Brannon that he would tell what he recalled definitely and would also state what he did not recall well. Later he had given concrete consideration to the various questions brought up. With respect to OKA making a recommendation of this particular phrase, he wished to say that the draft was drawn up in accordance with the decision of the liaison conference and there could have been no case for private conversation as suggested and he had therefore come to the conclusion that no such recommendation was ever made to him.

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DIRECT EXAMINATION OF TANABE, Moritake

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35569

*Exhibit 3633, the affidavit of the witness stated *that he was appointed vice chief of the General Staff on November 6 1941 and attended the Liaison Conferences held in the latter part of the month. He and the Vice-Chief of the Naval Staff ITO once called on TOGO and consulted about the time of the delivery to the United States. As he recalled on or about December 3rd the Liaison Conference decided that notice of the ending of the negotiations was to be delivered to the United States at 12.30 PM on 7 December at Washington. However the navy found it necessary to postpone the time until 1 P.M. and the army agreed.

35570

The witness and ITO called on TOGO December 5th and asked for his agreement. * TOGO asked whether that time left some length of time prior to opening of hostilities and on receiving an affirmative reply from ITO he accepted. On the evening of the 7th the witness learned that the result of the consultation was reported to the liaison conference of the 6th and was approved. ITO did not inform TOGO when the hostilities would commence.

35571

Exhibit 3634 - Collection of Essays on Problems of International Law related to the Greater East Asia * and stated that the International Law Society had set up a Special Committee to study important problems of international law arising since the outbreak of the war, the direction which international law will take and the Treaty Bureau of the Foreign Ministry had been cooperating with it. In the meantime members of the committee have been presenting valuable reports which were of some use to the Foreign Ministry. They were being printed to prevent them from being dispersed and lost and to keep them available for reference and study.

The reports are the personal opinions of the members and their arguments and conclusions have not always matured sufficiently to represent their final views because of lack of time.

35572

Exhibit 3609 * stated circumstances being as they are they had to be very careful until they prove substantial achievement in developing Manchuria and Mongolia. It is inappropriate to launch on a reckless adventure, reckless in all respects. Not until February 1940 did forty odd nations oppose Japan in Geneva. If there were further disturbances these nations would likely deal in concert with Japan. While they were therefore for many years to be striving for the successful development of Manchukuo they should avoid troubles with these nations unless troubles were forced upon them. With respect to China where they were now confronted with armed resistance they might be obliged to cope with it but if there is any opportunity they should immediately lay down * their policy for speedily restoring good will and strictly abide by it and prove their good faith.

35573

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YUZAWA - direct

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*Exhibit 3635. The witness' affidavit stated *that the witness was appointed Vice Minister of Home Affairs in the TOJO cabinet in February 1942, resigning in April 1943. In July 1942 the witness was informed that a plan was being prepared by the four Cabinet Directors for organizing the Greater East Asia Ministry. In August he received a report of the plan to the effect that the business concerning the East Asiatic countries including all political, economic and cultural relations were to be transferred to the new ministry leaving for the Foreign Office only formal matters called pure diplomacy. The witness thought TOGO had good reason to object and felt this might compel him to resign his office.

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*This was undesirable and as a career official the witness was sympathetic with TOGO - to have to see the foreign ministry deprived of its function. The witness decided to see TOGO and he did all he could to prevent any incident which would cause his resignation. He called on TOGO and realized he was dead set against the plan. He could see he was resolved to stick to his position on that issue though he did not express it openly. The witness told him that he was sympathetic and stated that in case an agreement was not reached the ministers who were neutral might be obliged to take the part of TOJO since they did not wish to have the Cabinet collapse. On the other hand, hoping to find a neutral person who could undertake mediation * the witness sounded the opinion of the Navy but after becoming convinced that the latter was supporting the new organization he gave up his idea.

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The following day the witness saw TOJO and informed him of TOGO's resolution and inquired whether it was proper to adhere to the new ministry plan and tried to persuade him to reconsider it. However, TOJO was firm. He would not recede, emphasizing the necessity of the new organization under the circumstances. He declared that he wanted the new ministry established at the following Cabinet meeting. The witness told him that since both men were firmly resolved, the next cabinet meeting would probably be the last conference TOGO would attend and expressed the desire they would have the moral courage to state their opinions fairly without being carried away by feelings and discuss the matter from all aspects.

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*The matter came up for discussion September 1. TOJO personally explained the plan and emphasized its necessity. His point was that owing to circumstances in East Asia occurring during the way in which the East Asia countries had a common object, the countries were in close kinship and in order to meet this new situation a special organization had to be set up which was to deal exclusively with international affairs of Greater East Asia separated from diplomacy in general. TOGO opposed this. He stated that as a result of the new ministry Japan's diplomacy would be divided in two and would be dealt with by a different ministry from that charged with relations with other countries. Consistent diplomatic activities would

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be impossible.

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*The countries of East Asia which would be subjected to different treatment would entertain doubt as to Japan's true motive. It would hurt their national pride and would infringe on the principle of respect for their independence. He feared that the new ministry would turn out an enlarged Kouin extending the latter's way of handling Chinese affairs to all of East Asia which would be undesirable. The discussion lasted for three hours at which time all were silent except SUZUKI and one or two others. Neither TOGO nor TOJO left anything undone for carrying out their points. The meeting was closed with an understanding that it would be later resumed. But TOGO resigned that afternoon with TOJO taking over

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the foreign ministry. * The meeting was resumed and the plan passed unanimously. The witness called the next day on TOGO and told him he should have no regrets since he had done all he could on such an occasion. TOGO stated that he had made up his mind to resign because he realized he could not agree with TOJO even on the fundamental question of the guidance of the war not to speak of the matter in question.

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*Exhibit 3636, Joint Statement of the Greater Ambassadors' Conference, dated April 23, 1945, stated that the Foreign and East Asia Ministers and the Ambassadors of Manchukuo, China, Burma, Thailand and the Philippines had adopted a joint statement unanimously with respect to the method of carrying through the Greater East Asia War and the idea of establishment of world order through the joint war. The declaration stated that the fundamental basis of the international order to be established should be sought in the idea of co-existence and co-prosperity which aims at the removal of all discrimination based on racial prejudice and the like and to secure mutual friendship and cooperation.

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* Political equality will be guaranteed to all regardless of national power, and equal opportunities will be allowed for elevation and expansion. Each nation will decide the form of its own government and will not be subjected to any interference by others. Peoples with colonial status shall be released and established in their rightful place to pave the way for developing human civilization..

Exclusive control of resources, trade and international communications is to be done away with to secure mutual cooperation of nations and rectify the economic disproportion and to urge the diffusion of economic prosperity. There was to be reciprocal respect between nations and cultural intercourse and friendship advanced.

Armaments which may be a menace to other nations will be prohibited in conformity with the principles of non-menace and non-aggression

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*and obstacles to international trade shall be removed to prevent oppression by economic means and of course of force. With respect to organizing for guaranty of security, arbitrary decisions of larger powers and a uniform design for the whole world will be avoided. An order should be established having as its prime work a structure for local security suitable to actual state of affairs, taking in the necessary world-wide system. In the meantime a way will be sought to convert the international order in peace in accordance with the development of the changing situation of the world.

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*Exhibit #3637, excerpt from ordinance governing formalities for promulgation of official documents, Jan 31, 1937, stated that Imperial Ordinances shall be promulgated together with the Imperial Edict attached thereto. The Edict shall have affixed the Imperial Seal after the Imperial Signature and the Premier shall countersign it along or together with each other state minister in charge.

*Exhibit 3638, Imperial Ordinance 192 of 1914 governing organization of the POW Information Bureau, countersigned by Premier and War Minister only.

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Exhibit 92-A, Ordinance establishing the POW Information Bureau Dec 29 1941, likewise countersigned * by Premier and Ministers of War and the Navy.

DIRECT EXAMINATION OTA, Saburo

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Exhibit 3639, the witness' affidavit stated that the witness was chief of the Third Section, Bureau of European-Asiatic Affairs November 1940 to October 1942 and was charged chiefly with business concerning relations with the British. * Shortly after the Pacific War broke out the United States and Britain proposed to Japan the mutual exchange of diplomatic and consular officials as well as many resident enemy nationals as possible. TOGO assigned the witness to manage the business relating to negotiations with the United States, Britain and other Allied Powers and also the preliminary consultation in the competent Japanese offices.

As a result of the negotiations it was decided that due to the shortage of boats those persons to be repatriated should be limited except for the diplomatic officials to temporary residents and that Japan should send back not only residents of enemy countries in Japan proper but also those in Manchukuo, China, French Indo-China and Thailand

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including the nationals of all allied European and American countries.

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*Despite the difficulties TOGO exerted himself from the first to bring the negotiations to a successful conclusion and to carry out the agreement. It was necessary to secure vessels and there was difficulty among the army, navy and other circles concerned with the developing of operations imposing large demands upon shipping. The High Command attached various conditions to setting a date for the voyages through southern waters to the place of exchange on the ground that safety could not be guaranteed under the operations in progress. TOGO frequently conferred with the Naval High Command and other authorities and persuaded them to follow the program.

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Japan thereupon chartered two vessels and later two more *all first-class liners which sailed from the place of exchange between June 25 and August 10 1942. The nationals sent home amounted to 3500 the majority of whom were temporary residents. About 2000 were taken on at various places beyond Japanese waters. The largest part of those resident in Japan who were repatriated included many persons interned by Japan. Some of them had been charged under the criminal law and were on trial. There was great difficulty in releasing them but TOGO in person demanded their release successfully. One or two representatives of the Foreign Ministry were on board each of the ships to see that the people were treated well and special attention was paid to facilities afforded them.

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*After TOGO's resignation the Teia Maru made a voyage in September 1943.

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Exhibit 3640-A, affidavit of SUZUKI, Kantaro stated that *in April 1945 he received the command to form a cabinet. Since he was a novice in politics he requested advice of the Elder Statesman on selecting cabinet ministers. He made his own choice of foreign minister and chose TOGO because he felt he had opposed the war from the beginning and had resigned from the TOJO cabinet in opposition to TOJO's policies.

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*He felt from the beginning they could not succeed and when chosen as premier he felt it his duty to bring the war to an end. He had selected as foreign minister a man known to have opposed the war. When the cabinet was formed TOGO was in Karuizawa and the witness requested him to accept by telephone. TOGO stated he would have to discuss the matter before accepting. He therefore came to Tokyo to discuss the matter. The affiant could not speak openly on the question of ending the war but he felt from the conversation that TOGO's views were the same as his own. While the witness did not

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35592 remember TOGO might have stated that his acceptance was conditional upon the cabinet working to bring about the end of the war. TOGO said he would have to consult his superiors in the Foreign Ministry, specifically HIROTA before deciding. The next day he accepted. TOGO thereafter conferred with the witness * and brought up the question of ending the war as soon as possible. They agreed.

about the middle of May six-man conferences of Premier, Foreign, Army, and Navy Ministers, and Army and Navy Chiefs began to be held to discuss the question. By the end of May TOGO had persuaded the services to agree to approach Russia although there was still some idea of securing not merely mediation but assistance from Russia.

35593 *Until June 22 there were further discussions regarding the method of procedure. TOGO took the lead in insisting that the war must end and Russian mediation sought. On June 22nd the Emperor told the six members that the war must be brought to a speedy conclusion. There was no further disagreement and arrangements were made to send a special envoy to Moscow. Due to various delays this was not accomplished before the Potsdam Declaration of July 26th.

35594 On August 9th at the Six Man Cabinet meeting TOGO presented a plan to accept the Potsdam Declaration with the sole condition attached of maintaining the national policy. There was some disagreement - some members wanting to add certain conditions concerning disarmament, occupation and other points. The matter was presented to the Emperor for decision and the Emperor accepted * TOGO's proposal and ordered it carried out.

DIRECT EXAMINATION OF MATSUDAIRA, Yasumasa

35594 Exhibit 3641. The witness' affidavit stated that he had known TOGO for many years and his acquaintance with TOGO had become more intimate * after he assumed the Foreign Ministership in the TOJO Cabinet. On April 6 1945 SUZUKI received an Imperial order to form a cabinet. As soon as the witness learned that SUZUKI had asked TOGO to accept the foreign office and TO GO was hesitating, he called on TOGO April 9th and asked him to assume the post. TOGO told him that SUZUKI desired to end the war and that he agreed with him in principle but that he believed it was extremely difficult to continue the war and that it must be terminated as soon as possible, SUZUKI thought it could be continued for two or three more years. So long as he and

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35597 SUZUKI differed on this point they could not agree on the high policy and he could not accept the portfolio. The witness told TOGO that SUZUKI's point of view was not fixed and it was desired that TOGO enter the new cabinet and enlighten SUZUKI. It was known that the Emperor was considering ending the war and he need not worry about the point too much, * and it was earnestly desired that he contribute his strength to the Emperor. The witness desired TOGO to assume the job because he felt the war could not end in the domestic circumstances without a foreign minister who would dare to risk his life, as well as possess superior brilliance and he knew of no other candidate than TOGO. KIDO also desired that TOGO accept the portfolio and the witness again called TOGO and requested him to accept the ministership.

DIRECT EXAMINATION OF MATSUDAIRA BY MR. LOGAN
COUNSEL FOR KIDO

35598 *He recalled that he spoke to KIDO on the morning of December
35599 8, 1941 with regard to Roosevelt's telegram. This conversation was*
35600 held some time in the morning, rather closer to noon. KIDO said he was
not familiar with the details. He asked what the telegram was about
from KIDO. He did not recall that he heard anything of the contents from
KIDO because the latter said he was unfamiliar with the details.

DIRECT EXAMINATION BY MR. FURNESS
COUNSEL FOR SHIGEMITSU

35601 The witness stated that SHIGEMITSU was the foreign minister
35602 in the cabinet preceding the SUZUKI Cabinet and his conversation with
TOGO took place at the time of that Cabinet's resignation. * The
witness stated that he thought SHIGEMITSU had made efforts along
the lines which he thought necessary they take and SHIGEMITSU had
worked personally with the witness. In his estimation SHIGEMITSU
would not have been able to do that in the new cabinet and it was
for this reason he felt that no other candidate but TOGO would do.

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DIRECT EXAMINATION OF SAKAMIZU, Hisatsune,
by Mr. Plakeney.

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35603 Exhibit 3642, the witness' affidavit, stated that when SUZUKI received the mandate to form a new cabinet on 5 April 1945, the witness participated in selecting the ministers. The witness was Chief Secretary of the Cabinet during its entire existence and attended all the Imperial Conferences, Cabinet meetings and Supreme War Direction Councils. * The information which he testified about he learned directly through his own experiences and from what he was told by SUZUKI and TOGO.

When the Cabinet was formed, it was decided to recommend TOGO as Foreign Minister, and an urgent message was promptly wired to Karuizawa to have him come to Tokyo. He arrived on the evening of 7 April and met SUZUKI. He stated that since he had been against the Pacific war, he wanted to try to terminate it as quickly as possible. Although the time must be chosen carefully in light of the war situation, he wanted to know whether SUZUKI was determined to make his Cabinet one to end the war, and he asked SUZUKI's opinion on Japan's war potential. After an exchange of opinions, TOGO declined the offer on * the ground that SUZUKI's reply was not clear, and promised to reconsider. The witness called on TOGO on 8 April and explained how it was impossible for SUZUKI to declare how he intended to bring the war to a close promptly because of the extremely important effect and reaction it might have. The witness pressed the request that, since SUZUKI's intention was not clear, TOGO should accept on that tacit understanding, and asked TOGO to meet SUZUKI on the 9th.

TOGO agreed to meet SUZUKI and did meet him, and after a long talk, accepted the offer to become Foreign Minister. SUZUKI told the witness that it was because an agreement had been reached on the question.

TOGO was the most earnest advocate of peace throughout the 35606 Cabinet. His opinions delivered in the meetings of the Big Six held * frequently from the middle of May onward, were always for prompt ending of the war. TOGO did not necessarily rest his hopes upon the possibility of peace through the Soviet good offices, but intended as far as possible direct negotiation with the United States. His efforts for peace were constant.

There was an opinion supported by some military circles that Japan should get from the Soviet petroleum and equipment to continue the war. TOGO, however, insisted on prompt conclusion of peace.

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Since the Emperor's wishes were revealed on 22 June that concrete measures be taken to end the war, TOGO personally directed the necessary preparation and proceeded with the negotiations with the Soviet. When the Potsdam Declaration was issued the trend of opinion was that since negotiations were being conducted with the Soviet, Japan should decide the measures after receiving the Soviet reply. Japan should, for the time being, maintain silence as to acceptance of the Potsdam Declaration. The military, however, stated that Government silence would have a demoralizing effect on the troops, and a strong statement should be issued against it.

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TOGO was firmly against the military opinion and pointed out that such a step would prove a fatal obstacle to the conclusion of peace. Later this problem was discussed among the War and Navy Ministers * and the Chiefs of the two staffs. The military opinion prevailed, and it was decided that SUZUKI would state to the press that Japan would not take seriously the Potsdam Declaration which was in substance similar to the Cairo Declaration. The press reported that Japan ignored the Declaration. TOGO regretted this and did not give his consent. When the Soviet declared war on Japan on the pretext of this statement, TOGO said that was what he expected.

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When on 6 August TOGO heard of the bombing of Hiroshima he told SUZUKI that the war must be terminated promptly and pressed his opinion upon the military leaders. When the radio reported the Soviet Union's participation in the Pacific war on 9 August, TOGO called on SUZUKI and advised him * to end the war promptly and strongly insisted on the acceptance of the Potsdam Declaration insofar as the Allies would respect the safety of the Imperial Household, but the Council adjourned without a decision. The Cabinet met at 1 p.m., and TOGO repeated his argument and succeeded in convincing the majority of the Cabinet members.

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At the Imperial Conference that night, TOGO stated his belief frankly and the Emperor expressed his approval. At the Cabinet meeting on the 13th immediately after the Allies' reply was received, TOGO insisted on accepting the Declaration promptly on the basis of this reply. Some members wanted a more positive reply, but TOGO refuted them with convincing reasoning.* Further discussion was held at the Imperial Conference on 14 August, and the Emperor gave the final decision to accept the Allies' reply as it stood. TOGO concentrated all his energy on restoring peace.

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- 35612 Exhibit 3643, an excerpt from the Asahi Shimbun of 21 February 1933, states that in accordance with the conference of the 20th, Foreign Minister UCHIDA that day sent instructions to MATSUOKA in Geneva: That Japan absolutely rejected the Lytton Report and proposed recommendations of the League since they are entirely in conflict with the belief of the Japanese Government concerning the establishment of peace in East Asia; it had been decided that if the General Assembly adopted the report, Japan would withdraw from the League of Nations and would no longer maintain cooperation with it. In withdrawing from the League, constitutional steps will have to be taken and the representatives should return home without taking any steps at the Assembly for withdrawal. When the report and recommendations are submitted, the representative should seize the opportunity to express his opinion and vote against it. He should simultaneously report to the Secretary-General the non-acceptance of the * report and should take steps to publish the statement. On completion of all steps, he should promptly leave Geneva with his staff. UCHIDA would instruct MATSUOKA on the steps to be taken and the form of the statement of opposition.
- 35613 * Exhibit 3644, the affidavit of OKURA, Kimmochi, stated that since 1937 he had been managing director of the Kokusaku Kenkyukai (Society for Study of the National Policy), which was a purely private organization, maintained by membership fees and also
- 35614 by private contributions. * Membership was open to all, and withdrawal free and voluntary. There used to be a continual change in membership, and those who did not belong to some committee were little connected with the activities of the Society, and the only benefit they derived was that they were sometimes invited to the lectures which the Society held, and received the periodicals published by the Society. Many members failed to pay their fees, but so long as they did not express the desire to withdraw, they were treated as members and received the publications. In no circumstances were the major, special publications ever distributed to ordinary members.
- 35615 TOGO joined after he had resigned his post of Foreign Minister. He was only an ordinary member * with no connection with any of the committees and did not participate as an officer or director. At one time it was suggested that TOGO become a member of the Executive Committee, but this was rejected. As OKURA remembered, TOGO did not attend any of the meetings, and he does not remember whether or not he paid membership fees. He was a half-hearted and un-cooperative member.
- About December, 1941 the witness called on NISHI, Vice Minister for Foreign Affairs and asked for a contribution of ¥20,000 and explained that the Society sought contributions

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for the purpose of studying various wartime problems. Two or three months later the money was received. At the time the request was made the program of study of the Society had not yet been decided and his explanation was sketchy and rather vague as to particulars. He never saw TOGO on * any business concerning this or any other contribution to the Society.

Exhibit 3645, ordinance establishing the Supreme War Council, Imperial Ordinance No. 294 of December 1903, stated that Supreme War Councillors shall be Marshals and Admirals of the Fleet, War and Navy Ministers, Chiefs of both Staffs and General officers of both Staffs, specially appointed.

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DIRECT EXAMINATION OF TOGO SHIGENORI
by Mr. Blakeney

- 35617 * The witness identified and verified Exhibit 3646, his affidavit.
35618 * The affidavit stated that the witness entered the Japanese Foreign
Ministry in November, 1912 and remained with it until his retirement
on August 17, 1945, except for a period from September 1 1942 to
April 9, 1945. He occupied successively the usual positions at home
and abroad and received promotions, and decorations in the usual
course of his career. He had never held any military office nor had
any connection with any military group or clique. He had never been
a member of any political party or society nor ever held political
35619 office, except that on 1 September 1942 * he became a member of the
House of Peers, a retirement honor.

At one time he was a member of the Imperial Rule Assistance
Political Society, which might be considered a political party, but
he was never active in it and he was not even sure when he received
his membership and whether it continued until the Society's dissolu-
tion. His profession had been diplomacy and his aim had been the
advancement of his country's interests, but he had always been
governed by the conviction that Japan would be best served by under-
standing other's viewpoints; by promoting international friendship,
and by striving for amicable settlements and peace.

- 35620 His career was substantially as set forth in the Cabinet
Record, Exhibit 127, subject to the amplifications which he shall
mention later. His diplomatic career * was related almost wholly
to European and American affairs, and primarily European. He had
served less than three years in the Consulate-General at Mukden, but
never served thereafter in any country in Asia. During World War I
he was appointed to a post in Switzerland, and after the armistice,
served at the peace conference. He was sent to Germany and remained
there until the peace treaty. He then served in Tokyo as Chief of the
First Section of the European-American Bureau, which was concerned with
Russia and neighboring affairs.

- 35621 * In December, 1925 he went to Washington as senior secretary,
and stayed there until the end of 1932. He was Councillor of the
Embassy in Germany. He was twice ordered to Geneva, once in September,
1930 as a member of the suite of the Japanese delegation to the 11th
Assembly of the League of Nations where he remained for only ten days;
and again in December, 1931, as Secretary-General of the Japanese
delegation to the Disarmament Conference, and served from February to
August, 1932 and in November, 1932.

The Prosecution have argued that since he was in Geneva at the
same time as MATSUOKA, he was with MATSUOKA on the League of Nations
delegation to defend the aggression and to give the assurances which
were so often broken. He stated that in 1931 he was in Berlin and

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- 35622 the Prosecution statement probably referred to 1932. At that time he was in Geneva as Chief Secretary of the Japanese delegation to the Disarmament Conference. There was no connection between the business of the two delegations. Although some evidence has * been given on this point, he wanted to emphasize that he originated the proposal that the business of the two delegations should not be intermingled nor should the personnel of the two be common, and this proposal was adopted by MATSUDAIRA. Although there was some overlapping, TOGO had nothing to do with the business of the delegation to the Assembly concerned with the Manchurian question. MATSUOKA did not leave Tokyo until October at which time the Disarmament Conference was in summer recess, and TOGO had returned to Japan to report and confer. Upon his arrival in Berlin on 19 November, he found an order directing him to return to Tokyo and a new assignment as Director of the European-American Bureau. He went to Geneva and reported on his visit to Japan, remained there for ten days and left on 22 December for Japan.
- 35623 He had no official connection with MATSUOKA and no occasion * to 'defend' the Manchurian Incident. When MATSUOKA withdrew Japan from the League of Nations, TOGO was no longer in Geneva, but was in Japan.
- 35624 * The Prosecution have stated that in 1941 TOGO was a member of the Supreme War Council. This Council was composed only of military men and was restricted to general officers, and this has been so stated by the Prosecution. Allegation for his membership seems to be founded on Exhibit 102, the original Japanese of which refers to the Supreme Council for Direction of the War. This organ was established under the KOISO Cabinet in 1944, and TOGO was, therefore, not a member in 1941.
- 35625 * It is known that TOGO received various awards and decorations. It is averred that the award bestowed on him 'for services during 1931-4' was related to the Manchuria Incident. It is obvious from his career that he had no connection with the Manchurian Incident, nor is there any evidence to connect him therewith. He was in Berlin when the incident occurred, and during the period of the award he was in Berlin or Tokyo as Director of the European-American Bureau, which had no direct connection with the Manchurian affair. As awards for services in connection with any contemporaneous affair could have been given in the guise of awards for service in the Incident, the award for his services could have been in connection with other matters; but if he had been decorated for such services, he would have been one of 452,826 recipients of such awards. The award granted him for services in connection with the conclusion of the Anti-Comintern Pact came to him as Director of the Bureau in charge of the negotiations. It is customary under the Japanese system to bestow awards upon the officials concerned * without regard to their personal views or the actual roles played in the matter. That he was given an award upon the conclusion of the Anti-Comintern Pact despite a lack of sympathy is sufficient commentary on the significance of the awards.
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With respect to the China War, these awards covered all services in the period under consideration, and there were 3,319,547 received on this same basis.

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The witness stated * that he never paid membership fees or dues, never attended meetings, never served as an officer although requested to take office, and never had the slightest knowledge of what the Kokusaku Kenkyukai was doing or proposed. He was solicited by a personal friend to become a member, and did. As to the donation made by the Foreign Ministry, he had nothing to do with it. If it occurred, it was a matter carried out by the Vice-Minister and he was not consulted.

35628 *

Throughout his diplomatic career, Russo-Japanese relations was the most important problem, after that of China, and a great deal of his career was devoted to it. As the European-American Bureau Section Chief he was concerned directly with Russian affairs, and while he was Director of the European-American Bureau, Russian affairs were of paramount importance. While he was Chief of the First Section of the Bureau, he was the official directly concerned with solving Russian problems, and during this time they reached a settlement of many points of contention arising from the Soviet Revolution and the Siberian Expedition carried out jointly with the United States, Britain and France, and which had been since pending between Japan and the USSR. TOGO's efforts were devoted to settling Soviet ratification of the Czarist debts and of prohibition of Communist propaganda in Japan. The settlement was embodied in the Soviet-Japanese Basic Convention, in which Japan recognized Soviet reestablishing relations signed at Peking in January, 1925.

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Although he was designated as chief of the European-American Bureau 1 February 1933, he took over the office in early March. * He was charged with assisting in engineering the withdrawal of Japan from the League of Nations; actually he had no connection with this high-level policy decision, the general trend of which had been decided before he entered his new office in March, his Bureau not being the one in charge of the matter. He had expressed his opinion that such withdrawal would be unfortunate for Japan. Although the formal notification was given on 27 March 1933, the policy had been determined when MATSUOKA led the delegation from the Assembly in late February.

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After the withdrawal, TOGO submitted to UCHIDA a written opinion entitled 'On the Foreign Policy of Japan vis-a-vis Europe and America Following Withdrawal from the League of Nations.' It should be noted that although this report treats of Japanese relations with the U.S. * and all the chief European countries, over a third of it is devoted to the Soviet question. So far as it was within his competence and his abilities, he worked throughout his career for the fulfillment of the diplomatic policy set out in 1933.

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With other important branches of Japanese diplomacy such as affairs of China and the U.S and Britain, he had in later years almost no connection, until they had so deteriorated as to bring us to the verge of the Pacific War, and was not in a position to work to any good effect in carrying out his proposed policies. So far as Soviet affairs were concerned, he had the opportunity to deal with them for a considerable period, and the main points of his program were brought to fruition. There were three of these points: conclusion of a non-aggression pact; settlement of the Chinese Eastern Railway question by purchase of the Soviet interest; demarkation of the Soviet-Manchukuo boundaries.

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His first work as Director of the Bureau was the negotiations proposed by the Soviet which led to the purchase * of the Soviet interest in the Chinese Railway and the removal of that source of friction. The negotiations were taxing and complex, and took most of his time for almost two years. At first the parties were extremely far apart in their ideas of the monetary value of the Soviet interest; negotiations were repeatedly interfered with by occurrence of conflicts in Manchukuo, and the military authorities had to be persuaded that amicable settlement was to Japan's interest.

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The result was that his bureau and he were fully occupied in persuading the parties to compromise their original claims. The Prosecution have referred to the sale as being intended to strengthen Japan's position in Manchukuo and to eliminate the rights of foreign countries, except Japan. This overlooks the fact that the sale was first proposed by the Soviet and the three types of governments concerned were as one that the transaction would promote peace. It was by the Soviet request that Japan guarantee the purchase price, the Soviet Government lacking confidence in the solvency of Manchukuo. This transaction was one of TOGO's long standing ambitions and was proposed in his report to UCHIDA.

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During the negotiations the Foreign Ministry was reorganized- the European-American Bureau being divided into two and its functions transferred partly to the new American Bureau and partly to the new European-Asiatic Bureau. The latter was also charged with responsibility for matters affecting European countries and continental Asia except China, Thailand, etc., TOGO's chief interest and specialty being in the Russian field, as he was appointed to the European-Asiatic Bureau.

Immediately after the sale of the Chinese Eastern Railway, he had turned his entire attention to the Soviet-Manchukuoan border question. Before becoming Director of the European-American Bureau agreement had been reached to study the question proposed by Japan of establishing a mixed commission to prevent border disputes. It was not until May, 1935 that negotiations on this question were entered into. After Manchukuo was founded, border incidents had been numerous,

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35634 * but during the railway sale question the number of incidents had decreased. This seemed an opportune time to end the expenditure of effort which was required to settle the incidents, by entrusting the task of prevention and settlement to such a commission. He, therefore, tried to begin negotiations in the summer of 1935. The Government of Manchukuo and the Kwantung Army insisted that a border demarkation commission be agreed before the establishment of a commission to settle disputes, to which the Soviet Government agreed, however, due to differences of opinion, negotiations were finally dropped. Even in 1938 when TOGO arrived in Moscow he found neither commissions yet established, and the only result was that he succeeded in bringing about a demarkation of the Mongolian-Manchukuoan border in the Nomonhan District.

35635 * In the summer of 1937 relations were again troubled by the occupation by Soviet troops of the Kwan-tsa-tse Island in the Amur River. The Kwantung Army wanted to dispatch troops to settle the incident by defense of what it considered the frontiers of Manchukuo, but TOGO insisted on negotiation first, and in the end the incident was settled without developing into a serious clash.

In March, 1936, HIROTA had intimated his intention of appointing TOGO Ambassador to the Soviet, however, after ARITA was appointed Foreign Minister the post went to another, and he was appointed Ambassador to Germany in October, 1937. HIROTA stated later that although he considered it appropriate to send TOGO to the Soviet, personnel problems had compelled him to make a different appointment.

35636 * On 15 October 1938, TOGO was appointed Ambassador to the Soviet, and arrived in Moscow on 29 October. He found awaiting his attention a serious problem in the form of the perennial fisheries question. Since 1936 it had been necessary to conclude an annual arrangement, and trouble and difficulties arose annually. In October, 1938 the state of affairs were especially serious, because a large number of the Japanese leases for fisheries lots were about to expire, and the Soviet evidenced no intention to conclude the annual agreement. It required much patience and long-drawn-out negotiations to settle the matter, and for the first time in the course of the fisheries question, the new year commenced without an agreement. The matter became so serious that it threatened to bring about a rupture of relations between the two countries.

35637 Finally the matter was settled in April, 1939, and as a result of those negotiations, the annual agreements were made easier. In 1940 they began negotiations in the middle of November, and were able to reach an agreement by New Year's morning.

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35638 The Nomonhan incident is charged against TOGO as a crime against the Soviet. He was in Moscow when the incident occurred and he first knew about it only by the Soviet protests and by cablegrams from the Foreign Ministry. He had never discussed it or any other conspiracy against the Soviet with any person whatsoever. When the settlement was arrived at between Foreign Commissar Molotov and TOGO, * there was no one who suggested that he had conspired to wage a war of aggression, or that his position was other than that of a diplomat negotiating to settle a problem. In fact, Molotov said that the settlement was an augury of better relations between our countries. As a result of the Nomonhan settlement, the demarkation of Soviet-Mongolian boundaries with Manchukuo came about.

35639 At this stage of relations, he felt it opportune to undertake the negotiation of the non-aggression pact. He only wanted to secure for both countries the obvious benefit in the way of improved relations to be derived from the conclusion of such a pact. He certainly had no idea of encouraging Japan's southward expansion - a policy which he had always opposed as leading to conflict with Britain and the Netherlands and probably with the U.S. as well. * He, therefore, had no intention of making a friend of the enemy in the north in order to facilitate a southward advance. His motives for concluding a non-aggression pact were just as he had expressed them in his written opinion in 1933. He had nothing to do with the Soviet proposal for a non aggression pact made in December, 1931 and declined as premature in 1933. The commencement of such negotiations, however, even in 1939 was not easy, and required repeated telegrams and the dispatching of a member of his staff to Tokyo. After obtaining authority, he began negotiations and reached a general agreement with Molotov for conclusion of a neutrality pact, which was put into draft form. It was only the Russian desire to liquidate the North Sakhalin concessions which prevented conclusion of the agreement.

35640 * Although he received instructions to return to Japan, he also received specific directions to cease negotiations. In April, 1941, when the neutrality pact was concluded, he was able to see the realization of the three basic points on Soviet-Japanese relations, which were almost identical with the preliminary agreement reached between Commissar Molotov and himself.

35640 * The prosecution point that when MATSUOKA carried out his purge of the diplomatic service, dismissing those considered insufficiently ardent toward his Axis-alignment policy, TOGO was allowed to remain, seems to arise from an incomplete personnel record. In fact, he was recalled on 29 August 1940 and actually arrived in Tokyo on 5 November. Upon his return, MATSUOKA intimated that his resignation would be accepted, and sent the Vice Minister and the Chief of the Personnel Section with the same suggestion. TOGO obstinately refused and told the Foreign Minister that his demand that diplomats resign simply because they were opposed to his pol : was entirely unjustified, and warned him of the consequences of dismissal of

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experienced diplomats. He told MATSUOKA he would not tender his resignation voluntarily as that would mean his approval of MATSUOKA's policy. No further steps were taken by MATSUOKA, and TOGO held the nominal position of Ambassador, although he actually had nothing to do with the activities of the Foreign Ministry for the year following his return to Japan.

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*Although TOGO had served in Germany three times, he had never been a specialist in German affairs. His first impressions of Germany when sent there in April 1919 impressed upon him the horrors and miseries of war. His basic policy for Germany as set forth in his report to UCHIDA was not one of positive cooperation. He was not only antipathetic but was skeptical of the widespread admiration of the strength of Nazi Germany from his knowledge of things there.

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His first connection with German affairs was when the Anti-Comintern Pact was negotiated. *He had close connection with it, as director of the bureau in charge from the time it came to the Foreign Ministry. However, the nature and extent of his connection requires some explanation.

The Anti-Comintern Pact history in the Foreign Ministry began about the beginning of February 1936, with a report from the Charge d'Affaires that conversations had been in progress between Germany and the military attache for a defensive alliance. TOGO requested the War Ministry and the General Staff for information and thereafter Colonel WAKAMATSU informed them of his general impressions of German conditions, but not about the details of the conversations.

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*ARITA at that time became Foreign Minister. MUSHAKOJI, Ambassador to Germany, was in Tokyo and ARITA had a conversation with him and give him oral instructions that since it seemed necessary to make a political agreement with Germany, he should study the matter upon his return to Berlin. Formal instructions were also sent. MUSHAKOJI reported the German proposal which was basically the Anti-Comintern Pact but it had many objectionable features. TOGO had opposed a pact based on Nazi ideological grounds and so told ARITA. He, however, had no voice in the decision of the policy. Although a bureau director could submit his opinion, he only carried into effect the policies decided and dictated by the government.

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TOGO did try to persuade his superiors and the military authorities to make the agreement *as weak as possible, arguing that it be limited strictly to the bare minimum of what had been determined as the national policy of Japan's needs and that the matter should be so managed that it should not affect relations with Britain, United States, and the Soviet. He was successful in several points.

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One of his chief reasons for insisting on revising the draft pact was the propagandistic tone of the draft. The preamble which read like a Nazi manifesto was changed greatly and these changes were agreed to between Japanese military and Germany so it resulted in the form it finally took. The text was rewritten to limit cooperation to the exchange of information *on the destructive activities of the Comintern and the counter measures to be taken against them. The term was reduced to five years and TOGO removed provisions calling for meetings of the Foreign Ministers and other high officials. He made the pact more businesslike.

He strongly asserted that the secret agreement should be strictly defensive and he insisted on changes. The first article had provided that it would become effective if one of the States became the object of attack or threat of attack by the Soviet. This at TOGO's insistence was limited to the case of unjustified attack. In connection with Article 2, he succeeded in securing German agreement to a list of exceptions from the requirement of mutual approval of political agreements with the Soviet so as to have Japan freer of German meddling in her relations with the Soviet.

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* He felt that it was essential to keep Japan's foreign policy on a rational and balanced basis and that efforts be made to maintain a close relationship with the democratic powers. This can be seen from my 1933 report -- especially since that report put emphasis on the British policy. In July 1936, he presented to a conference held between the Foreign Ministry and army officials a policy for managing the matter. The revisions were agreed to by the army officials. He also presented his views of undertaking negotiations for an entente cordiale with Britain. The War Minister became angry and only after great efforts did he obtain his agreement *to negotiate with England.

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What he had in mind was modelled on the familiar treaties of consultation. While time was consumed in working on China affairs related to these negotiations with Britain, the HIROTA Cabinet fell, but TOGO continued his efforts to obtain the agreement of the Foreign Ministry and to persuade the military to start the negotiations. After the KONOYE Cabinet was formed, he requested HIROTA to postpone his appointment as ambassador to allow him to work on the problem. An agreement was

Page eventually reached and instructions sent to London to commence negotiations. Just at this point, the China Affair broke and indefinitely postponed the Anglo-Japanese pact question. His appointment in October as Ambassador to Germany forced TOGO to give up his plan for improved Anglo-Japanese relations.

35649 *With regard to his attendance at meetings of the Privy Council on the Anti-Comintern Pact, the responsibility for managing this matter in the Privy Council was shared by his Bureau and the Treaty Bureau. The director of the Treaty Bureau made the explanations and TOGO made none. A Bureau chief in attendance had no part in the debates nor in the voting. The records show that at this meeting the explanation of the Anti-Comintern Pact to this Privy Council Committee was made by the Premier and the Foreign Minister and TOGO said nothing and spoke at no meeting of the Privy Council.

The Anti-Comintern Pact was signed in November 1936. Italy was not an original signatory and was not a party to the secret protocol. The negotiations which brought Italy into the Pact were carried on entirely in Europe and TOGO took no part in their conduct.

35650 *He was no longer handling the European-Asiatic Bureau when Italy adhered to the Pact. In September 1937, his appointment to Germany as ambassador had already been informally decided upon, and the business of the bureau was being handled by his successor. On October 10, he went to Manchukuo and, therefore, he had nothing to do with Italy's adhering to the Pact.

His appointment as ambassador to Germany was dated 27 October. He left Tokyo on 24 November and arrived in Berlin on Christmas Eve of 1937. Japan was then trying to solve the China Affair through the good offices of Germany, but Germany's position was extremely equivocal. While professing to strengthen friendly relations, she for many years had military advisers in China and had sold arms and ammunition to China, and it was said that many Germans were training the Chinese Army and directing the construction of military works.

35651 *Japan, therefore, regarded the stoppage of German aid to China as most important and TOGO's instructions were to try to have the military recalled and the shipment of arms stopped. He made his approach to the German officials as ambassador and merely carried out a policy in accordance with his instructions.

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With regard to the conversations with von Neurath of January 10, 1938, the witness stated that he had called on von Neurath merely to thank him for Germany's efforts in the mediation. He had nothing to do with the mediation plan. von Neurath brought up the matter of the China Incident. At that time the policy of not dealing with China *and of fighting the Incident to an end was being considered by the cabinet and had been decided upon. This policy, with which TOGO had no connection was published on 16 January, a few days after the conversations with von Neurath. TOGO had advance information of the decision and took it into account in telling von Neurath of Japan's policy.

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35654 *The chief problem of his stay in Germany was
35655 German-Japanese economic cooperation in Germany,*which he
need not amplify to much since these facts have been told
to the Tribunal. In early 1938, he was instructed to
begin negotiations to conclude a trade agreement to try
to rectify the unfavorable balance of Japan's trade.
Negotiations started were undertaken by the Commercial
Attache. In May 1938, Ribbentrop stated his desire to
make an agreement that Germans trading in North China
should be given substantially equal treatment with
Japanese traders. TOGO flatly declined to enter into
any negotiations because of lack of authority. He had
told Ribbentrop in February that all important political
and economic matters *should be transacted exclusively
35656 between the Foreign Minister and the Japanese Ambassador
or with their approval. Ribbentrop had agreed. TOGO
found that despite this Ribbentrop was discussing
economic problems with others than the Embassy personnel
directly concerned. TOGO made no effort to conceal his
dissatisfaction and the discord between him and Ribben-
trop became impossible to conceal.

Ribbentrop, after some delay, tried to reopen
negotiations. He handed TOGO a similar memorandum and
substituted "preferential" for "equal" treatment. This
time TOGO transmitted it to the Foreign Minister but
sent his opinion that it would result in violation of
existing treaty obligations to grant to Germany anything
more than most-favored-nation treatment in China, and he
opposed it.

35657 In response to his *report, he was instructed
to offer to Germany "the best possible preference" in
economic matters in North China, and to promise that
Germany's interests would be given preference over others.
TOGO tentatively narrowed down the proposal still further
before presenting it in the form of the Pro Memoria. He
limited it to German "foreign trade" and offered "bene-
volent" treatment, which was altogether different from
the preference which Ribbentrop had in mind and which was
substantially equivalent to most-favored-nation treatment.
Ribbentrop considered the formula unsatisfactory and the
negotiations continued without progress. The negotiations
were cut short when TOGO was ordered on 15 October to
leave for Moscow as ambassador.

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35658 TOGO had become unpopular with Ribbentrop and other Germans *because of his dislike of Naziism which came to their knowledge, as well as his lack of sympathy for the Anti-Comintern Pact. TOGO's greatest efforts had been toward improving relations with the United States, Britain, and the Soviet and objected to rapprochement with Germany at the expense of those other interests. He did not believe that Japan's future lay in alliance with Naziism and Fascism.

35659 Since his early tenure in Berlin, OSHIMA had been negotiating with Ribbentrop for the strengthening of the Anti-Comintern Pact. This was done without TOGO's approval or participation. The negotiations were in violation of Ribbentrop's assurance that he would deal only with TOGO on important and political matters. The reason for TOGO being ignored *was because of his strong opposition to any project of the sort.

35660 Europe was increasingly tense and it was apparent that if Japan was tied by an alliance, she would be involved in an imminent war. TOGO emphasized the danger to which such an alliance would expose Japan. Reinforcement of the Pact meant a three-power alliance. Ribbentrop presented to OSHIMA a draft agreement which was sent to TOGO and thus came under the Foreign Minister. Learning this, TOGO registered his opposition to be forestalled promptly since it could not contribute to the solution of the China Affair, but would involve Japan in an imminent European war. The Foreign Minister notified TOGO that the Five Ministers' Conference had made the decision to have the Military Attache ask German authorities to make a formal proposal. TOGO again repeated his objections. *As a result TOGO hereafter received a request for an assent to his transfer as Ambassador to the Soviet.

TOGO had long desired the Moscow post and he was not a success in Berlin. However, his removal from Berlin did facilitate a course of action which he had feared and fought and he felt that by remaining there he would be able to exercise some restraint upon the militarists and might sabotage the scheme. He requested the Foreign Minister to leave him in Berlin. On the following day a second request for his assent came and he had to submit. He was appointed to Moscow on October 15 and left Berlin on the twenty-seventh.

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His transfer to Moscow ended his negotiations with German affairs and the conclusion of the Tripartite Alliance was outside his sphere.

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*He had only once semi-official connection with these questions. In February 1939, he met in Berlin with OSHIMA, SHIRATORI, and ITO, the latter having been sent to convey TOKYO's opinion. He had received a telegram from OSHIMA saying he was asking permission to call a meeting in Berlin of all Ambassadors stationed in Europe. TOGO could not wait for advice from Tokyo and left for Berlin after advising the Foreign Ministry. Upon his arrival, he found that the Ministry had disapproved the conference and he merely had dinner with OSHIMA and SHIRATORI. He repeated to OSHIMA and SHIRATORI his views in opposition to the alliance and urged ITO to go home promptly to prevent the conclusion of the Pact as it would bring disaster to Japan.

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With respect to the Knoll memorandum*of his conversation with KURUSU in June 1940 that he did see KURUSU in May 1940 but that they did not discuss this matter and he could not express such an opinion as Knoll records, for he did not hold it. A perusal of the original record shows that KURUSU did not state to Knoll the conclusion the prosecution have drawn.

The Tripartite Alliance was signed while TOGO was in Moscow so he had nothing to do with it. It was signed in such secrecy that a very few even in the Government knew of it beforehand. The Anti-Comintern Pact was renewed for a further term of five years on 25 November 1941, when TOGO was Foreign Minister. This was a continuance of the policy in effect since 1936, *and the Government had already been committed to it by MATSUOKA in the spring of 1941. However, TOGO succeeded in obtaining the abrogation of the secret protocol, the part of the Pact most distasteful to the Soviet.

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In 1945, there was opinion in some quarters that the Anit-Comintern Pact should not be terminated. TOGO insisted that all political agreements with Germany be abrogated, including the Anti-Comintern Pact, in view of the need of not giving offense to the Soviet, as well as the desirability of disassociating Japan from Nazi ideology. This was done on May 15, 1945.

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The no-separate-peace treaty with Germany and Italy was concluded when TOGO was Foreign Minister but negotiations for it had begun before the outbreak of the Pacific war, but negotiations were undertaken only when it appeared that the United States' negotiations were hopeless and they were then undertaken only as a pre-cautionary measure.

The Tripartite Japanese-German-Italian military agreement of 18 January 1942 was planned and concluded among the military authorities. TOGO had no knowledge of its conclusion or contents beforehand but was notified of it later by the High Command and then only as to the fact that operational zones were established. Such plans were not confided to civilians regardless of rank.

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The Tripartite Pact *provided that the Foreign Minister should be ex officio members and it was as Foreign Minister of Japan and not as an individual of any particular ideology or views that TOGO became a member. The committee in Japan had only a nominal existence and never met. Until he became Foreign Minister TOGO had little direct contact with American-British affairs. His former bureau had to do with British affairs and his predecessor dealt with American. The American-British relations of those days were related mostly to problems of China and Manchuria and were really the concern of the East Asiatic Bureau. Most Japanese foreign policy could be conceived to ignore relations with these two powers and having served and traveled in those countries and knowing their conditions, he had long-considered ideas concerning

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*Japanese relations with Britain and the United States.

The specific policy which he had recommended in 1933 was obsolete, but he still had confidence in the plans. TOGO did not enter the TOJO Cabinet to strive for domination of the world, nor for the annihilation of American and Britain, nor their expulsion from East Asia. In accepting the portfolio, his intentions were to work for improved relations which would lead to an enduring peace and to settle somehow the China Affair. The obvious immediate policy could only be one to avert war.

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35667 Before accepting the post, he had no correct knowledge of the United States negotiations because he had held no position since 1940 and was actually in retirement. He knew that negotiations designed to effect an improvement in relations with the United States and Great Britain had been in progress since Ambassador NOMURA's arrival in America, and he occasionally heard *the outlines of the subject matter. The whole subject was highly secret and he could know nothing concrete concerning it, except that relations were gradually deteriorating and if unchecked might lead to disastrous war.

He did know, however, when he assumed the post of the impotence of the Foreign Minister even within the field of foreign relations. In the Japanese system this position differed so radically from that of the equivalent officials in other nations that he wished to emphasize certain facts so his position could be understood.

35668 The Foreign Minister is not solely charged, even within the cabinet, with responsibility of foreign affairs. This is apparent from the Constitution which make ministers collectively*responsible. With the collective responsibility, there is the corollary, collective management of affairs. Also there was another tendency of recent years that the Premier was to assume more and more power over all affairs, including foreign. In Japan, the government in the past fifteen years had undergone a progressive weakening of its power as against the High Command. There was a gradual, but unceasing encroachment by the High Command on the government's sphere of action. By asserting that such matters bore directly on national defense, the High Command had the power, even in times of peace, to force the acceptance of its proposals in matters of budgets, national finance, industry, education, and other fields, as well as foreign affairs.

35669 The Foreign Minister *had no way of knowing the military strength of the country and even in foreign affairs was powerless to block any measures insisted upon by the military.

In the ten-year war period, the military had gotten strong influence over foreign affairs, and the area of influence over foreign matters was much circumscribed. The testimony of SHIDEHARA has shown how powerless he was to influence the decision of the policy where war questions were involved.

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35670 After the beginning of the China Incident, there was strong opinion in the military that the Foreign Ministry be restricted, as far as possible, and they established the China Affairs Board in order to deprive the Foreign Ministry of more and more of its responsibility. This is the main reason why UGAKI resigned his office. *The Foreign Minister was ignored in the taking of the most serious decisions affecting the national policy in the period leading up to the Pacific War.

In the spring of 1941, military currency had already been printed without consulting the Foreign Ministry, notwithstanding that it was to be used in foreign countries and such a consultation might have been expected. When in the third KONOYE Cabinet, KIDO called in the War and Navy Ministers, but not the Foreign Minister, and urged them to review the Imperial Conference decision of 6 September and to come to a common agreement.

35671 Under these conditions, TOGO was asked by TOJO to become Foreign Minister. Knowing these things and knowing that it was the strong stand of the army which had brought about the downfall the KONOYE Cabinet, TOGO went to some pains to be *assured that as Foreign Minister he would have scope for action. He told TOJO on 17 October he must first be informed of the situation which had brought about the fall of the KONOYE Cabinet. TOGO said that even if the army's stand was uncompromising, even on the stationing of troops in China, the negotiations would end in a breakdown. Since the continuation of negotiations would then be meaningless he would have to reject the proffered portfolio. He would enter only if the army consented to make allowances in reviewing the question of troop stationing and to re-examine the other questions -- that is if the army genuinely intended to facilitate negotiations on a rational basis. TOJO assured him that reconsideration of negotiations, including that of stationing troops in China, might *be undertaken.

35672 TOGO agreed to accept and joined the next day. TOGO did not know whether there was a clique centering around TOJO. However, he had only met TOJO twice before, once in 1935 and once in 1937 -- the latter time it was in Hsingking where they met among a group. They never had more than a bowing acquaintance. TOGO knew nothing of TOJO's personality or

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35673 outlook and he believed that the same was true of TOJO's knowledge about him. He was not selected because of his personal relations with TOJO but because he assumed he was a senior in the Foreign Ministry eligible to the place. *He met DOHIHARA, HASHIMOTO, and HATA for the first time in Sugamo Prison, and KIMURA, MUTO, and SATO when he became Foreign Minister. The rest he had known for varying periods, but the only two who could be said to be more than official acquaintances were HIROTA and SHIGEMITSU. He met OSHIMA first in Berlin when he found him there as Military Attache.

35674 *TOGO also took over the Overseas Affairs Ministry and was minister there only until December 1941. He did not conduct any business of that Ministry and only went there three times, including the time he quit. The Ministry was operated by the Vice-Minister and TOGO was too busy with the Japanese-American negotiations to devote any attention to its affairs.

35675 He did not know prior to becoming Foreign Minister of the details of the American negotiations. He did not know of the Imperial Conference decision of 2 July,*which decisively changed the course of Japan's policy, and he had only vague knowledge of the 6 September decision and was not familiar with the 14 October cabinet meeting, which had made the fall of the KONOYE Cabinet inescapable. He, therefore, needed at the very outset to acquaint himself in detail with the negotiations, and he did so immediately upon assuming office. His chief reference data were the cables from Ambassador NOMURA and the copies of cables to NOMURA and the opinion of the Foreign Minister TOYODA.

35676 His first impression upon examining this material was that while Japan basically had been trying to secure the stability of the Far East, taking into consideration actual conditions resulting from events, the United States had not been paying regard to these conditions and had brought negotiations to a stalemate. Also Japan had made considerable concession in order to settle the China Incident but the two nations could be said to be further apart by October than in April. This was due to the United States having taken progressively stronger stand from about June. It was generally understood in Tokyo

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that an agreement had been reached with the United States on two of the three basic questions. TOJO had told TOGO this and it, therefore, appeared that there remained only one large point of contention -- the stationing of troops in China.

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*Since the second KONOYE Cabinet, the negotiations had been managed in the Liaison Conference. This Conference, which had no standing as a constitutional organization, dated from the first KONOYE Cabinet, when it was necessary to establish liaison between the High Command and the Cabinet. Its decisions had in a formal sense no weight. Since the decisions were treated as binding on those present, in practice they had great weight. The Vice-Chiefs of Staff were always in attendance *and since two of the three secretaries were military men, the military influence was strong.

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The establishment of the conference is proof that the military were not only interfering in politics but exercising such influence as to control and direct national policy, and coordination was needed. While the military exercised great influence on affairs of state, the civilians exercised very little or none on military matters and had no knowledge of military operations. Decisions of the conference had to be presented to the Cabinet and in some cases to an Imperial Conference and in almost no instance did the decision fail to pass.

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Drafts were always prepared beforehand and examined by the staffs of the ministries concerned and coordinated by the three secretaries before *submission. The matters were thus known in advance and this facilitated approval by the Cabinet. In accordance with custom at Imperial Conferences, the decisions were made by the Premier, with the Foreign Minister reporting only on the diplomatic negotiations.

Immediately after the new Cabinet was formed, the Liaison Conference was held almost continuously reconsidering Japanese policy and its adjustment to Japanese-American negotiations.

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35680 One must bear in mind the state of opinion in Japan. The United States, Great Britain, and the Netherlands had severed economic relations with Japan in July and were known to be strengthening their measures cooperation directed against Japan, making it appear that those nations *regarded war as highly probable.

Japan was then fighting with China and it was unthinkable for any cabinet to ignore all of the changing conditions which had resulted from the years of warfare in China as the United States was demanding. No Japanese, including those most strongly opposed, felt they should do so. The strong policy advocates were already declaring with finality that there was no prospect of settlement with the United States and that measures of self-defense be taken without further loss of time.

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35680 * TCGO stated that it was his desire to bring the negotiations to a successful consummation not only for Japan, but for the world. From the
35681 outset it was clear * that the military had strong views, but TOGC believed there was a prospect of saving the situation and insuring peace and a settlement of benefit to both countries. Since all matters were handled in the liaison conference, the foreign ministry was restricted in foreign affairs to that which was approved by the high command in the liaison conference. One of the first steps that TOGO took to further U. S. negotiations was to remove from his ministry a number of officials who urged a strong policy toward Britain and the U. S. and tried to guide foreign policy in an unsound direction, going to the extent of conspiring with the radical elements of the armed services to achieve this. This had gone so far that many moderates, who were in the majority, shrank from expressing their views and their influence was declining, which disturbed
35682 * the sound foreign policy and would have a bad effect on the negotiations. TOGC determined to eliminate the radicals, and instructed NISHI to carry out the purge. As a result foreign ministry discipline was restored to where they could exert all efforts for success of negotiations without internal dissention.

At the first meeting of the liaison conference on October 23, Chief of Staff SUGIYAMA emphasized the need of hastening a decision. He stated that the September 6 decision was that during the month of September diplomacy should have primary emphasis and military preparations be subordinated, but from the beginning of October military operations were
35683 to be primary and diplomacy secondary. * TCGO soon found that despite the understanding that the September 6 decision would be reexamined, the high command acceleration of military preparations and its strong stand on conditions for negotiations were an obstacle to the negotiations. The only change in membership of the liaison conference besides TCGC was the addition of KAYA and SHIMADA. There is a momentum that must be reckoned with in such a case. Those that had been members of the conference longer had greater influence than the newcomers, and they were unable to free themselves from past history. In reexamining the September 6 decision, they took the decision as a basis and studied possible revisions, and they had a strong feeling that it should not be easily changed. At the very first meeting, vice-chief of staff General TSUKADA was even more pessimistic and intransigent. He saw no possible prospect of a successful
35684 outcome, * and since Britain and U. S. had ruptured economic relations and strengthened encirclement of Japan, relations should be broken off at once and action taken in self-defense. TOGO opposed this vigorously, insisting that if there was a way of breaking the deadlock it must be tried, and he declared that since there is room to try them it would be an error to be over-hasty in taking military action now. In order to reconcile these conflicting viewpoints, the studies went on daily, sometimes throughout the night into the next morning. Debate often developed into heated argument, and no effort was spared for minute and careful discussion.

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* There were three major points of difference between the two governments--the Tripartite Pact, the non-discriminatory access to trade in China, and stationing of troops in China. It appeared from NOMURA's report that the first two had reached a point of understanding where agreement could be readily reached. TOGO concentrated his efforts to persuade the liaison conference to agree to further concessions on the stationing of troops in China so that agreement could be reached with the U. S. His study convinced him that they would have to make further advance toward the U. S. position, and the best method of approach was to adopt as a basis the conditions which TOYODA had regarded as offering the possibility of agreement, then try to get agreement on new proposals. He therefore worked to get agreement by the conference upon a program developing those points. There was then a wide gulf between the two parties, * and it was agreed by all that it would require a radical, even revolutionary change in the U. S. attitude in order to settle on the basis of the minimum demands in the September 6 decision.

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From the beginning, a majority in the conference opposed adoption of the principle of withdrawal of troops from specified areas of China, and TOGO had to fight unceasingly for it. The army insisted on the need of indefinite stationing in specified areas. As a result of TOGO's strong contention that it was improper and disadvantageous to station troops indefinitely, the others relaxed to the extent of agreeing to put a time limit on the stationing, but strong opinions were still presented. He first proposed the TOYODA time limit of five years, but could obtain no support, and then suggested eight and ten years, without success. Some in the conference suggested 99 years or 50 years. Finally 25 years was agreed upon as an approximate limit.

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* Proposal A did not mention the 25 year period, but limited the time to a necessary period. It was felt that the whole negotiations would be upset if debate over details were injected. The approximate goal was given to NOMURA, to be used in case of inquiry by the U. S., but TOGO had a private talk with TOJO and reached an understanding that if the U. S. was receptive still further moderation might be considered. TOGO succeeded in getting agreement to limit the stationing of troops in the geographical sense by having excluded from the areas where troops would be stationed the Shanghai triangular zone, Amoy and others. This was achieved only after a struggle, because some of the military and naval authorities believed that they should retain the right to station troops in all points specified in the 1940 treaty between Japan and Wang Ching-wei.

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A related problem was French Indo-China. * TOYODA's proposal was that there should be no further increase of troops, in view of apprehension of the U. S. over the threat of Japan's military advance to the south with Indo-China as a springboard. TOGO succeeded in prevailing upon the army to agree, that upon reaching an agreement with the U. S., all troops would be immediately withdrawn from Southern FIC, a concession greater than that proposed by TOYODA. Here, too, the opposition was strong, and TOGO won his point only by threats to resign if he was not given this much scope for diplomacy.

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35689 This required a great deal of arduous work, because despite the fact that they had wiped the slate clean, it was impossible to ignore the past course of affairs, and the limitation imposed by the September 6 decision on diplomatic action still subsisted, at least the part which was a fait accompli, that the period up to the middle of October had passed, * and increased military preparations had given rise to a feeling that Japan would not be defeated in war. This was a great obstacle to reexamining the decision and determining the conditions of negotiations. While he had expected the army's position to be strong, he was astonished in view of the history of the matter to find from discussions toward the end of October that the navy was scarcely less strong. On October 30, in view of this, he sent a representative to Admiral OKADA, whom he thought had much influence in naval circles, to tell him of the situation and to have him use his influence to moderate the navy stand.

35690 With these efforts TOGC succeeded in obtaining consent to proposals A and B, which were approved by the Imperial Conference of the 5th. The plan of the two proposals was his own idea, subject to modifications mentioned. In the form adopted they represented the utmost concessions which could be wrung from the military. * Another question which was never absent was the one of what Japan's policy should be if the negotiations failed in the end. This question first became explicit at the all-night session of November 1-2, where TOGC insisted on avoiding war. It seemed of paramount importance to avoid war at almost any cost. He knew what modern warfare meant to the people of the country, and he felt that by only sound, steady, development, avoiding sudden expansion or war, could a nation progress. He therefore insisted if negotiations failed, war need not follow, but they should exercise patience and forbearance and await a change.

35691 The military insisted that Japan must fight sooner or later, for * the reason that Japan's dependence on imports of supplies, especially petroleum, was so great that with economic blockade gradual exhaustion of resources was apparent, and if after the stockpiles had fallen to a minimum additional pressure was applied by the U. S. and Britain relative to China or other problems, Japan would have no alternative but complete submission without being able to fight. A suggestion had been made that they should continue with economic relations ruptured, relying on production of synthetic oil. TOGC concurred in this, but the planning board's opinion was that there could be no reliance on this, since the production of iron and coal was insufficient, and their use to manufacture petroleum would be at the sacrifice of other vital industries. The board also felt that it would be four or five years before annual production of four million tons could be attained.

35692 While the overwhelming opinion of the conference * was that there might be a possibility of the situation turning in Japan's favor if it exercised patience and watched the development of affairs until the spring of 1942, in view of the gradual exhaustion of stockpiles and the operational disadvantages with delay, the prospect of negotiations must be definitely ascertained while the situation was still favorable to Japan, and if they failed they must go to war without loss of time.

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It was felt that the U.S. was conducting negotiations only to gain time and it was disadvantageous to Japan. The Army High Command expressed confidence in victory. The Navy High Command felt confident of initial success, but felt that the situation after a year and a half would depend on the general strength of the country and the international situation and *they could establish an impregnable position if they occupied strategic points in the south; and that they would lose the opportunity of success unless they went to war immediately if negotiations failed. They therefore determined the steps to be taken in case of failure of negotiations. Since TOGO knew that it would be a long war, he thought it shortsighted to depend on good prospects at the outset. He told that he knew of the determination and indomitable spirit of the American and British people, and by going to war with them they would be inviting disaster to their country. He specifically asked the War and Navy Ministers for their views on the overall prospect of a war.

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TOJO replied that the prospects were certain that there would be victory in the war as a whole. SHIMADA said there was no need for pessimism; and NAGANO stated* that the navy had every confidence in being able to carry out interceptive operations, and that if the U.S. fleet should go north from the Central Pacific the Japanese Navy could and would destroy it around the Mandated Islands. * As a result, the majority agreed that if the negotiations failed Japan would decide on war, but TOGO was not satisfied, and was not willing to concur in the proposal. Therefore, following that, the conference of November 1-2, despite the pressure for immediate decision, KAYA and TOGO requested that they be given the night to think over the matter before giving their votes.

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TOGO deliberated that night, and while he felt less than full credit should be given to the assurances of the military, he could not refute their arguments, having no accurate data with which to judge the armed forces of Japan or Japan's national strength in other fields. All of his arguments from the international point of view had been fully considered. He had pointed out the vast material and spiritual strength of the Allies, and told them that no great expectation could be expected from Germany. * He concluded that he was in no position to refute them or disprove their factual basis, but had to take them on trust. The only question was whether he could bring about a change in the situation by his resignation. As a result, on the morning of November 2 he called on HIROTA for advice, explained the general situation and told him how serious the question of U.S. relations were and that there was a great danger of war despite the resolution to succeed by diplomacy. He asked HIROTA whether he could bring about a change by his resignation. HIROTA was opposed. He pointed out that if a supporter of war were immediately appointed foreign minister, TOGO should remain in office to do all he could to maintain peace. In the meantime NISHI reported that KAYA had concurred in the decision of the majority.

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35697 * It seemed to TOGO that there was nothing to do but agree, and he called on TOJC and so told him. He took the occasion to obtain TOJO's agreement to several suggestions. One was that if the U. S. was receptive to either proposal, TOJO would support TOGO in obtaining reconsideration of the maximum concessions for the sake of success. TOJO also confirmed the agreement which TOGO had from the High Command, that if negotiations were successfully concluded, military operations would be suspended and the original status would be restored. TOGO told TOJC that he would continue the negotiations on the basis of the two proposals, resolving that if they did end in failure he might resign. The proposals were reported to the cabinet, TOGO explaining how they had been decided at the liaison conference. They were approved by the cabinet and the Imperial Conference on November 5.

35698 * TOGO felt that if the U. S. was willing to understand Japan's position and show a spirit of reciprocity, the deadlock might be broken by agreement on the general lines of Proposal A. However, the matter had reached such a stage that the settlement of all problems at once was likely to be difficult and sure to be impossible if America continued its insistence. To avert a crisis by agreeing on most urgent matters needing immediate solution, he had prepared Proposal B. The intention of this was by restoring conditions to somewhat normal relations to create a calm atmosphere they could remove the imminent threat of war.

The negotiations based on the new proposal began on November 7. The liaison conference continued its deliberations. It would be a happy solution if the impasse could be broken by the new proposals, but in the light of the U. S.' past attitude there was not sufficient expectation

35699 * to justify abandoning further study of what should be done in the event of failure. The liaison conference therefore treated not only the conduct of the negotiations, but measures to be taken in case of failure.

Just a little before this, TOGO discovered that the conditions of the negotiations were not quite what they had all thought. The longer he studied the files the less evidence he could find of anything tangible to support the belief that the Tripartite Pact and China trade questions had been all but settled, and he finally inquired directly of NOMURA. NOMURA answered to the effect that reports had not been quite correct. This made the prospect of settlement even more remote, though TOGO felt that his proposals were fair and reasonable and hoped the U. S. could recognize this. It was at this time that he sent KURUSU to assist NOMURA, with the motive of having in Washington an experienced career diplomat.

35700 Since NOMURA * had specifically requested KURUSU be sent, and since KURUSU and TOGO believed in the importance of maintaining good relations with the U. S., KURUSU was a natural choice. On November 3, TOGO requested him to accept and he did.

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TCGO outlined the situation to him for early settlement with war being unavoidable if they failed, and requested him to convey this to NOMURA and to cooperate that they do their best to succeed, which KURUSU promised. There was the question of the time limit. From the beginning of November the High Command had urged in the conference the need from operational consideration that it should be ascertained promptly whether the negotiations would succeed, and they stated strongly that it must be made clear during that month. They needed to make operational preparations on the assumption that military action would begin from the beginning of December should war become unavoidable.

35701 TOGC argued against a time limit, * stating that it would hinder diplomacy and would prevent successful conclusion of the negotiations, but he was overruled. This time limit imported additional difficulty, and it was because of this that the so-called deadline was set in instructions to the embassy.

35702 * Military preparations had been made continuously since September 6, but as they were operational secrets no information was given to the liaison conference. Civilian cabinet members were never informed of preparations, and never knew that the fleet had assembled and sailed from Hitokappu Bay, or that the Southern Army Headquarters had been formed and TERAUCHI named as commander. TOGC first knew of the sailing of the fleet after the end of the war, from newspapers. He never knew that the first target of military operations was Pearl Harbor, from any source. He personally assumed the Philippines and Malaya would be the first targets, since there had been some mention in early November by the High Command of the time required to occupy these places and a remark by the Navy High Command that they were confident of victory in battle with the American

35703 fleet when it came near Japan. * He never dreamed the navy would attack Pearl Harbor. The navy always spoke of luring out the American fleet and destroying it near the Mandated Islands.

Proposal A did not gain American acceptance or arouse any interest. After obtaining consent of the liaison conference, Proposal B was presented on November 20. Conditions at first appeared promising, and when American newspapers reported on the probability of a modus vivendi being concluded they assumed it was on the basis of Proposal B. On this assumption TCGO sent to the Embassy the instructions for the amount of oil which would be requested when agreement was reached. The figure adopted was much less than originally suggested by the Army General Staff, and owing to TOGO's insistence was nearly equivalent to the average of imports over several years.

35704 On November 26, Hull * handed his ten-point proposal. The cable summarizing this was received on the 27th. Almost simultaneously TCGO received another cable from the ambassador recommending a procedure for settling, by having Roosevelt send a personal message to the Emperor and await reply, after which Japan would propose the neutralization of FIC, Thailand, and NEI. They requested that KIDO be consulted on this.

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35705 These suggestions raised many difficult and complicated questions. Only after many heated discussions and threat of resignation had TCGC been able to obtain the military consent to the withdrawal of troops from Southern FIC. Under the circumstances it was impossible to secure a decision for withdrawal from all Indo-China without an assurance of solution of questions of the Chinese peace, freezing of assets, and others. * The recommendation made no mention of the possibility of the rescission of freezing of assets, which was deemed absolutely necessary by Japan, nor of the U. S. readiness to mediate for peace with China, which had been a fundamental reason for stationing troops in FIC. It was clear that the ambassadors had no confidence in the success of this procedure after receiving Hull's note, for in the telegram after receiving the note they reported that there was no prospect of reaching an agreement and advised measures to be taken in case freedom of action was resorted to.

35706 * On the 27th there was a liaison conference regarding Hull's note. The reaction of all was the same. The U. S. had served what was viewed as an ultimatum containing demands far in excess of her former strongest positions. They felt that the U. S. had no hope or intention of agreeing to a successful settlement, for it was plain and it must have been plain to them that the document demanded as the price of peace total surrender by Japan to the U. S. position. Japan was not only to abandon all the gains of her sacrifices, but to surrender her position as a power in the Far East, which would have been national suicide. The only other way to face the challenge and defend Japan was war.

35707 On the 28th TCGC called on TOJO before the cabinet meeting * and talked over with him and SHIMADA the ambassador's recommendations and the Hull note. Though both of them should have been familiar with the ambassador's report, since copies of all important cables were automatically routed by the foreign to the war and navy ministries and the general staff, TCGC explained the contents to them. Both TOJO and SHIMADA felt that there was no hope of a solution by the means proposed. TCGC left before the end of the cabinet meeting, to be received in audience. Upon being received, he explained to KIDO about the Hull note, and talked with him on the recommendation.

35708 KIDO was discouraged by the note, and felt that the recommendation was insufficient to save the situation. He stated that even if its * conditions were adopted as a basis for settlement, the result might be civil war. TCGC promised to convey his opinion to NOMURA. The plan was not reported to the Emperor because there was no one to take responsibility for it, since the government and his chief adviser were against it. NOMURA was instructed accordingly that the recommendation was not regarded as appropriate for adoption at the time.

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35709 TCJO, having received a report from NCMURA that the State Department had made public the development of negotiations, and that the U. S. press was saying that the decision for peace or war was in Japan's hands, they felt that America was expecting war. TCGO now considered resigning again. He had always intended to resign if he could further a settlement. Conditions were basically different from the time he had first considered resigning, and there * was little likelihood that a change of foreign ministers could affect the situation. He asked advice of former foreign minister SATO, who was much interested in success of negotiations, whether he could change the policy by forcing a change of cabinet and avoid war. SATO advised against resignation, saying there was no possibility, as did others. TCGO felt that his resignation would be useless, because prior to this the question had been one of wringing from the military authorities agreement which would lead to a compromise of the positions of the two sections, and by resignation he might have been able to force a change of government in favor of one able to take a stronger stand against the military.

35710 It now appeared that no concession would avail to reach an agreement with the U. S. The U. S. was no longer, if ever, interested in a compromise. It was now patent to everyone a question of the self-defense of Japan. There was only the * faintest hope of a diplomatic settlement, and this was based on the possibility of U. S. reconsideration. His resignation would not have assisted but would have only been an escape from responsibility. TCGO decided to stay and work on for every last chance to avoid war, and if war broke out to bring it to its earliest possible termination.

35711 Earlier, TCGO had felt that war need not be the consequence of failure of negotiations, but he had been overruled, and submitted. Now there was a far broader question. Japan's existence was at stake, and he was compelled to agree that they must wage war unless the U. S. reconsidered. At the conference of November 27 everyone had agreed, and there was no dissenting voice against war. The meeting adjourned with the decision to present the recommendation to an imperial conference. * This decision, after cabinet consent, was presented to the imperial conference of December 1 and approved, with the general feeling that Japan had no alternative.

35712 On the 29th there was an Elder Statesmen's meeting. There was a morning meeting and an afternoon audience with the Emperor. At the morning meeting, explanations were made by TCJO and other cabinet ministers. TCJO spoke of the reasons compelling Japan to resort to war, and TCGO confined his talk to the negotiations. WAKATSUKI and HIRATA alone made inquiries, which TCJO answered fully. No one expressed the view that the American proposal should be accepted. At the afternoon meeting, in the presence of the Emperor, KANAME stated that he was fully informed of negotiations and approved the government's efforts. He agreed there was no hope in view of the latest U. S. proposal, * but wondered if there was no way to avert war.

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TCJC stated that the matter had been considered again and again, and the conclusion was that there was no other course than war. On December 1, the actual decision to begin was made by the Imperial Conference. All members of the cabinet, chiefs and vice-chiefs of the armed forces, chief cabinet secretary, directors of military and naval affairs bureau, and the president of the Privy Council were present. TCJC again made his explanations, as did TCGC. Other explanations were given by other cabinet ministers and the high command. The agreement was unanimous on the need of going to war.

35713 Even with the formal decision taken to go to war there remained some faint hope of reaching a solution through diplomacy. Japan had nothing new to offer, * but there was the possibility that if they took a strong stand and showed no intention to yield, the U. S. would repent and be willing to make a peace with honor for both sides and reconsider. TCJC urged the ambassadors to do what they could to get American reconsideration, and report to the conference. Prior to the decision he had instructed the ambassadors not to let negotiations lapse, which would have insured war. Because of this he is now charged with deceit and perfidy and keeping a pretence to gain time to cloak the military preparations. On Japan's side it was never a question of gaining time, but he had the constant struggle to prevent precipitate action by the military high commands. This struggle had existed all through the negotiations. Even when war had been actually decided * he would have been a traitor to his profession had he not tried to take advantage of the last hope for a peaceful settlement. He had already obtained a commitment of the High Command that if an agreement could be reached, all military plans would be cancelled.

35714 There remained an important question of procedure of how and when to notify the U. S. of the beginning of hostilities. This question came up at the first liaison conference following the Imperial Conference. TCGC asked when operations would commence, and SUGIYAMA stated "about next Sunday". TCGC said it would be appropriate to follow the usual procedure in notification, which he assumed would be done as a matter of course. He was met by the statement of NAGANO, that the Navy wanted a surprise attack, and the demand by ITC that the negotiations be left un-terminated so that war could be started with the maximum possible * effectiveness. TCJC rejected this, stating it was contrary to usual practice and improper, and would be disadvantageous because when war came to an end Japan must think of its national honor and repute against the day of peace. He had received a telegram from Washington actually discussing this point and asking that notification be made in Washington. He quoted this to the meeting to show the suggestion was the natural and normal one and that notification was absolutely necessary. However, NAGANO continued to contend that if they were to go to war they must win. No one supported TCGC. This is probably why no one now remembers this altercation.

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35716 * TOGO was disgusted with the navy, and took the initiative to adjourn the conference without decision. ITC immediately pleaded with * him to understand the navy's difficult position, and suggested that if a notice must be given it be given to the U. S. ambassador in Tokyo. TCGC refused, and there was no agreement. TOGO felt that the navy would have to agree to giving somewhere a notification of termination.

35717 * At the noon conference ITC announced that the Navy had no objection to delivering a notice, and requested that it be delivered at 12.30 p. m. December 7, Washington time, and no one opposed. TCGC asked whether this would leave sufficient time before the attack, and ITC said it would, and it was so agreed. TCGC felt that he had succeeded in stopping the navy's demand, but only at the ultimate limit of international law. Since the trial, the Navy has taken the line that nothing was ever further from their intention than to mount a surprise attack against the U. S. It is * clear that TCGC's testimony is in conflict with that of other defendants. TCGC had fought throughout his life for what he thought was right, and he determined to the best of his ability and recollection to tell the truth, neither evading responsibility which is his nor accepting that which others would transfer to him.

35718 * TCGC stated that he was no scholar of international law, but he had made some study, and in December 1941 he saw the matter as follows. He felt that the matter was one of self-defense--clearly so under the broad interpretation of the scope of the right of self-defense laid down by the U. S. in the negotiations--and he was aware that there was opinion that a war of self-defense required no declaration. He knew that when Hague III was considered, the American delegate specifically stated that the U. S. policy invested the president with the power to exercise self-defense at any time and place, and the U. S. did not apparently regard the convention as applicable in such case, as could be seen from the punitive expedition sent to Mexico in 1916. He also knew that Kellogg, in his
35719 * note to nations participant in the Kellogg-Briand Pact, had said that the right of self-defense was above treaty provisions; but since international agreements did provide for the giving of notice normally, TCGC thought it better that that course be followed even where it may be superfluous rather than that there should be any question of Japan's good faith.

The notice which they did serve was not in terms a declaration of war. He considered it a notice of termination of negotiations, to be sufficient and in compliance with international law. They regarded the Hull note as an ultimatum, since it offered to Japan the alternatives of abject surrender or war. Japan's answer rejecting it, they felt, was sufficient, and in effect a declaration of war.

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35720 In any view, it appeared to him to be tantamount to a declaration of war. The expression * that the earnest hope of Japan to preserve and promote the peace of the Pacific had finally been lost, clearly indicated that peace was ended. He did not feel that the document would have been made any more a declaration of war by including in it stock phrases such as "a state of war exists between our countries" or the reservation of "freedom of action" which OKA states he proposed and TCGO never saw or heard of. This would have only emphasized the obvious.

The note was more plainly a declaration of war than the ultimatum contemplated by Hague III. So far as he remembered, there is a universal opinion among scholars that no special form of words is necessary, but any language which unequivocally expressed the intention was sufficient.

35721 Over and above all difficult questions, it had been unmistakably clear in Japan that rupture of the negotiations would lead to war, and * he had no doubt that it was so understood in the U. S. They thus drew the notice in the form of a breaking off of negotiations, which the liaison conference had authorized, and which was drawn in the full confidence that it would be understood as a full declaration of war.

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35721 *Except for the final part the draft of the final note was drawn in the days after the United States' note 26th. It was written by the American Bureau and its contents were dictated by the Liaison Conference. After drafting the note was revised on the basis of opinions of Army and Navy officials. The draft note as eventually agreed on was given to the members of the conference on December 4 and approved and it was approved by the Cabinet on the 5th.

35722 On the afternoon of December 5, General TANABE and Admiral ITO called on TOGO * and ITO stated that the High Command wanted to postpone delivery until 1 o'clock. TOGO feared that the time between notice and attack might be made too short and asked the reason for the change. ITO said it was due to his own miscalculation. TANABE said the Army would commence operation after the Navy. When TOGO asked how much time was needed he was told the plan was secret and could not be disclosed. He then wanted to know if there was adequate time before the attack and upon receiving ITO's assurance, he agreed. ITO, on leaving, stated that the note should not be sent too early but TOGO said the note had to be sent to insure delivery to its destination at the time fixed. The agreement to change the time was reported to the conference by ITO on the 6th. It was approved. At the same meeting NAGANO said that this was a very important note and should be delivered to * Hull personally. TOGO promised to do this if at all possible.

35723 TOGO states that he knew that the Hague Conference had fully debated and rejected a proposal to fix a definite time for advance notice. Since many scholars had stated that one minute's notice was sufficient, he was assured that if a period of one hour were allowed, it would comply with requirements. He sought out legal opinions of others. He requested the opinion of Dr. TACHI, Japan's most learned law scholar and he discussed the matter with Dr. NAGAOKA who is a member of the Secretariat of the Hague Peace Conference and a judge of the Permanent Court. He done this when he was Councillor in Berlin. * Both were of the opinion that he was correct in his beliefs that a war of self defense required no notice and that a notice, not matter how short was necessary.

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With respect to the Kellogg Pact, TOGO had worked on it and was familiar with its history and meaning. He assumed that Kellogg's explanations and the various reservations made before ratification on self-defense clearly meant that the Pact was not applicable in the case of the war against the United States and Britain.

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* After the note had been approved, TOGO instructed that it be cabled to Washington in good time together with instructions to make all preparations for its delivery at the time agreed. Everything possible was done in Tokyo to insure proper delivery and delay was not caused deliberately or negligently by anyone in Tokyo. TOGO learned from American radio broadcasts that there had been mismanagement in Washington, that the attack on Pearl Harbor took place about twenty minutes after the time that the note should have been delivered. A few days after the war, ITO explained and TOGO protested and stated that he saw no reason for the Navy to have objected in the first place. ITO's reply was evasive and to the effect that he was sorry for TOGO that they had cut it too fine. Shortly after the war had begun, in a conversation with TOJO, this matter came up. Both TOGO and TOJO were dismayed and displeased with the report because of its propoganda value. TOJO queried how such a delay could have taken place and wondered if the United States was responsible. TOGO replied that he did not believe that and that they would have to wait for NOMURA's return to make inquiry. TOGO gave instructions to the Chief of the Cable Section to make investigation when the Embassy Staff returned. When the Staff returned on August 20, 1942, he again ordered an investigation without delay. A few days later he became busy with the Great East Asia Ministry and resigned on 1 September without receiving a report that the investigation was made.

The pamphlet, Exhibit 1270 introduced by the Prosecution was prepared without TOGO's direction or knowledge. He did not see it while Foreign Minister and it was unnecessary for him to seek justification for an incident in violation of his orders. The preface of the pamphlet shows that it was wholly unofficial and reports the individual opinions of those who prepared it.

35728 TOGO first learned the contents of the Roosevelt message of December 7 to the Emperor about 12:30 when Grew called. They had heard that the message was on the way but TOGO had made inquiry and learned nothing. Grew stated he had an important message being decoded * and would call as soon as it was finished. He called after midnight and told of the President's message and asked that an audience be arranged. Since it was after midnight, it could not be said when it could be granted and Grew left a copy of the message with TOGO. TOGO wanted a translation and since it was important, he called the Imperial Household Minister, Mr. MATSUDAIRA and told him that a message had come through Grew, that Grew wanted an audience with the Emperor and asked him how he should proceed. MATSUDAIRA told TOGO that he should talk to KIDO as the matter was political.

TOGO called KIDO who suggested that he consult TOGO and stated that the Emperor would receive TOGO even at such a time. At 1:50 TOGO called on TOJO and TOJO said the message would do no good. TOGO started for the palace at 2:30 arriving there at 2:40. He met KIDO for a few minutes telling the contents of the telegram and was received in audience at 3:15 where he reported the matter and received the Emperor's answer and returned home.

35730 The next morning Grew called around 7:30. TOGO had made arrangement to see him at 6 but they were reported delayed by difficulty in telephonic connections. TOGO gave Grew the Emperor's answer and a copy of Japan's final note. Since the war had already started, Grew never formally delivered the President's message to the Emperor. Before the interview, TOGO had heard the radio broadcasts on the beginning of the war and that the attack on Pearl Harbor had been made on the 6th and assuming that Grew had the information, he did not mention the state of war but only expressed appreciation for Grew's efforts and TOGO's regrets of the events. * TOGO stated he had no motive for deceiving Grew since commencement of hostilities had been published to the world.

Craigie visited TOGO at 8 at TOGO's request, the visit being later than planned. TOGO gave him a copy of the final note and informed him of the end of negotiations. He thanked him for his services. He thought that both interviews were understood to be final greetings.

35731 With respect to the delay of the President's telegram, TOGO had no knowledge at the time. The testimony shows that they were delayed by the Minister of Communications at the request of the Army, but neither TOGO nor the Foreign Minister were consulted and he had no knowledge that the delay was being carried on. * He heard from NOMURA that the message had been sent and had inquired from NOMURA about it and had his subordinates inquire at the Imperial Household lest it be directed to the Emperor personally but had no message until Grew reported.

35732 With respect to the non-service on Britain, TOGO stated that the decision to deliver notification in Washington precluded the delivery of a declaration of war in London. There was reason to expect that the course chosen would be equally effective. In the latter negotiations, relations with Britain were naturally considered. The assumption ran that any agreement concluded with the United States would be joined in by the British, Dutch and Chinese or that there would be simultaneous settlements made. TOGO * from time to time inquired on this point in the U.S. and British Embassies and invariably received the answer that all such matters would be managed by the United States which would inform the other governments. He also knew of Churchill's speech of November 10 in which he promised that war between Japan and U.S. would be followed automatically with war with Britain. It was evident that any notice which might properly be given to the United States alone relying upon it to inform its associates with whom it acted as representative.

35733 With respect to the charge that he was taking part in the making of plans for war he described accurately his thoughts and intentions of the six or seven weeks of his foreign ministership.

* With respect to the consular reports of shipping from the United States, Indies and elsewhere addressed to TOGO in answer to matters which had gone out over his name, these were routine matters managed by subordinates. TOGO himself never had any knowledge of the subject except the routine was followed. None of the messages ever came to his attention.

With respect to the charge that the negotiations were continued as a sham inasmuch as Exhibit 2975 is one of the same type of a large number of the same type produced by the Prosecution in which it states that it was customary

35734 for low ranking officials to prepare without instructions various studies or drafts relating to current * questions, these do not represent the policy of the ministry. On a proper occasion, they would be presented to responsible officials who may adopt them, use them or reject them. It would be impossible for the Foreign Minister to know all these papers. He denied that he had ever seen or known Exhibit 2975. It was a fallacy to presume that a state minister should know of such documents simply because they were found in the files of his ministry.

35735 The no-separate peace agreement of December 11, 1941 was the most natural thing for a nation which expects or fears to find itself at war to take such measures as are prudent including the acquiring of as many allies as possible. There was nothing wrong about concluding an agreement during the last week before the outbreak of war. The probability of war * was very great and the agreement was a result of the desire to get assistance from nations who would be co-belligerents. TOGO's own view was that the actual assistance would be little. In his opinion the main effect would be the encouragement it gave the people by warding off the feeling of isolation. Until the receipt of the U.S. note, TOGO had refused Ott's repeated requests to give Germany any information on the development of the negotiations since it would be inconsistent with his desire to succeed. After war became unavoidable on November 30th, TOGO instructed the Ambassadors in Berlin and Rome to inform the accredited nations the outlines of the negotiation and to begin negotiation for a no-separate peace agreement. He wished to point out the absurdity of Ott's report * of December 5 that a leading official of the Foreign Ministry gave him such misinformation as he recites concerning Japan's intentions in connection with hostilities. No such official would have discussed the matter with Ott or anyone. Whoever told him as late as December 4 that the procedure for opening hostilities was under deliberation could not have been one of the few who knew the matter had been settled by the Liaison Conference. Ott was apparently taken in by gossip of some director who wished to appear to have important information on a matter in which he was misinformed or perhaps, Ott was indulging in his imagination.

35737 * TOGO stated that he had some connection with the Naval Disarmament Conference in 1932. He worked for the success of the General Conference on Disarmament. Later in 1935 and 1936 Japan's abrogation of the treaties and withdrawal from the London Conference took place while

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he was director of the European-Asiatic Bureau and he worked with the Navy officials concerned. The Navy submitted to him its draft instructions based on the upper common limit. Japan agreed to the ratio principle and made a proposal approving it at the General Conference in Geneva. TOGO opposed the common upper limit not only because it would make the agreement difficult but would give rise to suspicion in Japan's intentions and probably block a new treaty and enhance the danger of an armament race in war. There were heated discussions for two or three months and TOGO never agreed to the Navy proposal. * Since agreement could not be reached on the bureau-directors' level, the matter went to higher authorities. HIROTA adopted TOGO's view but was overruled and the Navy proposal became policy. Since his efforts had failed for quantitative disarmament, he continued to work for qualitative limitation and the exchange of information but Navy opposition prevailed. The Navy's stand was extremely strong and assertion was freely made that the question of naval strength was solely in the prerogative of the High Command and allowed for no outside intervention.

35739

It is self-evident that the fortification of the Mandated Islands was carried on and the Foreign Minister had no part. The matter of the correspondence of this matter was the responsibility of the Treaty Bureau in which he never served. * and had no connection with it or knowledge of it. He was assured by the Treaty Bureau that the military authorities had assured them that they had no intention of violating the mandate and that there was no reason to disbelieve it. The Foreign Ministry, as the only branch of the government which dealt with other governments, was a mere channel of communication to which the League inquiries and the answers of the military and Navy authorities passed.

Diplomacy in war time was much restricted. There were no diplomatic relations with the U.S., Britain and Netherlands. Questions of war were uppermost with Germany and Italy and there remained only questions of relations with the Soviet, countries of East Asia and South America and the question of diplomatic preparation for the eventual restoration of peace.

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35740 War intensified the condition not to pay regard to the diplomatic function. It seemed * that diplomacy was to be wholly neglected. At the time of the question of Japan's participation in the war against Russia came up when TOGO reported to the Emperor on the refusal of Germany's request for Japan to go to war against the Soviet and discussed with the Emperor the steps to be taken to insure that this was to be correctly conveyed to the German Government without military interference, the Emperor mentioned his desire for an early restoration of peace. TOGO then learned that the Emperor had expressed this desire to TOJO but neither TOJO nor KIDO had mentioned this to TOGO. Military operations were still kept secret including those which had any connection with foreign affairs. The Navy kept the defeat of Midway secret.

35741 Partly over this question and partly over the policy of directing the war, there was a disagreement of views early after the war began between TOGO and TOJO and some of the others. * The general atmosphere was one of over-optimism due to initial victories. TOJO believed it was going to be a long war of 10 to 20 years and it would take a long time for the United States to build its fighting power so she could undertake her counter-offensive before 1944. Instead of establishing an impregnable position they concentrated on strengthening the political situation of the government by securing election of government sponsored candidates for the Diet by spring of 1942 and by creating a Greater East Asia Establishment Council and tried to consolidate government authority by putting into effect measures such as those for reorganization of enterprise and reforming education. TOGO opposed these measures on the ground of prematurity and that long range plans should not be made in an emergency. As to the war, he felt that a large scale war of attrition could not last longer than five or six years and he insisted upon preparation for increase of production and stabilization of living. He collided with TOJO on the China question for which he frequently urged a fundamental policy. These differences developed into a head on clash and TOGO's resignation over the Greater East Asia Ministry question in September 1942.

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While in office TOGO attempted to maintain the best relations possible with the Soviet. Maintenance of neutrality was the fundamental policy. Beyond that, however, from the beginning of the war he planned for its end and considered the most promising method was to try to bring about a Russo-German peace as a preliminary step. He did in 1942 bring such a plan in motion.

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During his tenure the Manchukuo border was maintained in peace. * In January 1942 Manchukuo and the Mongolian People's Republic approved the work of the border-demarcation commission which had marked the Nomonhan area. Considering that this border was quite secure, TOGO often suggested to the Army that they could rely on his assurance that the Red Army could not invade Manchukuo even if the Japanese forces on the border should be decreased. He tried to avoid irritating the Soviet by persuading the military not to reinforce the Kwantung Army. He never knew the Kantokuen.

35744

There were some disputes at the beginning of the war with the Soviet growing out of restrictions upon Soviet vessels. The Foreign Minister paid careful attention to these forwarding to the Soviet all Naval replies on measures taken in answer to them. The Foreign Ministry took the initiative * in offering conveniences for rescuing and repatriating Soviet sailors and vessels and recompensating the Soviet for sunk vessels by transferring replacement vessels. No steps were taken towards disturbing transportation at Vladivostok with munitions from America despite German complaints.

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* Wartime relations with Germany and Italy were restricted so far as the Foreign Ministry was concerned. Events bore out his prophecy on the cooperation to be expected from their allies and it was never more than nominal. The war with Russia had cut rail communications with Germany and sea transportation became increasingly difficult until it was practically restricted to token exchanges of small supplies by submarine. TOGO at the time had no information about the extent of cooperation it being a military * matter. The German-Japanese attitude towards the Soviet

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illustrates the relations between the two countries. Germany express desire was that Japan join in the war and this request was renewed in July 1942. It was decided that Japan should refuse for the reason that she could not undertake a two-front war. This was communicated through Ott and OSHIMA. He never dreamed or participated in any plan for Japan for domination of the world together with Germany and Italy.

35747

In October 1942 for the first time, he managed as his own responsibility affairs relating to China and Manchukuo. In 1929 he had visited Manchuria and had reported to the then Lord Keeper that they must cooperate with China and achieve truly cordial relations. In the intervening years the Manchuria and China incidents had occurred. He had nothing to do with it. * He had never done anything to secure the fruits of aggression committed there. He was never sympathetic to those incidents and he did what he could to prevent their occurrence and spread.

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It was extremely clear in 1941 that the China incident must be settled and he hoped he could achieve it. At the time the China Affairs Board had been in charge of all political, economic, cultural and other business of China and had its agencies throughout China. Negotiation with regional regimes in China were its affairs. The Affairs Board had opened a new and major phase of China relations. Its purpose was to remove from the Foreign Ministry the control and normal functions of a foreign office. The Foreign Ministry's liberal attitude was heresy to the militarists and they had the China Affairs * confided to a new organ under their control. The Foreign Ministry had jurisdiction only to diplomatic negotiations in the narrowest sense and matters pertaining to consulates. Relations of the Foreign Ministry were all but severed and the Ministry had lost its power to deal with affairs in China. It was true that TOGO was an ex officio vice-president but since the purpose of the creation of the body had been to destroy his authority, the influence of his vice-presidency was nothing. The business was

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conducted almost exclusively by the Director-General.

35749 Manchurian affairs were confided to the Manchurian Affairs Board and TOGO had nothing to do with this body and had little to do with Manchurian affairs. His only connection was they maintained * embassies and consulates but the functions discharged through them were only negotiations with the Soviet on Manchukuo matters. The Ambassador was held ex officio by the Commander of the Kwantung Army and the Foreign Ministry did not control him.

35750 The governments of Manchukuo and Nanking cooperated with Japan in the war without entering it. Exhibits 1214 and 1219 are intercepts and are not the text originally sent. TOGO did not remember sending messages of such content, and the language does not sound like Foreign Office. Even if they were sent there is nothing inherently sinister as it is customary for diplomatic language and diplomatic instructions to use such terms as "to have the foreign government do so-and-so" etc. * Similar expression may be found in telegrams sent to Washington, London and Moscow.

35751 At the time of the outbreak of the China Incident, TOGO was opposed. He was not then in charge of the China Affairs but he believed it was an urgent necessity to arrest the expansion of the incident. With HORINOUCI and ISHII he advised HIROTA that he should object to sending troops to China and the latter agreed but their efforts failed. Later he worked on the U.S. negotiations to arrive at an early settlement of the China Affair. During war he insisted upon this. In March 1942 the question of the war policy was discussed in the Liaison Conference and TOGO pointed out that in the domestic field * the increase of production and the securing of food and internationally, the preservation of Soviet peace and prompt solution of the China Affair were primarily and immediately important. He obtained agreement of the conference that the basic policy towards China be examined from all points of views but it was later reported by the High Command that there were many difficulties and no conclusion had been arrived at. The matter failed though

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he tried to press it again in the middle of July when Ambassador CTA returned from China and reported that Wang Ching-wei had suggested a general peace between Japan and China. TOGO had reported this to TOJO with a request for prompt examination of China policy.

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As to the Philippines in January 1942 Japan declared her intention to grant them independence. * TOGO's motives in supporting this policy were to demonstrate that they had no territorial ambitions in the south and to remove an obstacle to peace with the United States by manifesting the same intention towards those islands as did the United States.

As to Indo-China, the only new thing was the military agreement of December 9, 1941 by the military authorities on the spot with which the Foreign Ministry had nothing to do.

Despite the Imperial Conference it was Japan's intention to avoid, if possible, war with NEI. Holland declared war against Japan because of close relations with the U.S. and Britain and the Dutch Navy was reported as carrying attacks against Japan's shipping. Japan was compelled to take hostile measures.

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The relations of Japan with Greater East Asia brought about TOGO's final break with TOJO and his resignation. * There was a fundamental difference in outlook. Japan was long recognized as having the position of a stabilizing force. Recently they had begun to expound the idea of a new order which originated in the concepts of bloc economy and Lebensraum. TOGO's policy was quite different. His policy was in establishing good and amicable relations based on mutual respect for sovereignty and economic relations. His principle was that Japan should assist the progress of East Asia realizing their prosperity and Japan's peacefully. His idea of mutual assistance excluded any policy of exerting control by force.

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* His speech of January 22, 1942 expressed these principles. This speech does not express any intention that Japan should annex or exploit any part of East Asia. It does state that such areas as are absolutely necessary for their defense of East Asia were to be grasped by Japan. This was a war time speech. Ott's distorted account has nothing to do with TOGO. In his speech he clearly said that the Co-prosperity Sphere should not be conceived as an exclusive thing and measures to exclude non-Asiatic states should not be taken.

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With respect to Exhibit 1333-A, if this document were actually drafted in the Foreign Ministry * it could only be drafted by some low official and TOGO never approved it or saw it, or heard of it. It is impossible that it should be adopted or proposed since it is inconsistent with TOGO's policy which was finally adopted by the Liaison Conference. After Japan occupied the Southern areas, the High Command proposed that for military administration the disposition of these territories should be determined. TOGO insisted that such matters be decided at that time but nothing was finally settled. TOJO agreed and it was finally decided by the Liaison Conference.

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The confirmation of his true attitude of that matter could be found in the matter of the Great East Asia Ministry. This matter first came up in May or June 1942. There were then only rumors that the Ministry was contemplated but gradually the scheme began to emerge. It appeared * that all outpost agencies in Greater East Asia would come under the control and supervision of the new Ministry excepting all matters of pure diplomacy, all political, economic and cultural affairs concerning foreign countries in the Greater East Asia areas would come under the new Ministry. The Manchurian Board, the China Affairs Board and the Ministry of Overseas Affairs were to be abolished. The avowed purpose of the plan was to place the countries under special treatment and to contribute to the war's objectives by carrying out a general mobilization of material power.

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35757 The Ministry had been planned by the four Cabinet board presidents, principally by the Planning Board, and by the summer of 1942 there was considerable prospect of its realization. TOGO then talked about it with TOJO and told him there was no time to change administrative structure, the urgent necessity being to establish an undefeatable position. He opposed the plan * because it would, in practise, remove from the Foreign Ministry the essential part of Japan's diplomacy thus impairing its unity and would injure the pride of independent nations and make friendly cooperation impossible. TOJO promised to give it careful consideration.

35758 On August 29 HOSHINO called at TOJO's direction and handed TOGO a copy of the draft proposed for the new ministry to be submitted to the Cabinet on September 1. TOGO asked HOSHINO as to the meaning of "pure diplomacy" and HOSHINO explained that this meant protocol and formalities relating to treaties. The Foreign Minister would conduct all negotiations. * TOGO pointed out the impropriety and requested that the matter be postponed until the meeting of September 5 so that he could study it. HOSHINO returned stating that TOJO wanted the plan decided on September 1. On August 31 TOGO repeated his opposition and asked that it be postponed. TOJO refused. At the meeting of September 1 TOGO explained his opposition basing it on four grounds.

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35758 * The first reason for TOGO's position was that Japan's foreign policy would be under two different ministries which would make it impossible to a unified and consistent diplomacy and neither ministry would be able to function properly. The second was that countries of East Asia * by being treated differently from other countries would be suspicious of Japan and their pride would be hurt. Such treatment is contrary to the spirit of respecting independence of others. Third, the plan meant the extension of the jurisdiction of the China Affairs Board which had caused ill feeling among the Chinese and would be a failure. Fourth, it was necessary to concentrate their efforts for emergency measures and it was no time to change the administrative structure. Against these assertions TOGO argued that East Asia countries had to be treated differently since their relations with Japan were like those of kin. SUZUKI contended that the China Affairs Board had not been a failure. TOGO disputed this. Other cabinet ministers expressed themselves but none supported TOGO. The meeting then recessed and during the recess TOJO asked for TOGO's resignation. TOGO refused * saying the rest of the cabinet should reconsider. TOGO considered it necessary from the view of general war guidance to persist in his stand.

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Shortly thereafter KAYA called on TOGO to have him reconsider as did SATO and OKA, the latter stating that the plan was being supported by the army and navy and asked him to agree. TOGO again refused. SHIMADA came and stated that a change of cabinet was not desired by the Court and that he would work for a compromise if possible. TOGO presented his final plan of compromise. SHIMADA left but returned stating that TOJO would not accept. TOGO had never said he would resign but had been doing everything to attain his purpose. In view of the talk with SHIMADA he decided to and did tender his resignation, so as not to cause annoyance to the Emperor by complicating the matter.

35761 *As a result TOJO became Foreign Minister and the plan for the Greater East Asia Ministry was decided at the cabinet meeting of September 1st. It was intended that the new Ministry would begin as of October 1st but public opinion was aroused and the Privy Council did not begin examination of the plan until October 9th.

There was sharp argument between the Privy Council and the Government over the plan and the Privy Council suggested that the Government withdraw the proposal. But TOJO and his supporters refused. On October 24th the Examination Committee adopted the plan by a majority. In the full Privy Council there was much controversy but it was passed with two councillors dissenting. The Ministry was inaugurated November 1st.

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35762 Later TOGO learned that with respect to the scope of pure diplomacy * the Government had decided to define it in the cabinet, leaving the regulations without any provision on this point and this had been explained to the Privy Council. Pure Diplomacy as defined by the cabinet was somewhat wider than the plan shown to TOGO when in the cabinet. This was due to opposition of the Foreign Ministry and the criticism of the Privy Council.

35763 * At the cabinet meeting of September 1st the civilian members had supported the ministry. TOGO learned that they were not necessarily opposed to him but were of the opinion that a cabinet change was to be avoided. TOGO had by that time come to the conclusion that the TOJO government intoxicated by victory was not paying serious consideration to the preparations for war. Some within the cabinet felt there was no need for diplomacy. In general the Government policies were being executed very superficially.

35764 TOGO considered the Ministry proposal an expression of such tendencies and it was his conviction that the cabinet should be replaced. However he could not change the current singlehanded but events were justifying his views and the road to defeat was already plainly marked. * TOGO remained in retirement until April 9, 1945 notwithstanding the fact that in his second term he was also minister for Greater East Asia, his connections with that ministry were very slight, partly because he was chiefly occupied with the problem of ending the war and because all authority over East Asiatic countries had by then been transferred to the military ministries. TOGO took the ministry because he wanted it abolished and he felt by holding the two portfolios concurrently he could let it die of inanition and did. He did nothing as Minister for Greater East Asia Affairs.

35765 The continuity of his attitude can be seen in the decisions of the Greater East Asia Ambassadors' Conference held in Tokyo on 23 April 1945,* decisions were in accord with his proposals and represented the guiding principle for establishment of the world order. These principles were political equality, avoidance of racial discrimination; respect for national independence and non-interference in domestic affairs; freedom for colonials; economic reciprocity and equality; exchange of cultures; prevention of aggression; establishment of international order by means of both regional and universal security systems. This does not differ essentially from the United Nations plan.

By the time he became Foreign Minister again in April 1945 there was almost nothing for the new ministry to do although its jurisdiction included matters about occupied areas, they were not matters

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of administration but only of aiding the army and navy which did administer, by training officials to be sent to the area.

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*In Burma and the Philippines the military was in control both of military affairs and internal politics because they were deemed inseparably related to the war. While ambassadors managed diplomatic affairs they were interfered with by the military commanders. The same was true in Indo China where despite the difference in status the ambassador could not act against the military commander. The whole situation had so deteriorated that in most countries there were no longer functioning ambassadors. Burma had been partially reoccupied and the ambassador had escaped from Rangoon and they could not even learn about conditions. The Philippines had been lost. The various plans for the disposal of British Malay were never approved or known by TOGO during either of his terms. He had nothing to do with the changed conditions in FIC in March 1945. As a result of the change FIC came under the military authorities and the Embassy was closed and the ambassador returned to Japan in April.

From that time the new ministry had nothing to do with FIC. At the Ambassadors Conference the Thai Ambassador's resolution was adopted giving full support to the movement for independence in Annam, Cambodia and Luang Prabang. It was the unanimous desire that all peoples have their independence and this was in conformity with the policy of Japan. The same may be said as to the resolution relative to the status of the NEI. TOGO emphasized in July at the Supreme Council for Guidance of the War the need * for assisting the Indonesians to independence to show Japan had no territorial aspirations in that area.

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With respect to POW the The Foreign Ministry's connection began in January 1942 when notes from the United States and Britain were received through the Swiss Government asking whether Japan would agree to reciprocal application of the Geneva Convention. Japan was not a signatory but TOGO felt that out of humanitarian consideration she should agree to apply it so far as reasonably possible. The decision was not his to make. The sum of responsibility for managing matters for POWS rested in the POW Management Bureau and POW Information Bureau. The former was a War Ministry Bureau there was no responsibility for its connection on the Foreign Ministry. The Information Bureau was one especially created by Imperial Ordinance in wartime.

When such special ordinance is made it is countersigned by the ministers who have responsibility in the matter. Ordinances establishing this bureau were countersigned by ministers of war and

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navy and not by the foreign minister. The war minister was the responsible authority. The inquiries were the allies were referred in the normal course by the Foreign Ministry Treaty Bureau to the War Ministry with the ministry empowered to decide. The answer was that Japan should undertake to apply the terms of the convention "mutatis mutandis" and it was therefore so applied. While the prosecution seems to think that by this answer Japan became bound by the convention * as though she had ratified it, TOGO assumed that Japan was binding itself to apply it so far as circumstances permitted.

"Mutatis mutandis" implied that in the absence of serious hindrances the convention would be applied. He also assumed that where the requirements of the Convention conflicted with domestic law the convention would prevail. If this was a misconstruction neither War nor Navy Ministry ever suggested any other interpretation nor did the War Ministry's reply suggest it.

TOGO took it for granted on the basis of past history those precedents would be followed. This also accounted for the fact that when allied protests were received he accorded less credit to them. He felt that the War Ministry would take all steps to correct all abuses if any existed.

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*He desired to emphasize that the Foreign Ministry received and answered the protests and inquiries regarding POWS only as a channel of communication and not as the responsible agency. The answers were not prepared in the Ministry but were given by the Information Bureau. However the Ministry was the only place to which correspondence from other governments could come and from which answers could go. There was little question about POWS during TOGO's first term. He did recall the case of Hong Kong when early in 1942 EDEN made a speech charging atrocities after the capture of the city. TOGO then told TOJO that special attention should be paid to treating POWS kindly in order to preserve the name of the Japanese Army. TOJO sympathized with this and stated he would give due attention. Soon after TOGO was pleased to hear that EDEN had made a broadcast to the effect that the situation had improved.

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*A more active question in the first term was that of exchange of enemy nationals. It was TOGO's idea that not only diplomatic personnel but civilian internees should be liberated. This was difficult because it involved allocation of shipping bottoms and facilities and the high command was reluctant to agree, but only after considerable insistence by TOGO were the exchanges brought about. They succeeded in returning some thousands of enemy nationals from Japan, China, Manchukuo, FIC and Thailand.

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During his second term the Japanese army's situation in the Philippines, Burma and other Southern districts deteriorated extremely. There was a large accumulation of POW matters on hand when he took office. As the Allies advanced in the South protests began to be lodged regarding the treatment of POWS and internees. In those * days due to the severe air raids the neutral protecting powers' ministers had removed to Karuizawa and communication was very difficult. Despite these difficulties under TOGO's instructions the foreign ministry transmitted the protests to competent authorities and conveyed all replies received. They often sent and received personal letters or sent officials to Karuizawa, exerting all efforts to meet the situation. There was never any negligence by the Foreign Ministry of its duty. The foreign Ministry despite that it had no power over POWS repeatedly requested authorities to accord fair and generous treatment to POWS.

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*When on June 3 1945 the Swiss Minister handed the protests regarding atrocities at Palawan Island, TOGO personally called the matter to ANAMI's attention and urged him to grant fair and generous treatment in general to POW to which he consented. Despite this, conditions were such that providing satisfactory information was impossible. The military explained that as a result of Japan's defeat telegraphic communication was very difficult and often impossible and even when possible confusion on the front rendered investigation almost impossible. The foreign ministry having neither jurisdiction nor means of investigation could do nothing but convey communications. The foreign ministry received no information of the trial of allied fliers.

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*The foreign ministry under TOGO's direction constantly tried to ameliorate conditions and in some ways succeeded, particularly in Japan proper. It could not meddle with matters under the military and could only urge the military to be humane which it did. If only in self-interest this would have to be the position of the foreign ministry because it was responsible for its own nationals in enemy countries. The foreign ministry had nothing to do with the truth or falsity of the replies furnished by the Army or in a few cases by the navy to inquiries from enemy countries. TOGO had no personal contact with inquiries and answers, it being purely routine liaison work. No one in the foreign ministry could do more than forward the answers received. *It had no right to inspect camps and they could have done nothing had they reason to doubt the truth of the answers, which in absence of opportunity to inspect conditions, they did not have. TOGO's entry into the SUZUKI Cabinet had only one purpose - to end the war. His various efforts to bring the war to an earliest possible end were an extension into wartime of his opposition to the war in the first place.

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They began at once after December 8 1941. He did not share the optimism or the illusions of most Japanese and believed it would be difficult to overcome the fighting spirit and the industrial productivity of the allies. * From the Japanese point of view the war had to be ended quickly if it was not to end in complete disaster. He still believed that if it became a long drawn out war there would be no real victor but mutual exhaustion and world impoverishment.

January 1 1942 TOGO addressed an instruction to his staff to suggest this idea. He elucidated the inter-relationship between war and diplomacy. He stated that though the prevailing tendency was to neglect diplomacy, diplomacy would gain in importance as the war progressed. They should make preparations to end the war lest they failed to seize the chance when it did come. TOGO thought there was some chance to end the war by a Russo-German peace which might begin the movement toward general peace.

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When he conversed with the Soviet Ambassador * in February, he told him that the relations between Japan and the Soviets were like a bright spot in a troubled stormy sky and he desired to enlarge and extend it in order to restore world peace. He directed the Japanese Ambassador in Russia to prepare the ground so as not to miss the chance when the opportunity came about which he would be instructed later. TOGO's resignation prevented any development of this plan.

While out of office TOGO expressed his opinion to various persons that the war had to end promptly. In November 1944 he told Chief of Staff UMEZU that the war should be ended perhaps by first arranging to end the Soviet-German war. UMEZU agreed and said he would continue to work for this idea.

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*April 8 1945, TOGO received a request from Admiral SUZUKI to come to see him. He called on SUZUKI who asked him to become Foreign Minister. TOGO suggested that it was necessary that for this purpose the Premier share not only a desire for prompt peace but also TOGO's estimate of the war situation. He asked SUZUKI for his views on the war before giving his answer. Although he found SUZUKI sincere and earnest for peace, having heard his estimate and it being different from TOGO's, TOGO felt he could not accept the responsibility unless they had identical opinions and told him so. He soon received serious persuasions from many quarters to enter SUZUKI's cabinet from people like OKADA, MATSUDAIRA, HIROTA, MATSUDAIRA, private secretary to the Lord Keeper, SAKOMIZU, Chief Secretary of the Cabinet.

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* April 5, 1945 the Soviet had given notice of abrogation of the Neutrality Pact which had more than a year to run. Immediately upon TOGO's assumption of office TOGO received requests from military and others to make efforts to cooperate with the Soviet but it seemed to him that it was too late and he warned that there was a possibility of the Soviet having concluded an agreement with the allies to divide the spoils. He carefully watched the world situation to seize a good opportunity to restore peace.

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At the end of April Germany's defeat came and in the beginning of May the Goenitz regime surrendered. TOGO considered this an opportunity to end the war and early in May when he reported to the Emperor on the causes of Germany's defeat, including air raids he took the opportunity to add * that air raids on Japan were severe and that they should immediately bring the war to an end. He advised the Premier to that effect and urged him to convene a meeting of the principal members of the Supreme Council for the Direction of the war. The reason for this was that the meetings had a tendency to be formal and adopt a strong stand and there was a danger of leakage of secrets to lower military echelons. TOGO's advice was adopted and the principal members only, met three times in the middle of May. UMEZU can also claim credit for this.

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35785 * July 26 the Potsdam Declaration was issued by President Truman, Churchill and Chiang. At a meeting of the Supreme Council on the 27th, TOGO pointed out that the declaration offered a peace on terms and that serious consequences would follow if they rejected. They therefore agreed to wait for the Soviet reaction to the proposal for mediation. The same explanation was given to the cabinet that day and it was agreed the Declaration should be passed without comment in order to guard against unfavorable public reaction. The press unfortunately reported SUZUKI's statement that the government had decided to ignore the Declaration which was interpreted as a rejection and used by Truman as a justification for the use of the atomic bomb and by the Soviet as a reason for entering the war. August 6th HIROSHIMA was destroyed and warning was served that bombs would be dropped until Japan was annihilated if she rejected the Potsdam Declaration.

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A conference was again called in the presence of the Emperor for the morning of the 14th. It could not reach a decision. * At last the Emperor stated that they must accept the Declaration in order that the polity and existence of the Japanese nation could be preserved and the sufferings of mankind alleviated. At 1 P M a cabinet meeting was held and subsequently the Imperial Rescript was promulgated. The acceptance was sent through the Swiss Government on the morning of the 15th.

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The decision to end the war having been made, SUZUKI called a meeting at which he proposed resignation en bloc and all agreed and the resignations were submitted the following day. Prince HIGASHIKUNI requested TOGO to remain as foreign minister but TOGO refrained from accepting it because the reason for SUZUKI's resignation applied equally to him. TOGO had striven throughout his career to see Japan maintain friendly and peaceful relations with the world and had exerted every possible effort to improve relations with the allies * and to avert the Pacific war. He was driven into a position where conditions no longer permitted him to oppose war and he failed. But from the day of the outbreak of war he devoted himself with special care to bring an end to the war speedily and after becoming foreign minister in 1945 he worked toward that end at the risk of his own life, resisting all opposition until the decision was reached to end the war on August 14 1945. It is his great sorrow that he was not successful in preventing war in 1941 but some consolation that he was able to contribute to lessening the suffering of mankind by ending it in 1945.

CROSS EXAMINATION BY MR. LOGAN
Counsel for KIDO.

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The witness stated he knew nothing about the report that there was a small gathering at the palace on the morning of December 8th concerning the attack on Pearl Harbor. He went to the Palace because of the message which had come from Pres. Roosevelt to the emperor. He stated he went to the palace to meet KIDO the Grand Chamberlain and members of the Chamberlain's office. He met them in the waiting room but this was not a gathering. He did not go to find out about the attack on Pearl Harbor and as he understood it KIDO was not there for that purpose. When TOGO was received in audience by the emperor he was received alone. KIDO, the Grand

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* Chamberlain and TOGO did not gather together. They were not at the

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Page same place at the same time and Pearl Harbor was not even mentioned. There was not a single military man at the palace. When he received the message from Grew he first called on the Imperial Household Minister by telephone. When he called him he said that Grew had just
35795 *called on him and brought a message from the president to the emperor. Grew desires to present this message personally to the emperor but since it is in the middle of the night TOGO would like to ask how this matter should be disposed of. Since this constituted the whole of his conversation with MATSUDAIRA they could place any interpretation they pleased on it. Since his call concerned the steps to be taken regarding Grew's proposed audience one might say that it was a call regarding procedure.

35796 *He did not tell the household minister the contents of the telegram and the latter did not ask him any questions. He then called KIDO because MATSUDAIRA had told him that the matter being political he should talk to KIDO about it.

35797 *When he called KIDO he told him that Grew had brought a message concerning the problem that had been under discussion since the morning. Since he had explained the nature of the telegram to KIDO the latter did not ask him any questions over the phone regarding the contents of the telegram and KIDO did not tell him of the contents over the telephone. KIDO made the suggestion that the Emperor
35798 would receive TOGO at any time, TOGO did not recall that KIDO had done anything to obstruct an interview with the emperor. TOGO then went to the palace to speak to KIDO and then with the emperor. He left the palace about 3.15 am but did not see KIDO after he left the Emperor. KIDO had the duty of advising the emperor at all times. By this TOGO understood it to mean that if the emperor should address any questions to KIDO naturally he would answer them and whenever
35799 KIDO felt it necessary * he would give the emperor advice. If the emperor asked a question KIDO would answer it. But even if any questions were asked whenever KIDO felt it necessary and if he felt it fit to do so he would offer advice to the emperor. In a broad sense he would suppose this was for the purpose of assisting the virtues of the emperor. The emperor was a man of peace. When asked whether KIDO's views conflicted with the emperor the emperor would have discharged him, TOGO stated since that was a matter that concerned the emperor and the Lord Keeper alone he did not think it fitting or proper that he should give an answer nor did he feel qualified to do so.

35800 *He believed that he himself was a man of peace. He had not eliminated all the pro-army elements from the foreign office. He did not feel it was necessary. There were many of them still left. He only felt in carrying out this purge that he was to restore the feeling within the foreign ministry to the state where they could follow

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35801 out their policies in a moderate atmosphere and eliminate the pro-Axis and anti-British atmosphere. He had no doubt however that if the Lord Keeper were a war monger the emperor would have gotten rid of him. * With respect to the meeting of the senior statesmen November 29, 1941 there was an additional meeting between two and three o'clock of senior statesmen and members of the cabinet. At all meetings attended by the emperor KIDO was also present and some of the cabinet members and all the senior statesmen.

35802 * Neither the emperor nor KIDO attended the meeting in the morning and they did not attend the meeting after three o'clock. At the meeting between two and three o'clock KIDO said nothing. During the morning session TOGO made a detailed explanation, but in the afternoon session which the emperor attended TOGO neither explained nor made any remark.

35803 * He explained in detail regarding the Hull note. He did not mention to the senior statesmen NOMURA and KURUSU's telegram with respect to the recommendation of Pres. Roosevelt cabling the emperor. The telegram from NOMURA and KURUSU was that the president and the emperor should exchange telegrams and that Japan should guarantee the neutrality of the NEI, Thailand and FIC. It was hoped by these means the situation would be saved.

35804 This telegram reached Japan on the 27th. It had been sent before the Hull note had been delivered to the ambassador. * Immediately after receiving the note the two ambassadors sent another telegram stating the success of the negotiations was now impossible and that the next thing to be considered was the procedure to carry out free action on Japan's part. The second telegram proved that the two ambassadors felt also that their first advice was useless.

35805 Furthermore, Roosevelt himself told the two ambassadors if there were not any agreement in fundamentals, no provisional agreement could be executed. Furthermore, on the morning of the 28th, TOGO met with TOJO and SHIMADA and had discussed the matter with them and they concluded that the situation could not be saved by such means. Also, since the telegram requested that KIDO be consulted, TOGO * met with KIDO and told him about the telegram and the Hull note. When he talked to KIDO on this matter he said the solution proposed by the ambassadors was impossible and if insisted in, civil war would result.

Thereafter KIDO told him he should reply to the ambassadors that their proposal was unadoptable. He stressed that point and on the afternoon of the 28th TOGO sent a telegram stating that he had

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35806 talked with KIDO and that he felt that the proposal was improper.
*Such being the circumstances the question of the telegram was already a closed question. This was why on the 27th he did not mention that matter.

35807 "He did not tell the Elder Statesmen what he had just told the Tribunal. When asked whether he knew KIDO on Feb. 5 1942 had suggested to the ambassadors a desire for the early restoration of peace, TOGO stated that as to the details of the matter he heard about it for the first time during this trial but with respect to the fact that the Emperor had told TOJO of his desire for peace, the emperor himself told TOGO of this in July.

35808 "In ordinary circumstances when the matter concerns fundamental foreign policy, he thought it appropriate that the imperial will should be conveyed to the Foreign Minister by the Lord Keeper - also when the Foreign Minister goes to the palace to report to the throne. He was complaining because KIDO did not tell him about it at that time. He felt whatever the general feeling or atmosphere might be if the imperial will was for peace, he thought it only natural that such desire should be conveyed to the Foreign Minister. If the Premier had heard of the imperial will in this matter he should convey it to the Foreign Minister. As a matter of courtesy
35809 * it was only natural that the Lord Keeper should tell the Foreign Minister of a matter that so vitally concerned their fundamental foreign policy. When asked if TOGO were a militarist and KIDO had told him that he would not have been around very long, TOGO stated he did not believe there was anybody who believed he was more of a militarist than KIDO. He did not dislike KIDO. He was a friend of his.

35810 *KIDO was not a cabinet adviser but he did have relations with the cabinet. In most cases when a cabinet minister wanted to convey anything to the throne he told it to the Lord Keeper. He did this because it was the Lord Keeper's duty to advise the emperor at all times and to enable him to fulfill that purpose.

35811 Another reason for so doing was that it was the desire that what a minister reported should not be taken in a different meaning and to make sure of this he would tell the Lord Keeper what he had already told the emperor. This was the Japanese custom. There were many occasions when the Lord Keeper would convey to the cabinet ministers formally and informally the imperial will. The Lord Keeper stood between the cabinet ministers and the Emperor, acting as a go-between.*This was one of his duties. He was not however adviser to the cabinet.

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navy and not by the foreign minister. The war minister was the responsible authority. The inquiries were the allies were referred in the normal course by the Foreign Ministry Treaty Bureau to the War Ministry with the ministry empowered to decide. The answer was that Japan should undertake to apply the terms of the convention "mutatis mutandis" and it was therefore so applied. While the prosecution seems to think that by this answer Japan became bound by the convention * as though she had ratified it, TOGO assumed that Japan was binding itself to apply it so far as circumstances permitted.

"Mutatis mutandis" implied that in the absence of serious hindrances the convention would be applied. He also assumed that where the requirements of the Convention conflicted with domestic law the convention would prevail. If this was a misconstruction neither War nor Navy Ministry ever suggested any other interpretation nor did the War Ministry's reply suggest it.

TOGO took it for granted on the basis of past history those precedents would be followed. This also accounted for the fact that when allied protests were received he accorded less credit to them. He felt that the War Ministry would take all steps to correct all abuses if any existed.

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*He desired to emphasize that the Foreign Ministry received and answered the protests and inquiries regarding POWS only as a channel of communication and not as the responsible agency. The answers were not prepared in the Ministry but were given by the Information Bureau. However the Ministry was the only place to which correspondence from other governments could come and from which answers could go. There was little question about POWS during TOGO's first term. He did recall the case of Hong Kong when early in 1942 EDEN made a speech charging atrocities after the capture of the city. TOGO then told TOJO that special attention should be paid to treating POWS kindly in order to preserve the name of the Japanese army. TOJO sympathized with this and stated he would give due attention. Soon after TOGO was pleased to hear that EDEN had made a broadcast to the effect that the situation had improved.

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*A more active question in the first term was that of exchange of enemy nationals. It was TOGO's idea that not only diplomatic personnel but civilian internees should be liberated. This was difficult because it involved allocation of shipping bottoms and facilities and the high command was reluctant to agree, but only after considerable insistence by TOGO were the exchanges brought about. They succeeded in returning some thousands of enemy nationals from Japan, China, Manchukuo, FIC and Thailand.

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During his second term the Japanese army's situation in the Philippines, Burma and other Southern districts deteriorated extremely. There was a large accumulation of POW matters on hand when he took office. As the allies advanced in the South protests began to be lodged regarding the treatment of POWS and internees. In those * days due to the severe air raids the neutral protecting powers' ministers had removed to Karuizawa and communication was very difficult. Despite these difficulties under TOGO's instructions the foreign ministry transmitted the protests to competent authorities and conveyed all replies received. They often sent and received personal letters or sent officials to Karuizawa, exerting all efforts to meet the situation. There was never any negligence by the Foreign Ministry of its duty. The foreign Ministry despite that it had no power over POWS repeatedly requested authorities to accord fair and generous treatment to POWS.

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*When on June 3 1945 the Swiss Minister handed the protests regarding atrocities at Palawan Island, TOGO personally called the matter to ANAMI's attention and urged him to grant fair and generous treatment in general to POW to which he consented. Despite this, conditions were such that providing satisfactory information was impossible. The military explained that as a result of Japan's defeat telegraphic communication was very difficult and often impossible and even when possible confusion on the front rendered investigation almost impossible. The foreign ministry having neither jurisdiction nor means of investigation could do nothing but convey communications. The foreign ministry received no information of the trial of allied fliers.

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*The foreign ministry under TOGO's direction constantly tried to ameliorate conditions and in some ways succeeded, particularly in Japan proper. It could not meddle with matters under the military and could only urge the military to be humane which it did. If only in self-interest this would have to be the position of the foreign ministry because it was responsible for its own nationals in enemy countries. The foreign ministry had nothing to do with the truth or falsity of the replies furnished by the Army or in a few cases by the navy to inquiries from enemy countries. TOGO had no personal contact with inquiries and answers, it being purely routine liaison work. No one in the foreign ministry could do more than forward the answers received. *It had no right to inspect camps and they could have done nothing had they reason to doubt the truth of the answers, which in absence of opportunity to inspect conditions, they did not have. TOGO's entry into the SUZUKI Cabinet had only one purpose - to end the war. His various efforts to bring the war to an earliest possible end were an extension into wartime of his opposition to the war in the first place.

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They began at once after December 8 1941. He did not share the optimism or the illusions of most Japanese and believed it would be difficult to overcome the fighting spirit and the industrial productivity of the allies. * From the Japanese point of view the war had to be ended quickly if it was not to end in complete disaster. He still believed that if it became a long drawn out war there would be no real victor but mutual exhaustion and world impoverishment.

January 1 1942 TOGO addressed an instruction to his staff to suggest this idea. He elucidated the inter-relationship between war and diplomacy. He stated that though the prevailing tendency was to neglect diplomacy, diplomacy would gain in importance as the war progressed. They should make preparations to end the war lest they failed to seize the chance when it did come. TOGO thought there was some chance to end the war by a Russo-German peace which might begin the movement toward general peace.

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When he conversed with the Soviet Ambassador * in February, he told him that the relations between Japan and the Soviets were like a bright spot in a troubled stormy sky and he desired to enlarge and extend it in order to restore world peace. He directed the Japanese Ambassador in Russia to prepare the ground so as not to miss the chance when the opportunity came about which he would be instructed later. TOGO's resignation prevented any development of this plan.

While out of office TOGO expressed his opinion to various persons that the war had to end promptly. In November 1944 he told Chief of Staff UMEZU that the war should be ended perhaps by first arranging to end the Soviet-German war. UMEZU agreed and said he would continue to work for this idea.

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*April 8 1945, TOGO received a request from Admiral SUZUKI to come to see him. He called on SUZUKI who asked him to become Foreign Minister. TOGO suggested that it was necessary that for this purpose the Premier share not only a desire for prompt peace but also TOGO's estimate of the war situation. He asked SUZUKI for his views on the war before giving his answer. Although he found SUZUKI sincere and earnest for peace, having heard his estimate and it being different from TOGO's, TOGO felt he could not accept the responsibility unless they had identical opinions and told him so. He soon received serious persuasions from many quarters to enter SUZUKI's cabinet from people like OKADA, MATSUDAIRA, HIROTA, MATSUDAIRA, private secretary to the Lord Keeper, SAKOMIZU, Chief Secretary of the Cabinet.

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A conference was again called in the presence of the Emperor for the morning of the 14th. It could not reach a decision. * At last the Emperor stated that they must accept the Declaration in order that the polity and existence of the Japanese nation could be preserved and the sufferings of mankind alleviated. At 1 P M a cabinet meeting was held and subsequently the Imperial Rescript was promulgated. The acceptance was sent through the Swiss Government on the morning of the 15th.

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The decision to end the war having been made, SUZUKI called a meeting at which he proposed resignation en bloc and all agreed and the resignations were submitted the following day. Prince HIGASHIKUNI requested TOGO to remain as foreign minister but TOGO refrained from accepting it because the reason for SUZUKI's resignation applied equally to him. TOGO had striven throughout his career to see Japan maintain friendly and peaceful relations with the world and had exerted every possible effort to improve relations with the allies * and to avert the Pacific war. He was driven into a position where conditions no longer permitted him to oppose war and he failed. But from the day of the outbreak of war he devoted himself with special care to bring an end to the war speedily and after becoming foreign minister in 1945 he worked toward that end at the risk of his own life, resisting all opposition until the decision was reached to end the war on August 14 1945. It is his great sorrow that he was not successful in preventing war in 1941 but some consolation that he was able to contribute to lessening the suffering of mankind by ending it in 1945.

CROSS EXAMINATION BY MR. LOGAN
Counsel for KIDO.

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The witness stated he knew nothing about the report that there was a small gathering at the palace on the morning of December 8th concerning the attack on Pearl Harbor. He went to the palace because of the message which had come from Pres. Roosevelt to the emperor.

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He stated he went to the palace to meet KIDO the Grand Chamberlain and members of the Chamberlain's office. He met them in the waiting room but this was not a gathering. He did not go to find out about the attack on Pearl Harbor and as he understood it KIDO was not there for that purpose. When TOGO was received in audience by the emperor he was received alone. KIDO, the Grand

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* Chamberlain and TOGO did not gather together. They were not at the

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Page same place at the same time and Pearl Harbor was not even mentioned. There was not a single military man at the palace. When he received the message from Grew he first called on the Imperial Household Minister by telephone. When he called him he said that Grew had just
35795 *called on him and brought a message from the president to the emperor. Grew desires to present this message personally to the emperor but since it is in the middle of the night TOGO would like to ask how this matter should be disposed of. Since this constituted the whole of his conversation with MATSUDAIRA they could place any interpretation they pleased on it. Since his call concerned the steps to be taken regarding Grew's proposed audience one might say that it was a call regarding procedure.

35796 *He did not tell the household minister the contents of the telegram and the latter did not ask him any questions. He then called KIDO because MATSUDAIRA had told him that the matter being political he should talk to KIDO about it.

35797 *When he called KIDO he told him that Grew had brought a message concerning the problem that had been under discussion since the morning. Since he had explained the nature of the telegram to KIDO the latter did not ask him any questions over the phone regarding the contents of the telegram and KIDO did not tell him of the contents over the telephone. KIDO made the suggestion that the Emperor would receive TOGO at any time, TOGO did not recall that KIDO had done anything to obstruct an interview with the emperor. TOGO then went to the palace to speak to KIDO and then with the emperor. He left the palace about 3.15 am but did not see KIDO after he left the Emperor. KIDO had the duty of advising the emperor at all times. By this TOGO understood it to mean that if the emperor should address any questions to KIDO naturally he would answer them and whenever
35798 KIDO felt it necessary * he would give the emperor advice. If the emperor asked a question KIDO would answer it. But even if any questions were asked whenever KIDO felt it necessary and if he felt it fit to do so he would offer advice to the emperor. In a broad sense he would suppose this was for the purpose of assisting the virtues of the emperor. The emperor was a man of peace. When asked whether KIDO's views conflicted with the emperor the emperor would have discharged him, TOGO stated since that was a matter that concerned the emperor and the Lord Keeper alone he did not think it fitting or proper that he should give an answer nor did he feel qualified to do so.

35799 *He believed that he himself was a man of peace. He had not eliminated all the pro-army elements from the foreign office. He did not feel it was necessary. There were many of them still left. He only felt in carrying out this purge that he was to restore the feeling within the foreign ministry to the state where they could follow

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35801 out their policies in a moderate atmosphere and eliminate the pro-Axis and anti-British atmosphere. He had no doubt however that if the Lord Keeper were a war monger the emperor would have gotten rid of him. * With respect to the meeting of the senior statesmen November 29, 1941 there was an additional meeting between two and three o'clock of senior statesmen and members of the cabinet. At all meetings attended by the emperor KIDO was also present and some of the cabinet members and all the senior statesmen.

35802 * Neither the emperor nor KIDO attended the meeting in the morning and they did not attend the meeting after three o'clock. At the meeting between two and three o'clock KIDO said nothing. During the morning session TOGO made a detailed explanation, but in the afternoon session which the emperor attended TOGO neither explained nor made any remark.

35803 * He explained in detail regarding the Hull note. He did not mention to the senior statesmen NOMURA and KURUSU's telegram with respect to the recommendation of Pres. Roosevelt cabling the emperor. The telegram from NOMURA and KURUSU was that the president and the emperor should exchange telegrams and that Japan should guarantee the neutrality of the NEI, Thailand and FIC. It was hoped by these means the situation would be saved.

35804 This telegram reached Japan on the 27th. It had been sent before the Hull note had been delivered to the ambassador. * Immediately after receiving the note the two ambassadors sent another telegram stating the success of the negotiations was now impossible and that the next thing to be considered was the procedure to carry out free action on Japan's part. The second telegram proved that the two ambassadors felt also that their first advice was useless.

35805 Furthermore, Roosevelt himself told the two ambassadors if there were not any agreement in fundamentals, no provisional agreement could be executed. Furthermore, on the morning of the 28th, TOGO met with TOWO and SHIMADA and had discussed the matter with them and they concluded that the situation could not be saved by such means. Also, since the telegram requested that KIDO be consulted, TOGO * met with KIDO and told him about the telegram and the Hull note. When he talked to KIDO on this matter he said the solution proposed by the ambassadors was impossible and if insisted in, civil war would result.

Thereafter KIDO told him he should reply to the ambassadors that their proposal was unadoptable. He stressed that point and on the afternoon of the 28th TOGO sent a telegram stating that he had

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35806 talked with KIDO and that he felt that the proposal was improper. *Such being the circumstances the question of the telegram was already a closed question. This was why on the 27th he did not mention that matter.

35807 "He did not tell the Elder Statesmen what he had just told the Tribunal. When asked whether he knew KIDO on Feb. 5 1942 had suggested to the ambassadors a desire for the early restoration of peace, TOGO stated that as to the details of the matter he heard about it for the first time during this trial but with respect to the fact that the Emperor had told TOJO of his desire for peace, the emperor himself told TOGO of this in July.

35808 "In ordinary circumstances when the matter concerns fundamental foreign policy, he thought it appropriate that the imperial will should be conveyed to the Foreign Minister by the Lord Keeper - also when the Foreign Minister goes to the palace to report to the throne. He was complaining because KIDO did not tell him about it at that time. He felt whatever the general feeling or atmosphere might be if the imperial will was for peace, he thought it only natural that such desire should be conveyed to the Foreign Minister. If the Premier had heard of the imperial will in this matter he should convey it to the Foreign Minister. As a matter of courtesy
35809 * it was only natural that the Lord Keeper should tell the Foreign Minister of a matter that so vitally concerned their fundamental foreign policy. When asked if TOGO were a militarist and KIDO had told him that he would not have been around very long, TOGO stated he did not believe there was anybody who believed he was more of a militarist than KIDO. He did not dislike KIDO. He was a friend of his.

35810 *KIDO was not a cabinet adviser but he did have relations with the cabinet. In most cases when a cabinet minister wanted to convey anything to the throne he told it to the Lord Keeper. He did this because it was the Lord Keeper's duty to advise the emperor at all times and to enable him to fulfill that purpose.

35811 Another reason for so doing was that it was the desire that what a minister reported should not be taken in a different meaning and to make sure of this he would tell the Lord Keeper - what he had already told the emperor. This was the Japanese custom. There were many occasions when the Lord Keeper would convey to the cabinet ministers formally and informally the imperial will. The Lord Keeper stood between the cabinet ministers and the Emperor, acting as a go-between.*This was one of his duties. He was not however adviser to the cabinet.

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35815 *With respect to the question of the day before where counsel asked him to assume that he was a militarist, TOGO stated that he had received the impression from the question that by using the conditional term some doubt was being created as to whether he was actually a militarist.

35816 In February 1942, of course, KIDO had to exercise *great caution in telling anyone that the Emperor was urging peace, but if he were to talk about that matter to TOJO, TOGO could not see why he wouldn't tell him about it. It is true that the evidence shows that KIDO spoke to the Emperor and the Emperor spoke to TOJO. There is no evidence that KIDO spoke to TOJO about it.

35818 *TOGO stated that he had no desire to comment or criticize on the wishes of the Emperor in giving instructions to the War and Navy Ministers to review the decision of September 6. TOGO and everyone else in the government considered Hull's note the more important of the documents received on the morning of the 27th. He spoke to both TOJO and SHIMADA about these matters before the Cabinet and there was discussion about the Hull note in the Cabinet meeting.*When he stated that the government had no confidence in realization, he was speaking of both the Hull note and the telegram from Ambassadors NOMURA and KURUSU. The agreement was reached before he spoke to KIDO.

35820 Although KIDO claims that he did not remember the conversation, TOGO remembered it very well and he spoke to KIDO of both the Hull note and the telegram from the Ambassadors. The conversation was not principally about the Hull note. *He started the conversation with KIDO by stating that the telegram from the Ambassadors must have reached KIDO. KIDO stated that he had not seen it and TOGO explained the contents. TOGO did not bring a copy of that telegram to him because it was supposed to have been routed to KIDO and *TOGO did not know that it had not reached him. He did not show him a copy. At first a short telegram preceded the full text of the Hull note and KIDO stated that he had not seen that telegram.

35822 *With respect to the telegram, both TOJO and SHIMADA, whose responsibility it was to advise the throne, thought the contents of the proposal could not be adopted and TOGO did not speak of the matter to the Emperor. He did speak to the Emperor about the Hull note. The NOMURA-KURUSU telegram was in the nature of a diplomatic negotiation and it was TOGO's duty and responsibility to carry out the duties of his office.

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35823 The telegram was a submission of opinion *to the govern-
ment and it was up to the government to decide whether
the proposal should be adopted. Since the government
and the Lord Keeper agreed that the telegram was such
that it could not be adopted, it was unsuitable and
improper to present before the throne. He repeated
that before the NOMURA-KURUSU telegram was submitted to
the Cabinet meeting, he had only spoken to SHIMADA and
TOJO. All matters need not be decided by the full
cabinet and it was up to the Prime Minister and other
ministers concerned to decide what should be presented.
In connection with the telegram, since the matter was
agreed upon by the Prime Minister, the Navy Minister,
and the Foreign Minister, the matter need not be
35824 presented to the *cabinet and it would be all right to
say that this represented the views of the government.
If KIDO had gone to the Emperor and told him what to
do about it, it would have amounted to interfering in
governmental matters. If KIDO believed that steps
should be taken in opposition, it was within his right
to advise on such matters as he thought fitting and
proper and direct the handling of the matter in the way
he thought fitting and proper.

35825 It is true that the Foreign Minister
reported only on the diplomatic negotiations them-
selves, and the telegram of NOMURA-KURUSU was a
diplomatic negotiation. *He had no desire to shove any
responsibility on to KIDO.

35827 On the morning of December 8, after talking
to KIDO, TOGO went to see TOJO and discussed the
contents of President Roosevelt's telegram. *He spoke
to TOJO between fifteen and twenty minutes. In going
35828 to see KIDO, *KIDO gave his own opinion *and asked
35829 what TOJO's opinion was, to which TOGO replied that
TOJO agreed with KIDO. During the conversation, TOGO
had in hand a translation of the message and he spoke
to KIDO about the contents. He did not show it to
him and it was not necessary to do so. The conver-
sation was concluded when he received word that the
Emperor was waiting. KIDO did nothing to prevent
TOGO from seeing the Emperor, nor was he in a position
to do so.

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Page Cross Examination by Mr. Brannon

35830 *TOGO and the members of the cabinet and the leading members of the High Command were all in agreement that after the Hull note was received, it would have been national suicide for Japan to accept. TOGO had no criticism of the actions of the accused in voting for war. If the Hull note had come on October 18, the conclusion would have been the same as that contained in the note of November 26.

35833 *The heart of the problem was how to lead the negotiations to a successful outcome. The Japanese problem was how to relax the conditions to bring about that outcome. No one including the members of the Liaison Conference favored going to war without fully negotiating the question. SHIMADA did not once propose going to war without negotiating first.

35834 *When the matter of giving notice came up, it was TOGO's recollection that SHIMADA sat in silence and did not utter a single word. It was his recollection that it was ITO, who was Vice-Chief of the Naval General Staff, requested that the negotiations be left un-terminated. This took place at a Liaison Conference.

35835 *When asked how he reconciled these statements with the testimony of other witnesses who stated that they had never heard these words, TOGO stated he did not have much confidence in the memories of the other defendants. He entered SUGAMO in May 1946, later than others because of illness. When he entered, the names of the men he had just mentioned had forgotten the fact that an Imperial Conference had been held on November 5, 1941. It was only after TOGO told them of this that these men recalled it. Since they forgot such a highly important conference, it is only natural that they would forget some things that were unfavorable to them.

35836 *He did not hesitate to talk about what took place in Sugamo and since the question had been asked it would be advisable for him to make certain explanations so that there would be nothing left unclear.

35838 *Sometime in the middle of May 1946, SHIMADA proposed a talk between himself and NAGANO and TOGO. SHIMADA expressed the desire that TOGO say nothing about the fact that the Navy desired to carry out a surprise attack. He also said something in the nature of a threat that if TOGO did say so, it would not be worth while. NAGANO said that even if he said so, TOGO would have to adopt the proposition submitted. To that statement TOGO replied that the situation at that time was not so.

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* About ten days before NAGANO's death, NAGANO said that he was going to bear the full responsibility for the attack on Pearl Harbor. TCGC asked NAGANO if he was going to take the responsibility for the surprise attack also, and the latter said he would. There were other conversations where the Navy asked TCGC not to speak of the Navy's desire for conducting a surprise attack. The conversations took place among SHIMADA, NAGANO, and TCGC. NAGANO is dead. TCGC did not know that NAGANO took responsibility for the Pearl Harbor attack.

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With respect to the attack on Pearl Harbor, there were various aspects, * such as the general operations and the fact of an attack without warning, and TCGC asked NAGANO if he was assuming entire responsibility. TCGC said he was not worried about himself. He spoke to NAGANO in order to bring the facts out fully. The conversations which took place did not put any restrictions as to the place where they desired TCGC would not speak about the matter. He thought the Tribunal was among them. It is proper to say that SHIMADA and NAGANO confessed that they wanted to attack Pearl Harbor without notice being given but they did not want TCGC to talk about it any place.

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* When asked whether in view of the testimony given whether it would have made any difference to the Navy whether a half hour or an hour's notice was given, TCGC said he had no knowledge on which he could comment from the naval expert's point of view. As an amateur, he figured that the attack couldn't be carried out without a surprise element and this fact occurred to him after the war broke out. The papers at the time widely publicized the fact that the surprise attack met with great success and he thought the phrase "surprise attack" was used elsewhere.

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* When asked whether he ever advised members of the Liaison Conference that hostilities commenced by Japan one hour after giving notice would be in compliance with international law, TCGC stated that he had advised the members to take the customary procedure, but there

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was no opportunity to discuss * such a question. His advice was premised on the fact that all present were generally familiar with the provisions of international law and he had no intention of conducting a lecture. He did not consider it his duty to give them special explanations because of the knowledge of the other members. Since all the members were familiar with international law, TCGC did not regard it his duty to give explanations over what they already knew. As to his idea of

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suggesting notice * this would require some explanation of Hague Convention III. When this was concluded, there was considerable discussion

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35849 as to the time of advance notice. The Russian and Netherlands delegates desired to stipulate advance notice of 24 hours. There was no occasion in which he said anything about prior notice of one hour. With respect to the answer he gave in a prosecution interrogation February 22, 1946, TCGC stated the question, when asked him, * was based upon whether there was going to be sufficient time given by the notification prior to the attack. It was brought up at the Conference and later when ITO called TCGC asked ITO whether there was going to be sufficient time given by the notification prior to the attack, and ITO replied that there was.

35850 * He had told the prosecution that it was his understanding
 35851 that it would be * at least one hour. The question of one hour did not include the element of surprise and he, therefore, could not reply to any question with regard to the hour or with regard to thirty minutes in regard to the question of surprise. TCGC thought there would be at least an hour between notice and the attack. When asked if there was an hour notice, there could have been no surprise attack, TCGC stated
 35852 that * even one minute notice would have been sufficient time. However, from the point of view of good faith and from the spirit of treaties, he thought it proper to avoid a surprise attack. In the light of the then prevailing conditions, he thought one hour allowance would make it possible for Washington to inform its outposts and other quarters in sufficient time.

35853 * When asked whether in fact, his affidavit did not show a difference between his opinion and that of ITO and NAGANO over the delivery of the note, he said if the affidavit was read carefully such a misunderstanding would not arise. ITO asked that the notice be delivered in Tokyo and TCGC wanted it delivered to Hull. ITO then told him it was the Navy's desire to have the notification delivered in Washington. In other words, the Navy also agreed with TCGC and agreed to have the note delivered in Washington before the attack.

35854 When the question of delivery and to whom notice should be delivered, NAGANO suggested it would be well to have it delivered to Hull. * At first NAGANO entertained a different opinion, but later he agreed to sending notice prior to opening of hostilities. TCGC's impression was NAGANO stated that with a straightforward spirit. His impression was that NAGANO was familiar with diplomatic procedure when he said to have the note delivered to the Secretary of State, and that NAGANO had been a delegate to international conferences and gave his full attention to such matters of procedure.

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35855 *He did not think that there was any inconsistency in his testimony. The question of delivery of the note to Mr. Hull is not a question of international law. It is only a matter of taking careful steps. The fact that NAGANO advocated surprise attack was out of operational need to obtain maximum success. When asked how it was possible for him to overrule the Chief of Naval General Staff on giving notice, TOGO stated that the power of the Foreign Minister was weakened but it was not completely absent and by applying whatever power there was, he was able to bring the High Command around to agreeing.

35856 *The fact is they agreed to his views and if it seems he had more power on the point, they could interpret it that way if they wished. There was an agreement of views on giving notice before any attack was carried out. When asked if he could also notify Grew, he replied that it was considered official to deliver certain documents to a certain destination, and certain documents were considered sent only for reference if sent to certain other quarters.

35857 *It would be contrary to diplomatic usage to have notified both. He had no opportunity to cooperate with the Navy in regard to Pearl Harbor.

35858 With respect to Exhibit 1258, *the witness stated that the official concerned in the Foreign Office sent the telegram in response to a request from the Navy and there was no occasion on which the telegram was shown to TOGO. When asked whether he was willing to accept responsibility for the acts of his subordinates, TOGO stated that from what he learned after the end of the war with regard to

35859 telegrams pertaining to*ship movements, the request came from the Foreign Office, and the Foreign Office sent the telegrams pursuant to that request. He did not think that SHIMADA knew of the telegrams.

Cross Examination by Mr. Roberts

35861 TOGO stated that the Chief Cabinet Secretary and the Directors of the Military and Naval Affairs Bureaus attended the Liaison Conferences and Imperial Conferences as secretaries. He stated that he knew nothing of the conversations between YAMAMOTO and OKA *and he had no date

35862 upon which to base any denial, but he did know that YAMAMOTO had testified that there was no such meeting. At the time he knew nothing about it, but he could not ignore YAMAMOTO's testimony. It was considered that the notification was tantamount to a declaration of war even if the the words "reservation of freedom of action" were not mentioned. An addition of such words would be unnecessary or superfluous.

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- 35863 *TOGO stated that he had once read KONOYE's
35864 Memoirs but did not remember the details. In later years
 he had opportunities to meet*with him and understood his
 feelings well. When asked whether he recalled the state-
 ment in the Memoirs that the Navy was in complete accord
 with his efforts to bring about a successful conclusion
 to the Japanese-American negotiations, he said he remembered
 it slightly different. He had not read them recently.
- 35865 *When a portion of the memoirs were read to him,
 he said one cannot pass judgment only on the basis of the
 proposed KONOYE-ROOSEVELT interview.
- 35866 *He generall recalled the circumstances of the
35867 fall of the third KONOYE Cabinet. *KONOYE stressed to
 him emphatically the point that the question was to what
 extent it was possible to bring about a success of the
 negotiation on the basis of the decision of September 6,
 and on what terms, and whether the terms should be
 released. The Navy said nothing about relaxing the
 terms. KONOYE said if war should break out, it would
 be the Navy's war rather than the Army's war. And yet
 the Navy said that it would entrust the decision to the
 Prime Minister. The Navy knew its naval strength and
 KONOYE was in no position to decide because he did not
 know the actual strength of the armed forces, and the
 attitude of the Navy was cowardly.
- 35868 *Of course the Navy had an interest in the
 successful conclusion of the negotiations, but the
 success of them depended upon the terms and the extent
 to which they were to be relaxed. It was, therefore,
 an entirely separate matter.
- 35869 *He had not heard that the Navy was willing
 to leave to the Premier the question of relaxation of
 the terms. The Navy said it would entrust the decision
 to the Prime Minister with regard to whether the nego-
 tiations should be continued or not, but nothing was
 said about entrusting to the Premier with any decision
 with regard to the terms as based those of the 6th of
 September, and TOGO had never heard from anyone that
 the Navy had entrusted that decision on the terms to
 the Premier.

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* With respect to the telegram from President Roosevelt, TCGO stated that he only spoke to KIDO of the general purport of the telegram. On the 7th of December there was no occasion in which he communicated with KIDO. He did not converse with him on the telephone during the 7th.

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* About ten minutes before three o'clock on the morning of the 8th, TCGO was awaiting audience in the anteroom of the Palace.

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About four minutes before three, KIDO entered. Since he had spoke to him earlier that morning about Grew having brought a message addressed by the President of the United States, * he immediately entered into a conversation about it. KIDO knew that a message had come from Roosevelt because TCGO had told him. In the telephone conversation TCGO stated that he supposed KIDO knew that a message was coming from the President to the Emperor as reported by NCMURA. Grew had just brought the message.

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He told KIDO the message had just come and he had inquired from the Imperial Household with regard to an audience with the Emperor and he had been told that he should communicate with KIDO. He asked KIDO what they should do about it. * When he spoke on the telephone it did not seem that he knew anything about the message. The telegram from NCMURA merely announced that the President's message was being sent to the Emperor and he did not remember the exact words used. In accordance with precedent the message could be sent direct to the Imperial Household without being routed through diplomatic organs.

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TCGO first knew of this around 11.40 or 11.50 a. m. on the 7th. * He had received official notice from the Ambassador that the message was en route. * He knew that it was on its way. In so far as he knew, the only exchange of telegrams between the Emperor and the President of the United States was in connection with the Seal Treaty and the one that was supposed to have been sent in connection with the KONOYE incident on the Yangtze River. He knew of the tense conditions at the time and that is why when the message had been received from NCMURA he had inquired from the Imperial Household Ministry whether such a telegram had reached them. * He made the inquiry a number of times. If the telegram reached Japan, it would arrive at either the Imperial Household or the Foreign Office, and nowhere else. And if it did not come to the Foreign Office, the only way to ascertain whether the telegram had arrived or not was to ask. He made an inquiry and got a negative answer. One inquiry was made before noon and the other between five and six in the afternoon. TCGO did not make the telephone call.

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*He did not even dream that there would be any difficulty in locating it at the Imperial Palace to deliver the telegram. TOGO transmitted to the Emperor the message he received from Grew. The Emperor did not receive the telegram. He learned during the trial that the delivery had been held up. It was only last year that he first heard that the telegram to Grew had been delayed in its delivery. He talked to the Foreign Office officials about this matter and advised that some investigation be made.

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*Grew brought a decoded telegram which TOGO had translated into Japanese and it was this translation which he showed to the Emperor about 3 A.M. December 8. TOGO spoke of the entire message on the basis of this translation and he heard what was to be the Emperor's reply. He later communicated this to Grew. After the Emperor heard of the contents of the *message, he asked what reply might be made. In response to this, he told him of the consultation which he had had with TOJO and which KIDO had agreed with. The Emperor stated that the love of peace was his hope. Part of the contents that I just related was what I told the Emperor. This was a suggestion for a reply to President Roosevelt.

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*In response to the Emperor's question, TOGO stated that it would be well if the Emperor replied in the language which was contained later in the reply handed to Grew. I told him that TOJO already knew this. The Emperor agreed and TOGO left.

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*He did not mean by the reply handed to Grew a copy of the communication theretofore sent to Washington. The confusion arose due to some misunderstanding on the part of Grew. The reply was that the message had been received and its contents represented only a part of the issues which had long been discussed. Japan's wishes and opinions had been fully explained and the President should be well aware of it. *It concluded with the Emperor's statement that he desired peace as ever but with regard to the proposal, he requested understanding of the points. This message was sent through Grew about 7:30 A.M. on the 8th.

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They did not discuss any question about the fact that it was too late because hostilities were being opened. TOGO did not know that hostilities were to *open around 3 A.M. The telegram addressed to the Emperor concerned possible exercise of political power by the Emperor. The witness had not heard any orders given by the Emperor telling KIDO to come to the conference. When .

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holding an Imperial audience, it was customary to go alone. If the Emperor desired to ask anything of KIDO, he would do that on a separate occasion. It would have been inconceivable for TOGO to ask the Emperor to call KIDO.

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*KIDO had told TOGO that the Emperor would give him an audience at any hour and stated that he would also go to the palace. Shortly after KIDO came into the waiting room where TOGO was.

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35889 * TOGO stated that he did not read and speak English freely. On the morning of 8 December 1941 he called on TOJO and explained the contents of the message on the basis of the translation. The message was as follows: "President Roosevelt had proposed before withdrawal of troops from FIC, and Roosevelt stated that he had heard that troops were being concentrated in that area and the powers were uneasy and the US was greatly concerned. It was Roosevelt's desire that the troops be withdrawn from FIC, and the US had no intention of invading that territory, and was prepared to see that the Netherlands, Siam and China also did not invade that territory." (Exhibit 1245).

Afterward TOJO asked TOGO whether the US was not conceding more than that, and TOGO replied that nothing more was being conceded. Thereupon TOJO replied that there was nothing that could be done.

35891 * With respect to withdrawing Japanese troops from FIC, TOGO reminded TOJO that this had been brought up in a personal talk between Roosevelt and NOMURA during the Third KONOYE Cabinet, and further, that at that time the Japanese Government had rejected the proposal. TOJO said he remembered the situation very well and that at present it was impossible to save the situation on the basis of such a proposal. Thereafter, TOGO and TOJO consulted on a proposed draft of a reply to be sent by the Emperor to Roosevelt.

35892 * The message of President Roosevelt is recorded in Ex. 1245, and TOGO stated that he understood the message generally in English, but in order to explain the details he used the Japanese translation when speaking to TOJO.

35893 * TOGO stated that he realized that this was a very important message between two very important figures in the world at the time. He stated that he read almost the entire text of the message to TOJO. At that time the basic question was to report the matter to the Emperor as soon as possible. There was a considerable amount of historical background, including relations between the two countries, and TOGO did not consider it necessary to relate the entire contents, in order to enable TOJO to make a proper judgment, so he skipped a few passages. He stated that he read the entire message to the Emperor.

35894 TOGO recalled reading two paragraphs of Exhibit 1245-J, as follows: "The people of the United States, believing in peace and in the right of nations to live and let live, have eagerly watched the conversations between our two Governments during these past months. We have hoped for a termination of the present conflict between Japan and China. We have hoped that a peace of the Pacific could be consummated in such a way that nationalities of many diverse peoples could exist side * by side without fear of invasion; that unbearable burdens of armaments could be lifted for them all; and that all peoples would resume commerce without discrimination against or in favor of any nation.

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35896 "I am certain that it will be clear to Your Majesty, as it is to me, that in seeking these great objectives both Japan and the United States should agree to eliminate any form of military threat. This seemed essential to the attainment of the high objectives." TOGO stated that he regarded that as an important passage, and on the basis of the Japanese translation, he read it to TOJO.* He also had a very definite recollection that he read the message word for word to the Emperor.

35898 * TOGO wished to make a correction in the record to show that he met KIDO four or five minutes before 3 o'clock on the morning of 8 December 1948. He stated that this correction did not mean that he had a somewhat longer conversation with KIDO than his testimony would indicate.* He stated that he saw the Emperor at 3 o'clock.

35900 After KIDO gave TOGO his opinion, he asked what TOJO's opinion was, and TOGO replied that TOJO's opinion was the same as KIDO's. Then KIDO replied, "I see that it won't do." * It was after TOGO had told KIDO the contents of the message that KIDO expressed his views that it was not worthwhile, and, of course, his reply relates to the fact that by the contents of the message alone the situation could not be saved. TOGO told KIDO the results of his talk with TOJO and told him that TOJO's opinion was the same as KIDO's.

35901 * TOGO stated that he did not tell KIDO that the text of a reply had been decided on. There had been an agreement of views between TOGO and TOJO. TOGO stated that it was only natural that the Lord Keeper of the Privy Seal would be concerned with the Emperor's reply to the Roosevelt message.

35903 * TOGO stated that as he testified previously, it was his understanding that the Lord Keeper of the Privy Seal would reply to any inquiries addressed to him by the Throne, and he would also advise the Throne on any matters which he deemed proper. He also stated it was true that there were many duties of the Lord Keeper in advising the Emperor when it was proper for him to take political action and when it was not proper.

35904 * TOGO stated that KIDO was not a member of the Cabinet and that he was in no position to speak to the Emperor about KIDO's views. It was true that he suggested the draft of the reply to the Emperor and obtained his consent at that meeting. This consent refers to the consent of the Emperor of Japan and not to the consent of KIDO. TOGO did not know whether there was talk between the Emperor and KIDO and whether there was any opportunity for a conversation between the two.

35905 * During TOGO's audience with the Emperor there was no mention of KIDO.

35906 * After TOGO left the Emperor's presence he returned to the waiting room, but there was no one there. When he asked the Chamberlain where KIDO was, he replied that KIDO did not appear to be in his room, so TOGO left the premises. Since TOGO had already talked to KIDO before his audience with the Emperor, KIDO was in a position to advise the Throne if he deemed it to be proper, and TOGO stated

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35907 that KIDO could have had an audience with the Emperor independent of TOGO.

35909 TOGO stated that after he left the presence of the Emperor he had no opportunity to see KIDO, so he did not talk with him. Since he had seen him before the audience and since KIDO understood the general circumstances of the matter, TOGO did not think it necessary to give him any further explanation. *TOGO stated that he thought the time he left the Emperor was about fifteen minutes past 3 o'clock, or the audience may have been a little longer.

35911 * As the question of the message from Roosevelt related to political affairs and the matter concerned the conveying of the Emperor's wishes to the sovereign of another party, the matter of

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35918 * As there are three or four passages in which there are errors,
TOGO could not say that this document was prepared by one who was
35919 fully informed of the facts. * He could not say that the document
35920 was substantially correct. * The witness was asked to refer to the
paragraphs which were wrong and then give his reasons why the para-
35921 graph was wrong. *The witness stated that the first error was in
paragraph III at the passage, "...since it was midnight...arrange-
ment for an audience" could not be made "until the following morning."
This was not a fact. TOGO stated that it being midnight, he could not
reply as to when an audience could be arranged without first consulting
the Imperial Household Department. He asked that the above passage be
corrected as he had just explained it.

The next correction was in paragraph IV where it states "....
with the Premier and others." At that time TOGO only met TOJO, and
at the official residence he met no one other than him. TOGO desired
this correction to be made also.

35922 * TOGO stated that in order to make the document complete and
accurate, the fact that he met KIDO should be mentioned.

The next passage is on page 2, ordinal 3 of the English text,
in which it is stated under "Note", "at the time of the conversation
on the morning of the 8th." The one who wrote this document assumed
that the Ambassadors did not know; but as far as TOGO was concerned,
he had no information which would permit him to assume that they did
or did not know.

35923 * The next passage is the third from the last on page 3, begin-
ning, "if you have something to add besides the personal message,
I will naturally give considerations." With regard to this point,
TOGO recalls that he asked Ambassador Grew whether there was something
that he wanted to add in addition to what had already been presented
in writing, to which he replied that he had nothing to add. TOGO
recalled that as far as this point was concerned, their conversation
was concluded. Subject to those corrections, TOGO could confirm the
contents of the document as fact.

35925 Exhibit 3647 stated that the UP wire received the morning of
7 December reported that Hull officially announce that Roosevelt's
message had been sent to the Emperor. The authorities in the Foreign
Ministry, therefore, were awaiting the arrival of the message. The
arrival of the message was delayed considerably, and it was after
10 o'clock that evening when Grew finally sent word to TOGO that he
wanted to see him as he had just received instructions on an urgent
and vital matter and they were deciphering the telegram. At midnight
of the same day, Grew called on TOGO in order that TOGO might use his
good offices as Foreign Minister to secure an audience with the
Emperor for Grew as he had been instructed to present Roosevelt's
personal message to the Emperor personally. * TOGO replied to the
effect that since it was midnight he could not make arrangements for
an audience with the Emperor until the following morning, but whether

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the Ambassador would be received in audience as he wished would depend on the contents of the message. Grew thereupon handed a prepared copy to TOGO, saying that he was again requesting special consideration for an audience with the Emperor which was most necessary in view of the exceedingly grave situation. Grew left, promising to see TOGO again.

35926 * TOGO went to TOJO's official residence with the translation of the personal message, and as the result of a hasty conference with TOJO and others, TOGO decided generally as to the method of handling the matter. At 2:30 a.m., the same night, he gave a detailed report to the Throne. (The Emperor appeared in full naval uniform.)

After TOGO returned to his residence after 3:30 a.m., he made arrangements to notify the British and American Ambassadors in Tokyo of the close of Japanese-American negotiations and made arrangements to notify Grew at 6 a.m. on the same day of the opinion of the Emperor regarding Roosevelt's message. The Emperor's reply was that the Emperor had had the Japanese Government reply to Roosevelt's inquiry concerning the circumstances surrounding the concentration of Japanese troops in FIC. The withdrawal of troops from FIC constitutes an item in the Japanese American negotiation, and since he
35927 * had had the Japanese Government express its intentions, he hoped that Roosevelt would understand. It was the Emperor's desire to bring about peace and quiet to the Pacific and the whole world, and he was sure that Roosevelt would truly acknowledge the fact that he had been having his Government make efforts for that purpose.

Soon after 4 o'clock, OKA, Director of the Naval Affairs Bureau reported to the Minister over the telephone of the success of the surprise attack on Pearl Harbor. On the morning of the 8th TOGO received the British and American Ambassadors, and a conversation took place between Grew and TOGO. Secretary KAZE was present as interpreter. The personal message was never presented to the Emperor at all. Both the British and American Ambassadors did not know of the outbreak of the state of war prior to the conversation on the *
35928 morning of the 8th.

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35929 * Exhibit 3647 continues the conversation between TCGO and Grew, December 8, 1941. TCGO told Grew that he had had the opportunity, after talking with Grew, to obtain the Emperor's opinion regarding Roosevelt's message. The Emperor ordered TCGO to reply to Roosevelt's message to the effect that the Japanese government would reply concerning the concentration of Japanese troops in FIC and the withdrawal of troops from FIC, and he hoped that Hull would understand the reply. * The Emperor stated that it was his cherished desire to bring about peace in the Pacific and the whole world. TCGO stated that Grew listened to this in awe and replied that he would deliver the Emperor's opinion to Roosevelt. He also requested an audience with the Emperor, since relations between the two nations at that time were at a great crisis. TCGO replied that he felt the audience unnecessary unless Grew had something to add besides the personal message.

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*TCGO asked to have two further corrections made as to Exhibit 3647. The first correction was in Paragraph V. The text reads, "He made arrangements to notify the British and American Ambassadors in Tokyo of the close of the Japanese-American negotiations." The notification was actually given to Secretary of State Hull in Washington by NOMURA. This was the formal notification. The notification given to the British and American ambassadors in Tokyo * was a copy of that handed to Hull. Note number 2 35932 * stated that the personal message was never presented to the Throne at all. TCGO explained that although the personal telegram itself was never presented to the Emperor, the contents were presented to the Emperor through the document which was given him by Grew. He was to have that point clarified.

35934 He stated that the statement was correct that OKA reported to TCGO over the telephone the success of the surprise attack on Pearl Harbor. He stated it was true that OKA used the words "surprise attack" on Hawaii. It was TCGO's first notification of an attack on Hawaii. As * to the meaning of the words "full naval uniform" with reference to the statement that the Emperor met TCGO in full uniform, TCGO explained that this was not full dress, but that the Emperor was simply wearing full uniform. He explained the Emperor always wore a uniform; sometimes he appeared in military uniform and sometimes in naval uniform. TCGO didn't think there was any significance in the Emperor receiving him in the formal dress attire of a naval officer at the time hostilities were opened against the U. S. at Pearl Harbor.

TCGO stated he never saw the telegrams or communications that were sent from the Foreign Ministry with TCGO's name attached to Honolulu with the name RYUJI concerning military installations, ship movements, etc. at Pearl Harbor from November 15 to December 6, 1941. He knew nothing about them.

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- 35936 * As to whether the Navy Minister had responsibility on the question of the movement of shipping, TOGO replied that the Foreign Ministry had received a request from the chief of the 3rd Department of the Naval General Staff to find out information regarding the movement of ships. Therefore he believed that SHIMADA didn't know anything about the matter and had no responsibility. It was only after the war had ended that he learned that the Naval General Staff had made such a request to the Foreign Office regarding ship movements.
- 35937 * TOGO further explained that if younger officials or members of a ministry do something criminal the minister in charge of the ministry would have no responsibility unless he knew of the action and did nothing to stop it, or unless there was gross negligence on his part in not learning of such criminal actions. * As to the request of the Foreign Office for information from Japanese spies in Hawaii as to whether or not there were balloon barrages for protection against air attack or nets protecting battleships from torpedoes, TOGO stated that if a superior officer did not know that such telegrams were being sent or such reports were being received, it is impossible for him to take any responsibility.
- 35940 TOGO stated he was not told anything about the attack until it had happened. * He didn't believe that his subordinates were given any hints that an attack on Pearl Harbor was being contemplated. After the conclusion of the war, he learned that similar telegrams requesting this information were sent to other parts of the world at the same time. After the war it became clear that this kind of information was requested by the navy several months previous to the opening of hostilities and was handled as ordinary routine matter. These telegrams were never seen by the minister or the vice minister. * He explained that a section chief is not a high official of the Foreign Ministry. The higher authorities of the Foreign Ministry are the Foreign and vice-minister.
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- 35942 * As to Grew's visit to TOGO on December 8, 1941, TOGO stated that Grew was very serious, and before Grew called on TOGO he had learned that there was to be an announcement from Imperial Headquarters that Japan had
- 35943 * opened hostilities, and he assumed that Grew also knew about this. TOGO had already been permitted to deliver the Emperor's reply, and it had been
- 35944 telegraphed by Grew to Washington. * Grew expressed his desire to obtain an audience with the Emperor, but he told him that if he had nothing further to add the situation had developed so far that there was no use in having such an audience. TOGO stated that Grew made this request in the same spirit that he had made it the night before when he called on TOGO to request an audience with the Emperor. TOGO explained that since he didn't know anything about the attack on Pearl Harbor he had no information to furnish Grew on the attack. At that time TOGO explained the two countries were not yet in a state of war.

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- 35947 * Crew's request for an audience with the Emperor came at 0015 on the morning of December 8, and at that time hostilities had not begun. TOGO stated he did not know the Emperor was going to sign a rescript for
- 35948 war within a matter of two or three hours. * In the first place, he stated he didn't know that an attack on Pearl Harbor was being contemplated. He did have misgivings that America might provoke Japan into taking the first
- 35949 overt step. * TOGO stated that he did not entertain such feelings as shame-faced conduct, and that he wouldn't have preferred to have Crew learn it for the first time from the cold steel helmets of the gendarm-erie that would confine Crew for a considerable period of time.
- 35956 * As to the negotiations with the USSR as to the Manchukuo purchase of the half interest in the Chinese Eastern Railway, TOGO stated that he had forgotten many of the details, but that he was generally aware of the
- 35957 situation. * He recalled that declarations were made by the Soviet to the effect that the functioning of the CER was disrupted by actions of the Japanese Manchurian authorities. He also recalled that the Soviet Commissar for Foreign Affairs made a statement to the Japanese ambassador that there was considerable friction between the Soviet and Japan with respect to the Railway, and to eliminate such friction and to smooth out relations between the two countries the Soviet decided to sell her interest in the railway.
- 35960 * The witness was handed exhibit 3648, a statement of the Deputy People's Commissar to Ambassador OTA of April 16, 1933. The witness examined it and stated that he did recall statements made by Mr. Karakhhan to the Japanese ambassador, and supposed this document to be those
- 35962 statements. However, he could not confirm the contents of the document as being the statements. * When asked if he recalled that on May 2, 1933, Litvinov of the Soviet made a statement to the Japanese Ambassador that Japanese officials instigated the Manchurian authorities to commit acts of violence against the Soviet, he stated that he recalled that some statements of that nature were made.
- 35963 * Exhibit 3649, a statement of the People's Commissar to Ambassador OTA of May 2, 1933, was handed to the witness, who stated that this exhibit in substance correctly stated the representations made by Litvinov to the Japanese ambassador.
- 35964 * The witness was handed exhibit 3650 from the Soviet Ambassador to HIROTA of August 22, 1934, for examination, and he had no recollection as to whether or not it was a note of the Soviet Ambassador to HIROTA. He did recall that many incidents were occurring in connection with the
- 35965 * employees of the CER. There were also protests from the Soviets that the Manchurian authorities had confined some employees of the CER, and there were protests as to their treatment.

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He recalled that the Manchurian authorities protested to the Soviet because Soviet employees of the railway were using the railway to conduct communist propaganda. He stated there may have been protests in regard to the incidents in exhibit 3650, but he didn't recall the document itself.

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* The witness was handed document 3651, a memorandum on the basic principles of the CER, July 3, 1933, of which he had no recollection. He recalled that there may have been representations made by the Soviet government that it was forced to dispose of the railway because of

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unlawful pressure exerted on the Soviet. * He recalled that the fundamental motive of the sale was that their receipts were not sufficient to cover the railroad's losses, and by the sale of the railway they hoped to create better relations with Japan.

In any case, he explained that a seller always wants to sell his goods for as high a price as he can get, and the price set by the Soviet of 450,000,000 gold rubles was questionable. As to the reduction in price, TCGO stated that the Soviet had given such reasons as they were forced to dispose of the railway because of unlawful pressure. However, the Manchurian side had a different story to tell.

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*TOGO did not know a German military attache named von Petersborf who was in Tokyo from 1940 to 1942. He had never heard the name Petersborf. He may have met him at functions sponsored by the German Embassy but he had no recollection of having done so and knew nothing of his espionage activities.

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*EX. 3652, Map of border between USSR and outer Mongolia, including certificate of Aug 15 1947 of Major Bazenko, Chief of Documents of Soviet Division IPS. TOGO had talks in 1940 with Foreign Commisar Molotov regarding the delimitation of their border line and reached an agreement with Molotov. He did recall that a map was drawn and a border line established, and that the map was initialed by Molotov and himself.

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*When asked if he recognized the map that was initialed by Molotov and himself TOGO stated that his initials were not in the place where he initialed them in the original but he did find the seal of the Japanese Embassy on the map. He did not think there was any mistake that this was a copy of the map initialed by himself and Molotov. TOGO did find the initials of Molotov on the map.. also his own.

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*TOGO stated that exhibit 3652 was attached to the agreement of June 9 1940 regarding the rectification of the Mongolian People's Republic and Manchoukuo border line in the area of Lake Buir-Nur and the Numurgin-Gol river.

TOGO stated he was then chief of the Bureau of Europe-Asiatic Affairs in the Foreign Ministry and had direct charge of the matter then under discussion concerning the Chinese Eastern Railway. He was the official in Japan directly concerned with that negotiation.

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*TOGO stated in July 1933 the Japanese Government was merely acting as a go-between. The actual negotiations were being carried on in Tokyo between the Soviet and the Manchukuoan representatives. The situation had not yet developed as far as to enable TOGO to speak directly with the Soviet representatives concerning negotiations for the sale of the Chinese Eastern Railway. The negotiations were commenced in Tokyo and concluded in Tokyo. He said the newness of the state had nothing to do with it. The Manchukuoan and the Soviet representatives wished to conduct negotiations for the sale and purchase of the Chinese Eastern Railway. The Soviet asked the negotiations be held in Tokyo as that was most convenient for them and that is why they were held there.

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*TOGO stated that sometimes he did consult with counsel in the interim between sessions while on the witness stand and sometimes did not. He never talked with counsel with a view to changing any testimony he may have given but sometimes his attention was drawn to mistakes he may have made. The correction made with reference to the time TOGO met KIDO was the only instance TOGO talked with his counsel during the interims between sessions under cross-examination. He stated it was true that one or more of the accused had threatened him if he gave certain testimony but he did not consider it a threat to do him bodily harm. He was not able to understand specifically what the person who threatened him intended to do. All he heard was if he gave certain testimony it would not be for his good.

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*TOGO stated it was difficult for him to try to interpret what the accused meant by what he said. It was SHIMADA who said it would not be for TOGO's good to testify as to certain things. TOGO recalled he had said SHIMADA had used words which sounded like a threat. He had never heard such words from the Japanese counsel. He had never heard anything of that nature from any counsel.

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*Until TOGO assumed his post in the TOJO cabinet his knowledge of the Japanese-American negotiations was restricted to that gained from newspapers and journalists. He also heard from friends in the Foreign Office broad outlines of those negotiations but heard nothing regarding specific details. Before accepting TOJO's request he did hear TOJO's explanation of the situation. That was all he knew of the negotiations when he assumed his post. At that time the Japanese-American negotiations were "State Secret" and discussing these matters was forbidden by law. TOGO had no chance to learn specific details of these negotiations. Therefore he had no opportunity to see his predecessor, TOYODA's written views.

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*Any person not connected with the liaison conferences or cabinet matters had no means of accurately sizing up the state of the Japanese-American negotiations regardless what his position might be. TOGO's whole knowledge regarding these negotiations was gleaned exclusively from newspapers, journalists and friends in the Foreign Office until he met TOJO.

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*After meeting TOJO and after being appointed Foreign Minister TOGO studied all the details. Before becoming Foreign Minister he had no time or opportunity to hear from cabinet members concerned with the negotiations. The greater part of his information was gathered from publications and conferences with TOJO. Only officials of the Foreign Office directly concerned with the negotiations would have the opportunity to know the details of the negotiations.

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*TOGO knew nothing of the details of the Imperial Conference of Sept 6 1941. He did not know an Imperial Conference had been held on that day nor did he know the actual contents of that conference. All he heard from Foreign Office acquaintances was that the success or failure of the negotiations had to be settled by the middle of October. Since the negotiations were a State secret he was not in a position to ask for such information. This was also true of the Liaison Conferences as well as the Imperial Conferences.

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*He did of course know of the existence of Imperial Conferences before he became Foreign Minister. He did not have the right to learn what was decided at Imperial Conferences or Liaison Conferences regarding relations with western Powers before assuming the important duty of Foreign Minister because he was not then in a position to be directly concerned with the negotiations and therefore had no right to ask for any explanations regarding them. He had been able to get a general idea of the situation regarding the negotiations from TOJO who was not yet Premier but who had nevertheless received the Imperial Command. If TOJO were to be punished for revealing State secrets to *TOGO, TOJO must have told him of them with full knowledge of possible consequences.

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Since Japanese-American negotiations were a State secret, no one not connected directly with those negotiations would know any more than himself regarding the details. His sole sources of information before meeting TOJO were the newspapers, talks by journalists and information regarding the general outline of the negotiations from friends in the Foreign Office. TOGO told TOJO he would not enter his cabinet unless TOJO really intended to carry the negotiations through. TOGO's reason for making this statement was that he had heard the reason for the collapse of the third KONOYE Cabinet was that the army took a very obstreperous stand.* This was general knowledge and would not come under the category of state secrets. He had learned from journalists and from newspaper writers that the reason for the fall of the KONOYE Cabinet was the stern military position taken by TOJO.

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*When asked if he drew a distinction between what the newspapers writers knew and what they printed in their papers TOGO replied that no newspaper is able to print all its reporters know. What they could print would depend on the policy of the censor and the Information Bureau which was responsible for controlling newspapers at the time. TOGO didn't know what that policy was.

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TOGO did not intend to intimate or contend that the newspapers of Japan at or about the time of the formation of the TOJO Cabinet in 1941 had about the same freedom and liberty of expression as existed in the U.S. in the years TOGO served there. But he did know that even American newspapers of 1940 as compared to those of 1929 did reflect the feeling of the government to a greater degree. Reports from NOMURA indicated this same thing.

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*TOGO was opposed to the Tripartite alliance. In human affairs trends are found and in foreign affairs there is also a certain continuity. It is difficult to try to change that established fact. After TOGO became Foreign Minister the situation was such that it was impossible for him to call for the immediate abrogation of the Tripartite Pact. He felt that the Tripartite Pact made Japan's international position very difficult.

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*If the effect of the Tripartite Pact was for peace, if it did have some force for peace, one couldn't say it was evil. If the Tripartite Pact were for peace one couldn't call it evil. But TOGO didn't say that the essence of the Tripartite Pact was either good or bad.

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*TOGO personally did not approve of HITLER's methods, nor did he approve of Hitler's results that he got temporarily.

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*TOGO knew at the time -Oct. 1941, that Hitler had established a totalitarian state in Germany. He knew it was a dictatorial totalitarian state. He had not heard about the concentration camps for those who did not adhere to Hitler's views when he was in Germany. * He never had the opportunity to see the concentration camps and his knowledge concerning them was inadequate. He knew it was becoming very difficult for Jews to live in Germany and that many had been forced to emigrate. He didn't know too much about the concentration camps they had been put in. He didn't speak German very well. His wife was a German by birth.

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TOGO stated his knowledge concerning Germany was limited and his knowledge concerning concentration camps inadequate. He arrived in Germany in Dec. 1937 as ambassador and stayed less than one year. Previously he was in Germany as counsellor of the Embassy but the Hitler regime had not yet come into power. The Hitler regime was established after his departure from Germany. * In October 1941 TOGO was not well acquainted with the Nazi regime in Germany.

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*Hitler's regime was a dictatorial rule so he considered there was oppression. He knew such organizations as the Brown Shirts and the Black Shirts or Gestapo existed in Germany. The phrase "new order"

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The phrase "new order" is in the Tripartite Pact text but TOGO did not think the meaning of the phrase was defined between the countries at the time. The best interpretation of the phrase was that it was a kind of slogan. As to what Hitler's New Order actually signified TOGO could not say. The main purpose to establish this new order throughout Europe and Asia is written in the text of the pact but there is no document showing what is actually meant by the phrase.

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* order throughout Europe and Asia is written in the text of the pact but there is no document showing what is actually meant by the phrase.

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TOGO stated it was conceivable that Hitler's and Mussolini's practices for many years amply demonstrated what they meant by the new order. TOGO's concept of the treaty was that three great nations, Germany, Italy and Japan joined together in a solemn pact for a new order without having any common understanding as to what the new order should be. When asked if it were not important for the contracting nations to have some common agreement as to what that new order should be TOGO stated that treaties carry slogans and are often concluded with the meaning left quite vague. His own opinion regarding this pact was although the object of the treaty was said to be the establishment of the new order, this phrase was not qualified. Therefore, the purpose of the treaty as a whole was not made clear. The actual situation was not such.

His opinion regarding the vagueness of the Tripartite Pact relates to the vagueness of the ideology underlying the Tripartite Pact. Regarding the Nine Power Pact regulating certain specific details one cannot say the same thing. He thought the Nine Power Pact was quite explicit. He knew the general outline of that pact.

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*TOGO's feeling in joining the TOJO cabinet was that he was joining a war prevention cabinet. Regarding TOJO's statement that all members of his cabinet worked and acted in accordance with the principles of the TRIPARTITE PACT, TOGO stated he did not know what may have been in TOJO's mind. He may have carried on his policies that that in mind. But with respect to objective facts his statement was wrong.

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TOGO stated in regard to the Manchurian Incident, in a statement to UCHIDA, TOGO stated it was important that steps be taken to insure peace with China as quickly as possible. Furthermore he was opposed to sending troops to China when the China Incident broke out. He had so testified in his affidavit and other evidence presented before the Tribunal made that fact clear. Regarding these incidents he had the same feeling even after accepting the foreign portfolio. He said it was correct to state when he took the portfolio of foreign minister he was opposed to Japanese troops remaining in China and he held that belief after he became foreign minister.

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36001 when TOJO asked TOGO to enter the cabinet he told TOGO he would be willing to consider that matter on a rational basis. Therefore TOGO *did not consider TOJO was adamant in calling for the maintenance of troops in China.

*TOGO did not consider TOJO a pacifist. When TOGO entered the cabinet he made some studies to acquaint himself with the facts in order to perform his duties. He saw for the first time the decisions of the Imperial Conferences of the preceding eight to ten months and studied them. He saw the decision of July 2nd but didnt see the records in regard to the conference but did see the document embodying the decision.

36002

*Exhibit 588 in English and Japanese was handed to TOGO. He stated he knew after he became Foreign Minister of the resolution adopted by the Imperial Conference contained in the summary of the Empire's policy. * He recalled the first statement as to principle - paragraph a which read "Regardless of any change in the international situation, Japan will adhere to the principle of establishing a 'Greater East Asia Co-prosperity Sphere', and accordingly contribute to the establishment of world peace".

36003

He recalled "b Japan will continue the disposition of the Chinese incident and will step up the Southward advance in order to establish for herself a basis for self-existence and self-defense. The Northern problems will be dealt with according to the changes in the situations."

He learned of this in the course of his investigation. He also recalled "c Japan will remove all obstacles for the achievement of the foregoing purpose".

36005

*The decision was made to reconsider the decision of Sept. 6, but TOGO could not recall that the decision of July 2nd ever came up for discussion at all. He recalled the statement in Exhibit 588, the record of the Conference in the Imperial Presence of July 2, 1941 and the summary that in order to hasten the surrender of Chiang's regime, further pressure through the Southern regions will be strengthened to the changes in the situations, they shall execute their rights of war against the Chungking Regime at the proper time, and shall confiscate the enemy concessions in China.

He also recalled for the sake of her self-existence and self-defense, Japan would continue necessary diplomatic negotiations with relevant nations in the Southern regions and would also promote other necessary measures. For this purpose they would make preparations for a war with Britain and the U.S. First they would accomplish the execution

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36006 * of their schemes against French Indo-China and Thailand following the Principle Policy toward French Indo-China and Thailand, and Matters concerning the promotion of their Southern Policy, thereby stabilizing their structure for the Southern advances. In order to achieve this purpose, Japan will not hesitate to have a war with Britain and the United States.

He also recalled the provision, though the spirit of the tripartite axis will form the keynote of their attitude toward the German Soviet war, they shall not intervene for a while, but take voluntary measures by secretly preparing arms against the Soviet Union. Meanwhile, diplomatic negotiations will be continued with detailed precautions; and should the conditions of the German Soviet war progress favorably to Japan they shall execute arms to solve the northern problems, thereby securing stability in the Northern Regions.

36007 In the accomplishment of the above, all measures, especially in the case of execution of arms, must be decided so that there will be no great difficulty in maintaining their basic posture for a war with Britain and the U.S. They shall do their utmost to prevent the U.S. participating in the war through diplomatic * measures in the pre-arranged programs, and every other possible way, but in case she should participate, Japan will act according to the Tripartite Pact. However, the time and method of military action will be decided independently.

36008 He read the above provisions at the time. TOGO as foreign minister executed policies with the purpose of removing friction between Japan and U.S. through the Japanese-American negotiations and to maintain peace between the two nations rather than with any idea of consummating the purpose mentioned in the document. Referring to note "c" of the summary which states "Though the spirit of the tripartite axis will form the keynote of our attitude toward the German Soviet war" and then goes on to state * that should the conditions of the German Soviet war progress favorable to Japan they shall execute arms to solve the northern problems, thereby securing stability in the Northern regions, TOGO said as Foreign Minister he never once executed policies in accordance with such principles.

Furthermore in note "b" was stated that Japan must stabilize her "structure for the Southern advance", and in order to do this Japan will not hesitate to have a war with Britain and the U.S. During his period in office as foreign minister, TOGO said his policy was rather one of withdrawing their troops from southern FIC and avoid a clash with Americans and Britains.

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36009

Paragraph "e" states that in case U.S. should participate in the European war Japan will act according to the Tripartite Pact. According to the text of this note it would mean that under such circumstances Japan would shoulder the obligation of assistance in line with Article 3 of the Tripartite Pact. However, after he became foreign minister, TOGO adopted the policy that in regard to this obligation of assistance the Japanese government would arrive at an independent decision and in their exchanges with the United States, they said they would try to keep out of war even if the United States should participate.

36010

36011

* When asked as to page 3 of exhibit 588, under Section I, which reads that * Japan's minimum demand in her negotiations with the U. S. was that U. S. and Britain will not meddle in the disposition of the Chinese Incident, TOGO did remember that, but he thought this was one of the points of the decision of September 6. The witness was asked to review exhibit 588 and see if the decision contained the resolutions of Sept. 6, 1941, and TOGO replied that this document did contain the decisions reached at the Imperial Conference of September 6. He stated the provision with reference to the U. S. and Britain not interrupting the disposition of the Chinese Incident was adopted at the September 6 Imperial Conference, and the policy adopted during the period TOGO was Foreign Minister was considerably softened by this decision.

36012

* TOGO did think that the real hope of peace of the world consisted in arriving at a clear understanding between nations as to their mutual problems. He also stated that good faith in international affairs is as important as good faith among individuals. TOGO stressed this in the statement to Count UCHIDA in 1933. These sentiments are no different today than when he was foreign minister. TOGO said it was true that when he spoke of good faith between nations he included living up to treaties which had been entered into with other nations.

36013

* TOGO said it is true that good faith is not observed by keeping a treaty when it is advantageous to do so and breaking it when it seems to be somewhat burdensome. He remembered the Nine-Power Treaty referred to in his affidavit in connection with a request made on behalf of Germany, by Ribbentrop. TOGO said it was true that he felt then that giving special privileges to Germany in China was clearly violation of the Nine-Power Pact. * This was about May 1938. He answered that he thought he recognized the existence and the applicability of the terms of the 9-Power Treaty as late as May of 1938. He stated that his position was that the terms of that Treaty applied equally to each and every signatory nation, including Japan.

36014

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36015 TOGO said that it was true that the Treaty clearly provided for the territorial integrity of China and respect for its sovereignty as a separate term. He stated it was true that each of the other nations agreed that they would all have the same rights and privileges in China. * It was also true that the Treaty provided that the others agreed to respect the independence of China.

He recalled there was a provision that the powers other than China agreed to provide the fullest opportunity to China to develop and maintain an effective and stable government. He stated it was true that the treaty included a provision that the powers would use influence to establish and maintain the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China.

The witness agreed the Treaty provided that to effectuate the Open Door, the powers other than China agreed that they would not seek any arrangements which would establish in their favor superiority of rights with respect to commercial or economic development in any designated region of China.

36016 * TCGO agreed that one of the principal matters pending in
36017 conversations with U. S. was equal rights and opportunity of the U.S.
and other nations signatory to this pact in China. * TOGO recalled
36018 that U. S. protests regarding the infringement of rights in China were
received repeatedly since the Manchurian Incident, and he said it was
true that he refused to advocate any such proposition or plan. * He
said he would not deny the soundness of the claims of the U. S. in
this regard, but at the same time he did not possess the data to claim
that Japan's claims in this regard were mistaken. He stated that as
Foreign Minister he had no intention to deny the justice of U. S.
claims under the Nine-Power Treaty.

36019 In the negotiations toward peace, he stated the U. S. did not
ask for any concession other than the right of equal opportunity
possessed under the Nine-Power Treaty. * TOGO stated that the demands
made by U. S. in regard to China were embodied in the Hull note of
November 26--equal opportunity; fair treatment in regard to trade and
commerce; withdrawal of all Japanese troops from China; that Japan
should recognize no government other than the Chungking Government.
TOGO stated that in regard to the first point, Japan's position on
fair treatment concerning commerce and trade required a brief explanation.
36020 * TOGO stated that as far as China was concerned, equal opportunity in
trade and commerce had been agreed to by Japan and that other nations
should enjoy in China under the Nine-Power Pact. However, he stated
the U. S. was making demands not only in regard to China, but in regard
to the entire Pacific area. Japan wanted the principles applied not
only to China or the Pacific area, but to the whole world.

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homeland, by restrictions on materials to be consumed in the China operations, any by curtailment of military educational materials that Japan was able to meet the situation in the early part of the Pacific War. Due to economic pressure by U.S. and Britain and especially the economic blockade of July 1941, it was impossible for Japan to obtain raw materials and other goods. Japan could not expand production sufficiently to wage a war against U.S. and Britain. Difficulties were encountered in production of air arms and oil fuel. Wholesale war preparations against U.S. and Britain were nonexistent so far as the Japanese Army was concerned, TOJO said.

36289 *TOJO stated Japan had ample resources but because of demands from industry Japan could never attain its full expansion. The Government reluctantly permitted youthful scholars to continue their studies. With the advance of the Pacific War, the insufficiency of manpower became evident. A call to the colors was made for the greater part of these students. Japan was unable to make effective war preparations simply by using her ample manpower.

36290 TOJO said that after the Imperial Conference decision 6 September, *U.S.-Japanese negotiations were conducted through TOYODA. Negotiations were conducted through two channels, one through NOMURA and the other through TOYODA and Grew. Japan's hopes were pinned on these negotiations and on a personal meeting between Roosevelt and KONOYE. According to Hull, the U.S. believed a personal meeting between the chiefs of two countries was dangerous unless an understanding was first reached on matters to be discussed at that meeting. In order to maintain peace in the Pacific the U.S. felt a "patched-up" talk would not answer the purpose. The U.S. insisted on a "clear-cut" agreement. U.S.

36291 *demanded recognition of four principles:

Respect for the sovereignty of all nations,
 support of the principle of non-interference in the
 internal affairs of other countries, support of the

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36292 principle of equality of commercial opportunity, and non-disturbance of the status-quo in the Pacific. The U.S. insisted on a clear-cut expression of Japan's intentions in regard to the Tripartite Alliance, the stationing of troops in China and elsewhere, and non-discrimination in international commerce. The hopelessness of the personal meeting was made clear by these developments. TOJO said Japan had made concessions to the U.S. so that the negotiations might be successfully concluded, and yet the U.S. made no response and did not move an inch from its proposal dated 21 June 1941.

The U.S. Policy at that time was disclosed by NOMURA in his October 3 dispatch. He stated that the U.S. was involved more in the Atlantic war, thus creating a lull in its move toward Japan but still continuing the economic pressure against Japan. NOMURA suggested this warranted urgent attention. NOMURA observed that the U.S. by waging an economic war while keeping out of war, could reap the fruits of victory over Japan without resorting to an act of war.

36293 TOJO said there was a telegram from the British Ambassador in Tokyo addressed to *British Foreign Minister Eden. The British Ambassador said that the prospect of a moderate policy on the part of Japan was improved after the resignation of MATSUOKA, and that the U.S. was dilatory in its dealings and was employing varied tactics to adjust relations between the two Powers. He observed that the United States might miss this fine chance by needless precautions caused by inability to comprehend Japan's real feelings and Japan's internal situation.

TOJO said they looked upon this as a typical observation by a third party. The situation was not remedied, and the U.S.-Japanese negotiations met with another obstacle. The Third KONOYE Cabinet collapsed in the middle of October.

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36294 *TOJO stated that prior to the downfall of the Third KONOYE Government there was a consultation of five ministers of state on October 12 which was followed by the regular Cabinet Council on the 14th. At this Cabinet Council TOYODA and TOJO disagreed as to the ways and means of conducting future state policy. The controversy culminated in the resignation en masse of the KONOYE Ministry. TOJO said the details are described in the "Circumstances Relative to the Resignation of the Third KONOYE Cabinet", Ex. 1148, as well as in the entry of Marquis KIDO's diary of 15 October, Ex. 1150, but due to some discrepancies TOJO did review the events.

36295 *It was for determining the fundamental principles for an interview with Roosevelt that the Imperial Council of September 6 was convoked. The determination was the reason for the convocation of the said conference, but TOJO said it would be misleading to say that that was the only reason. The said conference was called in order to

36296 determine the means of executing the southern policy with our diplomatic outlook, and that fact was revealed by the agenda of the Conference. The Imperial High Command requested conference to start emergency operational plans.

Both the government and High Command, in conformity with the decision were proceeding with diplomacy and operational preparations. Operational preparations were going on as scheduled, while diplomatic negotiations with U.S. were far from smooth. As late as the last of September the conversations were deadlocked. The High Commands of both Army and Navy in the September 25 Liaison Conference demanded a prediction of the success or failure of the pending negotiations, and a decision as to peace versus war not later than the 1st of October.

36297 TOJO said as he had already stated, the U.S. did not accept Japan's proposal based on the September 6 decision nor KONOYE's proposal concerning the personal meeting. Hull gave the oral reply of October 2, in

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which a spirit of mutual concession was discernible. Immediately the government convened the Liaison Conference and investigated the document. Another Liaison Conference was called on October 9th, but it was difficult to arrive at any conclusion. The attitude of the Army General Staff was that no hope could be entertained about the U.S.-Japanese negotiations in view of the U.S. attitude.

The Army General Staff disagreed with the unconditional recognition of the four cardinal principles enunciated by U.S., as well as to conditions on stationing of troops. The Army General Staff did not intend to revise the 6 September decision.

36298

*TOJO was informed by the Chief of the Army General Staff that the Navy General Staff had a similar concept. Imperial Headquarters apprehended America's policy of procrastination which might be imposed upon Japan. TOJO was of the same opinion. On the 10th of October he saw the Prime Minister and expressed the gist of the concepts entertained by Imperial Headquarters.

The 12 October meeting was attended by KONOME, Navy Minister OIKAWA, Foreign Minister TOYODA, President of the Planning Board SUZUKI and Minister of War TOJO. No person was present other than the five Ministers. TOJO said he did not counsel with the Chief of the General Staff or with any other staff officers before participating in the meeting as he was well acquainted with the views of the Imperial High Command.

36299

As to the paragraph found on page 2 of the Japanese text of "The Circumstances Relative to Third KONOYE Cabinet's resignation" that on the day before the conference, OKA of the Naval Affairs Bureau stated that with the exception of the Naval General Staff the brains of the Navy didn't want a Japanese-U.S. war, but since the Navy approved the decision of the Imperial Headquarters, the Navy Minister proposed to leave it in the hands of the Prime Minister at the conference, but the Navy would like to continue the diplomatic negotiations, TOJO stated

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These things never came to TOJO's knowledge or the knowledge of his subordinates at that time. That meeting was concerned with prospects of the current U.S.-Japanese parley as well as the decision on the issue of peace versus war. The argument lasted many hours and the major points in the contention held by several participants are recapitulated by TOJO though the details have gone from his memory.

36300

*KONOYE and Navy Minister TOYODA felt if Japan held fast to her policies there could not be any conclusion. A specific concession on withdrawal of troops from China might be accompanied by some success. They suggested that Japan agree at first to withdraw troops in conformity with the U.S. requests, and, subsequently retain forces in China under an agreement made with China on an entirely new basis. This was tantamount to a revision of the September 6 decision.

36301

TOJO's position was that from the U.S. reply of October 2d, and U.S. refusal to a personal meeting of the chiefs of the two countries *no one could entertain hope that the parley would ever successfully be concluded. To continue the conversations longer Japan would suffer by U.S. dilatory policy. In case Japan was forced to war with the U.S., she would be in a precarious position by allowing herself to drift along with procrastination. TOJO felt this was the time to make a decision anticipated in the resolution of September 6th. It was clear that U.S. demanded Japan's unconditional withdrawal of troops. U.S. demanded an instantaneous and entire evacuation. TOJO felt any compromise with the U.S. was inconceivable along the line suggested by the two Ministers.

36302

*TOJO felt if Japan swallowed U.S. demands, giving up the stationing of troops in China, not only would Japan gain nothing by these sacrifices in the course of the China Incident of more than four years standing, but also the Chinese contempt for Japan would increase if Japan withdraw troops from China unconditionally. Relations between Japan and China would grow

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36303 worse coupled with the thorough resistance maintained by the Communists in China. Certainly China Incident II and China Incident III would result, and Japan's loss of prestige would be felt in Manchuria and Korea. Due to U.S. demand for Japan's recognition of four fundamental principles, a compromise with U.S. was impossible. TOJO would reconsider his position if the Foreign Minister believes there is any hope of success* in this connection. The issue of peace versus war could not be entrusted to the Prime Minister alone.

According to TOJO, the Minister of the Navy OIKAWA suggested the Premier be entrusted to say whether there is any hope in the war. However, he said if Japan was to fight now was the opportunity. If we are to go to war, OIKAWA hoped the decision would be now. If they waited two or three months and then go to war, the Navy would be annoyed indeed. If they were to do it diplomatically, OIKAWA urged them to do it diplomatically, right or wrong. As to a compromise and methods to achieve it, OIKAWA wanted to entrust this to the Premier.

36304 There was no agreement so by mutual consent they considered TOJO's proposition. This was that no alterations were to be made about the policy concerning the stationing of troops. *There was to be no impairment to the fruits of the China Incident.

As long as diplomatic proceedings were followed preparations for military operations were to be suspended. The Foreign Minister will investigate whether the above proposition is possible. This agreement was not reduced to writing, but this is corroborated by entry in KIDO's Diary of 12 October 1941 (Exhibit 1147).

Next morning TOJO met the Chief of the General Staff and gave him a resume of the Five Ministers' meeting, and briefly related the items in the mutual consent, indicating that he should suspend operational preparations while diplomatic negotiations were going on. The High Command was perplexed, but his assent was given.

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36305 The 14th of October fell on the day on which a regular Cabinet council was to be held. *Prior to the Cabinet meeting TOJO saw KONOYE at his official residence. At the Cabinet council TOYODA expressed an opinion similar to that which he had disclosed during the talk at "Tekigaiso". TOJO also explained as he had done at that meeting. In this council KONOYE, OIKAWA, and other colleagues, except the Foreign Minister, did not make any remarks at all. A collision ensued between the Foreign Minister and TOJO, and that was all.

36306 *Details after that event are set forth in exhibit No. 1148, "The Circumstances Relative to the Third KONOYE Cabinet Resignation". On page 7 of the English text there is a statement that MUTO of the Military Affairs Bureau called on Chief Secretary TOMITA and reportedly requested that the Navy be asked to make a definite statement. When TOMITA relayed this to OKA of the Naval Affairs Bureau, OKA reportedly stated that the Navy could not say any more than that she would comply with the decision of the Premier, etc. About this matter, TOJO said he had a report from MUTO. Again on page 8 of the English text of the said exhibit, there is a statement that TOJO sent SUZUKI, President of the Planning Board, as his proxy to KONOYE to report that it was better that the decision of September 6th be tentatively reduced to a blank paper state and that Prince HIGASHIKUNI be requested to take the situation into his hand. TOJO said this doubtlessly is a fact. He met SUZUKI on the 14th of October in the official residence of the War Minister, and requested the Director to comply with his wishes.

36307

TOJO stated the causes for the resignation of the Cabinet en bloc were that the steps in the U.S.-Japanese negotiations had not progressed to determine whether or not there was a hope of settling the matters diplomatically. Another cause was that the Navy was uncertain as to war.

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TOJO said then it was obvious that the September 6 decision was not proper. If that decision was impossible to carry out, which TOJO's own opinion, the Government that formulated the policy should assume responsibility and resign en bloc to enable the incoming Cabinet to revise the decision and conduct the U.S.-Japanese negotiations with renewed courage.

36308

On October 17th, TOJO was in his official residence preparing to move as his resignation had been tendered the day before. About half past three, he was informed by the Grand Chamberlain that he should proceed *to the Imperial Palace immediately as His Majesty so wished. This Imperial call was unexpected, and feeling that His Majesty wanted TOJO's views concerning the Cabinet resignation en masse, TOJO carried with him papers in preparation for replies to be offered to the Emperor.

It was past four p.m. when TOJO reached the Palace, and he was at once given audience of His Majesty who gave him the Imperial mandate to form the Cabinet. The Imperial utterances are given in the entry of the KIDO Diary of 17 October 1941. TOJO stated he asked His Majesty for time to consider, and withdrew. While he was sitting in the waiting room, Minister of the Navy OIKAWA, came to the Palace and was given audience by the Emperor and was given an Imperial message "to cooperate with the Army." Soon KIDO came into the same room and told OIKAWA and TOJO of the Imperial message. KIDO, in his Diary entry of 17 October 1941, stated that he imagined we had the Imperial Message of cooperation between the Army and the Navy.

36309

*The Emperor had said that in determining the policies of the state His Majesty desired that careful considerations should be made without adhering to the decision of September 6th. KIDO said he offered this statement to them by order of His Majesty. This was subsequently known as the "Back to Blank Paper or clean slate."

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36310 TOJO did not dream the Imperial Mandate would fall upon his shoulders. TOJO felt no one but Prince HIGASHIKUNI could control the army with success following the resignation of the KONOYE Cabinet. This opinion he expressed to KONOYE and also to KIDO,*and as he felt it was proper to bring his opinion to the knowledge of the Senior Statesmen, he requested SATO, Chief of the Military Affairs Section, to transmit this opinion to ABE and HAYASHI, and he did so. TOJO was advised that SATO transmitted to these men only the message that he had entrusted to SATO and nothing more, and that the two senior statesmen listened to him report this message with no comment. TOJO said that the testimony of TANAKA had no factual foundation whatsoever.

36311 TOJO's reason for advocating a member of the Royal blood to head the Cabinet was that the new Cabinet would be placed in a position to revise the decision of 6 September. Any decision by the outgoing Cabinet might be reversed by the incoming Cabinet. A decision of the Imperial Conference is of a different nature. It is a decision arrived at by the highest formality involving the participation of the Government as well as the High Command. A most perplexing situation might arise if the High Command refused to consent the revision of 6 September decision. In such eventuality a Cabinet headed by one of the Royal blood *could surmount that difficulty. TOJO thought it improper that he should be entrusted with the Premiership to succeed KONOYE, or even ordered to remain as War Minister, and he never dreamed such an event would occur. He felt this strongly since he had been the one to advocate the resignation of the Third KONOYE Cabinet, and also because he was one of the Ministers who formulated the decision of 6 September. If it had not been for the "clean slate" message from the Emperor, TOJO might have declined to accept the Imperial Mandate to form the new Cabinet.

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36312 As for the "clean slate" message, he was firmly resolved that it must be accomplished without fail. Another thing was to set up a system of internal politics that would respond both to peace or to war. *TOJO concluded that the post of War Minister as well as Home Minister had to be assumed by himself, and requested KIDO to address the Throne in that respect. TOJO felt there would be internal confusion if peace were decided upon instead of war. To meet such a state of affairs he felt he should make himself responsible as Home Minister. To assume the post of War Minister, one had to be on the active list of the Army, so, on the confidential representation to the Throne by His Highness Prince KANIN, TOJO was placed once again on the active list and appointed a full General.

36313 The formation of a new ministry was hard so TOJO sought the Divine Will at Meiji Shrine and the TOGO Shrine. While so engaged, an idea for forming the ministry came to him. To complete the formation of a cabinet he must go to the last extremity. *No delay was permissible. As to the selection of personnel, he determined that it should be made on merits of each man. Those well trained in several administrative capacities should be assigned suitable posts. Persons of sound administrative experience with force of character would be selected so that they might execute the decisions of Cabinet fearlessly. No attention would be paid to political and Zaibatsu although they should not be shunned by reason of what they stood for.

36314 *In the evening of October 17 TOJO set to work on the formation of the ministry. In choosing the personnel, no consultation was made with anybody else, and he made the selections single handed. Because he needed an assistant, it was necessary for him first to choose the Chief Secretary of the Cabinet. He rang up HOSHINO at half-past eight that evening and asked him to comply with my wishes. HOSHINO having been one of his colleagues in the Second KONOYE Cabinet, TOJO considered him the ideal man for the post both in point of

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36315 previous career and personal ability. HOSHINO came to see him, accepting the offer at once. The following persons agreed to act over the telephone: HASHIDA (candidate for Education Minister), IWAMURA (candidate for Justice Minister), INO (candidate for Agricultural Minister), KOIZUMI (candidate for Public Welfare Minister), SUZUKI (candidate for Director of the Planning Board), and KISHI (candidate for Minister of Commerce and Industry). KAYA, TOGO, TERAJIMA, and *YUZAWA consented after consulting with TOJO. TOGO and KAYA wanted to know if foreign policy was to be conducted strenuously along diplomatic lines. TOJO made plain the policy of a "CLEAN SLATE" and answered that Japan would do its utmost to put through U.S.-Japanese negotiations. Although YUZAWA was to be Vice-Minister, TOJO needed a person of ministerial calibre as he was going to assume the post of Home Minister.

Next morning (October 18th) TOJO received an exact report from DIKAWA, the Navy Minister, that SHIMADA inquired whether problems regarding U.S. were to be solved by diplomacy or not, and expressed a desire that a drastic change in the affairs at home be avoided. TOJO replied by enlarging upon "back to blank paper" policy, and TOJO assured him that drastic changes at home would of course not be resorted to. After hearing TOJO's words, SHIMADA consented to assume the post of Navy Minister.

36316

On October 18th *TOJO and His Majesty paid personal homage to the YASUKUNI Shrine. At one p.m. he tendered to His Majesty a list of personnel for the succeeding ministry, and the investiture of the new ministers took place before the Throne at four p.m.

After the formation of the Cabinet, the Government and the Supreme Command immediately deliberated high state policy on the basis of policy of clean slate. From 23 October to 2 November Liaison Conferences were held frequently, and foreign affairs, national strength, and military matters excepting purely strategic problems were studied from all angles. As the result of U.S.

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36317 demands of 2 October 1941, a proposed outline of negotiations *with U.S. was decided upon. This was the decision of the Imperial Conference of 5 November, and the contents, to the best of TOJO's recollection, are almost identical with the latter part of Exhibit No. 779.

Following this, three plans were finally drawn up. The first plan was to continue Japan-U.S. negotiations on the basis of the outline newly adopted for negotiations with America. Even if the negotiations ended, the Government was to continue its policy of patience and caution. The second plan called for the termination of negotiations and an immediate decision on war.

36318 The third plan was to continue negotiations with U.S. on the outline but a determination to go to war would be made in the event of the failure of negotiations, and operational preparations would be commenced accordingly. Diplomatic solution was to be had by the early part of December. If the negotiations *succeeded, all operation preparations were to be rescinded. In case the negotiations ended in failure, a decision to go to war was to be made forthwith. This decision on war was to be taken up at that time as an independent issue.

With regard to the first plan, it was impossible to accept in toto the U.S. proposal of 2 October. TOJO said it was probable that there would be no solution through diplomatic negotiations unless there was a change in U.S. attitude. There was no assurance that there would not be a rupture in the negotiations. If there were a rupture, the question of entering a war with U.S., Britain, and the NEI was one for reflection.

36319 TOJO said one reason was Japan had been engaged in the China Incident for over four years and there yet no settlement. From the standpoint of Japan's national strength and the sacrifices of her people *Japan must avoid war with United States and Britain on

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top of the China Incident. The fullest efforts of the nation must be exerted to solve the China Incident. TOJO stated that another reason Japan should not immediately go to war was the maintenance of military production in view of the continuance of the China Incident. The most important problem of all was the procurement of liquid fuel. For this reason, the problem of synthetic gasoline was undertaken with the object of producing the absolute minimum requirements.

36320

TOJO said that of all the vital materials the one most affected as the result of the embargo by U.S., Britain, and the Netherlands was liquid fuel, and should matters progress as at present the Navy and the Air Force would come to a standstill within two years. A most serious study was being made on synthetic petroleum and completing installations. The annual minimum requirements was set at four million kilotons. It would require from four to seven years of the concentrated productive capacity of the synthetic industry alone, even by halting the military production for the Army and Navy. During this period it would be necessary to draw on the reserve stock even though it was impractical to operate on a reserve over so long a period. National defense would then face a serious danger.

36321

*To halt the major part of military production was something that the Army and the Navy would not countenance, TOJO stated. TOJO said that to adopt a policy of patience under such impediments would mean the self-annihilation of the nation. It were better to face death by breaking through the encircling ring. To burden the people with war against U.S. and Britain over and above the China Incident was something the Government could not easily urge, but it was thought that in the interests of Japan and her national honor the people would be willing to undergo further hardships.

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36322

TOJO said the second plan, to go to war immediately was reasoned upon the basis that it was obviously impossible to accept the U.S. proposal of 2 October, and that there was no hope of surmounting the crisis and normalizing the relations between the two countries. To continue the negotiations would play into the hands of the U.S. policy of procrastination, and *in time the disparity of armaments between U.S. and Japan would further increase, and the reserve stock of oil would be lessened with no hope of replenishment. If there was no hope through diplomatic means then emphasis must be placed strategic measures. From a strategic viewpoint, November was the most suitable period from a meteorological aspect as well as for operations. In December, landing difficulties would increase but it was still possible to carry out operations. After that it would be necessary to wait a year. There was the danger of an exhaustion of liquid fuel and, during the following year, the strength of the U.S. Navy would be vastly augmented. This was the view of the Supreme Command.

36323

TOJO said the opposition contended it was not proper to admit that there was no possibility of finding a solution through diplomatic means. It was felt that so long as there was a slight hope *of diplomatic solution those measures should be resorted to up to the very limit. It was recognized that there would be strategic handicaps but preparations for strategic needs could be advanced while continuing diplomatic negotiations. In fact, by so doing there might be reconsideration by U.S.

TOJO said the reasons for the third plan to fight and to continue with operational preparations in anticipation of the failure of negotiations while continuing negotiations were the same reasons given in opposition to the adoption of the above first and second plans.

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36324 *TOJO stated the Liaison Conference adopted the third plan. TOGO and KAYA reserved their approval of the third plan until the next morning, when they communicated their consent.

36325 The affiant said the third plan was the outline for a future policy formulated at the Liaison Conference which approved by Imperial Conference on 5 November 1941. TOJO participated as Prime Minister as well as War Minister. This policy was called "Essentials for Executing our National Policies of the Empire" *decided on 5 November. According to TOJO, the text was lost but he recalled the policy was that Japan with determination to resort to arms against the
*decided on 5 November. According to TOJO, the text was lost but he recalled the policy was that Japan with determination to resort to arms against the U.S.

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36328

The above decision was submitted by TOJO and C/S of Army and Navy General Staffs to the Throne informally on November 2nd 1941. TOJO could see that His Majesty was suffering from a painful sense of distress arising from his peace-loving faith. When His Majesty had listened to the report he was thoughtful and then with an air of concern asked if there were no way left but to determine to wage war against U.S. and Britain in case U.S.-Japan talks failed. The Emperor said if the state of affairs were as stated, there was no alternative but to proceed in preparation for operations, but he hoped that Japan would adopt every possible means to negotiate.

36329

TOJO remembers that they were awe-stricken by his words. In compliance with the wish of His Majesty, they continued further discussion of the matter on November 5th at the Imperial Conference. TOJO decided to hold a joint conference of the Army and Navy Councillors prior to the Imperial Conference of November 5th so that further deliberations on the problem might be made in addition to the discussions at the Liaison Conference, Cabinet Meeting and the Imperial Conference. He hastened to obtain His Majesty's approval and arranged to have conference on November 4th. The conference of the Military Councillors was held for the first time since the establishment of the Military Councillor system in 1903. On November 4, 1941, this meeting was held. His Majesty asked whether it was advisable for the Navy and Army High Command to draw up an operational plan in case negotiations failed pursuant to the agenda of the Imperial Conference to be held on 5 November. TOJO attended the Conference as one of the Councillors in his capacity as War Minister. Although the details are beyond his memory, he was able to give a summary.

36330

TOJO related that NAGANO first of all explained naval operations. NAGANO pointed out that if matters continued the resiliency of national strength would be lost. The Navy concurred in bending all efforts toward diplomacy. Since Japan might be placed in a position where there was no alternative

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but to commence hostilities, the High Command desired to make operational plans to meet such a contingency on the theory that by so doing they could expedite diplomatic negotiations.

As to the prospect of war with the U.S., Britain and Holland, NAGANO stated that there was a good chance in the initial operation and if the commencement of war be in *early December, on the basis of respective actual fighting strength in the Pacific. If the initial operation was properly carried out, NAGANO said Japan would possess the strategic points in the Southwestern Pacific and would be in a position to fight a prolonged war. The war with the U.S. and Britain is destined to become a protracted one requiring firm resolution and thorough preparedness. As to the forecast in case the war was a protracted one, NAGANO said it was difficult to predict, because much depended upon the total potentials of respective nations and how the world situation developed. TOJO said in NAGANO's explanation, no mention was made of the Pearl Harbor attack.

36331

According to affiant, SUGIYAMA, Chief of the Army General Staff, discussed matters relating to the army command. He stated armaments in the Southern region were strengthened day by day. Army forces were increased three to eight times over the *number prior to the opening of the War in Europe, aggregating more than two hundred thousand men and six hundred planes. It could progressively increase with added speed. In case of war between Japan and U.S. and Britain, reinforcements would be dispatched to the battle zone by the allies from India, Australia and New Zealand at a strength estimated at 800,000 men and 600 planes.

36332

TOJO said SUGIYAMA stated the basic strength of the Japanese Army to be 51 divisions. In addition to the China affair Japan had to allot a substantial strength for precaution against the Soviet Union, which could be estimated at not more than 11 divisions. In opening hostilities no delay could be permitted considering the rapid increase of the U.S. and British military strength and also meteorological conditions. The date desired was early December. The success of army oper-

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36333 ations depended on naval operations. The Army High Command believes in the success of operations if only the naval plans of the campaign progress in due order.

TOJO stated SUGIYAMA explained that they must prepare for a protracted war and use every strategy and tactic to demoralize the enemy after the first stage in the southern regions has been concluded. He said they could frustrate the enemies plan by holding military and air bases to the last in conjunction with the maintenance of the sea transportation route. Defensive measures against the U.S.S.P. and strategy in the China Affair should continue

36334 *TOJO continued SUGIYAMA's explanation that the possibility of the Soviet taking an offensive attitude was slim except for utilizing propagandistic activities of the communists in Manchuria and China. He said the U.S. might eventually force the U.S.S.R. to grant certain territory as air or submarine bases in an offensive strateg. against Japan. They should, therefore, concentrate attention on the Soviet. When the hostilities in the South become protracted or in case the internal situation of the Soviets improves there was a possibility of the Far Eastern Red Army turning to the offensive. Japan should put an end to the Southern hostilities as early as possible and should prepare for any eventuality in the North.

TOJO said after this explanation some questions were propounded by the Councillors, to which the Chiefs of both staffs and TOJO gave answers. These questions concerned operations, although TOJO did not recollect them in detail. He recalled the answers were based on the results of the Liaison Conferences from 23 October to 2 November.

36335 *TOJO related that at the Conference a report to the effect that the Supreme War Council deemed it proper that the Army and Navy High Command expedite operational preparations to meet the worst possible contingencies was unanimously adopted. TOJO wanted Exhibit 1158 corrected where it conflicted with his affidavit in the November 5th Conference.

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36336

*TOJO stated the same program was discussed at November 5 Imperial Conference. He stated the object of holding Imperial Conference was to ensure co-ordination between the Government and the High Command. Under the Japanese system, the Government and the High Command were two separate entities. The Prime Minister usually presided by Imperial permission. Decisions made at the Conference, on administration, were further submitted to the Cabinet meeting for final decision, while those pertaining to the Supreme Command were referred to the High Command Headquarters.

The Government and the High Command requested the Emperor's sanction separately for their several proceedings. Constitutionally, the responsibility rested separately with the party concerned, the Cabinet was responsible for decisions in matters of administration. The High Command was responsible for matters relating to Supreme Command.

36337

*The Directors of the Military and Naval Affairs Bureaus and the Chief Cabinet Secretary were present at the Conference, but they were not responsible members. The Liaison Conference and the Imperial Conference were a necessary adjunct for the Government and the High Command but were not conferences to further the purposes of a conspiracy, as the prosecution contended.

At the Imperial Conference of 5 November, TOJO, with the Emperor's permission, presided at the meeting and explained the circumstances which necessitated the convening of that Conference. The Foreign Minister explained problems centering around the Japanese-American negotiations, the Finance Minister gave an account of the financial situation attendant upon the war, while the President of the Cabinet Planning Board discussed national resources in relation to war, and the Chiefs of the Army General Staff and the Navy General Staff spoke on their respective plans. President HARA of the

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36338 Privy Council's questions were answered *by those members of the Government or the High Command directly concerned. TOJO had no recollection of those questions and answers. The third plan formulated at the previous Liaison Conference, and the foreign policy cited therein to be followed in the American negotiations were approved.

36339 From reports from abroad the military and economic pressure by the United States, Britain, the Netherlands and China was intensified, and those powers were strengthening their cooperative relations. Mr. Grady, special East Asia economic envoy of President Roosevelt, in late 1941 flew to Batavia in early September to have a talk with Van Mook, the Minister of the Dutch East Indies, and then on to Calcutta via Singapore in mid-September. Early the next month he *flew to Rangoon, then to Chungking, Hongkong, and back to Manila. In mid-October he returned to the United States.

36340 Mr. Duff-Cooper, of England, in September proceeded via Batavia to Singapore where he met British Ambassador Carr on September 21st. On September 29 when the British Far East Conference was held in Singapore, Mr. Duff-Cooper met Brook-Poohan, Layton, Crosby, Carr, Page, and Thomas, the Governor-General of Malaya. Early October he flew from Singapore to India, stopping at Bangkok, where he had an interview with Pibul, and thence on to Rangoon and Calcutta. About the end of August 1947, Roosevelt announced the intended dispatch to Chungking of a military mission headed by Brigadier-General Magruder. The party went to Hongkong for a conference there, and then proceeded to Chungking. They were reported to have made the statement that the object of their visit to China was to help the Chungking regime to carry on the hostilities against Japan. They intended to make a round of visits in China with headquarters in Chungking so they could speedily fulfil their mission. *At Rangoon they would improve the transport efficiency of arms and other war supplies by the Burma Road.

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TOJO stated that in October 1941, the American and British military heads met at Manila. According to reports, technical views were exchanged at the meeting regarding various Pacific problems, followed by a series of discussions on the necessary strategical policies to be adopted in that connection. The conferees were General Pohan, the Commander of the British East Asia Army, Brigadier-General Magruder, the Representative of the U.S. Chiang Aid Military Mission, General McArthur, the Commander-in-Chief of the U.S. East Asia Army, and others. The issues discussed were the British-U.S. joint aid to Chiang Kai-shek via the Burma Road, the plan for joint operations of the Chung-King's Southwest China Army and the British reinforcements in Burma, and a consolidation of U.S.-British joint operations in the Pacific, especially in Air Force operations.

36341

At the end of September Japan was informed that British East Asia Fleet Commander Layton said the Singapore Naval base would be offered to the U.S. Navy. *In October, Niemeyer arrived in Manila from Singapore, while the Commander of the British Far Eastern Forces, Sir Brooks-Pohan, left Singapore for Australia. Around the end of October, Australian Premier Curtin announced the successful completion of negotiations between the United States, Britain, the NEI, New Zealand and Australia with regard to a joint Pacific front. From all these reports, TOJO said it was patent that the military and economic links connecting the United States, Britain, the Netherlands and China against Japan were growing closer and only a tiny spark was needed to set off a giant conflagration.

36342

*TOJO said news continued to reach Japan that the United States, Britain and Australia were steadily enlarging their land, sea and air forces. The U.S. Navy Department announced that since January 1940 it had drawn contracts to build 2,831 ships at a total sum of \$7,234,000,000, and that 968 of them were already under actual construction. Late in October 1941, Knox reported that 346 fighting ships were in commission, 345 fighting ships were under construction or under contract for construction, 323 auxiliary ships were in

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commission, 209 auxiliary ships were under construction or under contract for construction. 4,535 navy planes were on hand and 5,535 planes were under construction. Early in November Roosevelt requested an appropriation of \$449,720,000 for the building of new planes. Late in October the Secretary of War, Stimson, announced an increase in the number of Air Academy cadets and conscripts to 400,000, which was about three times present size.

6343 The Australian Prime Minister Curtin announced that *450,000 men had been enlisted since the beginning of the European War. In the Philippines, the Chief of the General Staff of the Philippine Army announced the discharge of active service men had been suspended. It was reported also in October that Major General Brian, new commander of the Philippine Air Force, had left Washington for Manila. In the middle of September 1941, Roosevelt requested a supplementary budget of \$5,985,000,000 in accordance with the National Defense Promotion Law. He presented a supplementary budget bill requiring \$150,198,000 for national defense purposes. From all this, TOJO it was apparent the U.S. was planning an enormous rearmament program for her Army, Navy and Air Forces.

144 Prior to these Liaison Conferences and Councils and the Imperial Conferences, the speeches and actions of U.S. leaders had become more provoking. Toward the end of September 1941 it was reported that Hull had said that the Government was thinking of revising the Neutrality Act, and that Secretary of the Navy Knox on launching the battleship Massachusetts, referred to the Neutrality *Law as "out of date." It was also reported that Knox stated in late October that a clash with Japan was unavoidable so long as Japan held to her present policy.

TOJO said steps were taken against Japan: First, the Indian Government repealed the right to import cotton and rayon textiles that were to be shipped from Japan after September 12th. Second, on 29 October 1941 the Indian Government prohibited all imports from Japan and Manchuria. He said the pressure of the Allied

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Powers economically and militarily against Japan became more flagrant. Because of this, he contended the Liaison Conferences and the Imperial Conference were constrained to make the decisions referred to.

36345

According to the decision of the Imperial Conference of November 5th, the Liaison Conference of 12 November decided on its foreign policy (Ex. 1169). *The Supreme Army Command appointed TERAUCHI on 6 November as Supreme Commander of the Southern Army, and decided the organization in the southern area. Orders to prepare for the attack on the key points in the same area were issued and on the 15th of the same month the general strategic outline against the U.S. and Britain was decided. This was only a preparatory action. As War Minister, TOJO knew of this procedure, but the other members of the Cabinet were entirely ignorant of this action by the Supreme Army Command. TOJO did not know what the Supreme Navy Command did during this period. Ex. 3662 was received in evidence.

36346

*Ex. 3662 stated the plans for peacetime operations for 1940 and 1941, plans of operations by the Imperial Headquarters about the middle of November 1941, and operations orders given to the Commander-general of the Southern Army on November 6, 1941.

36347

TOJO said in his Cabinet, the Foreign Ministry handled negotiations with the U.S. so his personal knowledge is confined to the general outlines. As soon as his Cabinet was formed, *NOMURA was advised that the negotiations should be started afresh. The gist of the telegram was conveyed to Welles by Minister WAKASUGI on the 24th of the same month.

The Japanese Government had prepared the plans, A and B, for negotiations with the U.S. under the direction of the Foreign Ministry and according to the general outline decided in the Imperial Conference of 5 November 1941.

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36348 TOJO stated that due to increasing difficulties and to gain a prompt solution, Ambassador KURUSU was sent to assist NOMURA in the negotiations, which NOMURA had requested. KURUSU arrived at Washington on the 15th of November. In this procedure, TOJO said there was no design to camouflage Japan's intention to start war. There was merely a plan to bring the negotiations to a successful conclusion, as was testified by witness *YAMAMOTO. TOJO told TOJO before KURUSU left for the U.S. he had explained to KURUSU the contents of the definite plan which the Liaison Conference had prepared and intended to present for discussion at the coming Imperial Conference. TOJO advised NOMURA that the situation required a rapid solution and the Japanese wanted this same effect conveyed to the American Government. TOJO said this is supported by the documents produced during the testimony of the witness YAMAMOTO. (Ex. 2928, 2957).

36349 TOJO stated negotiations with the U.S. were commenced with the A Plan, but the B plan was simultaneously sent to NOMURA. The points at issue were still questions of the Tripartite Alliance, indiscriminate international trade, and the stationing of troops in China. The Japanese Government presented the B Plan to expedite the negotiations within the limits of the most urgent and *immediate terms. TOJO said this was also shown in YAMAMOTO's testimony.

36350 On 17 November 1941, as Premier, TOJO explained to the 77th Diet the administrative policies of the Government. Ex. 3663, TOJO's speech to Diet was received in evidence. TOJO continued, stating that after six months of negotiations the sole remaining question was whether any effort should be made to maintain peace in the Pacific by means of reciprocal concessions. Japan realized the necessity of explaining to the world the limit of the terms that could be borne by *her. The Japanese Government expected that third powers would not disturb Japan in her disposition of the China Incident, that military and economic interference with Japan by foreign powers would be eliminated, that the European War would not spread to East Asia.

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TOJO's speech was followed by that of TOGO, who elucidated two points in the negotiations. The first point was that there should be no prolongation of time in negotiating with the U.S. The second point was that they should reject any matter injurious to Japan as a major power. The speeches made by TOJO and TOGO were broadcast. TOJO was advised that the full text of these two speeches appeared in the U.S. press. It was assumed that the U.S. authorities were well acquainted with them.

36351 *Both Houses passed unanimously on November 18th resolutions for assisting and encouraging the Government. In the House of Representatives, SHIMADA, a Diet member made a speech explaining the resolution, which was considered to be a reflection of public opinion at that time.

Defense Exhibit No. 3664, SHIMADA's speech, was received in evidence. Defense Exhibit No. 3665-A, excerpt from proceedings of House of Peers, was also admitted in evidence.

36352 *In negotiations on Plan B, the U.S. continued its policy of negation, and despite all efforts of NOMURA and KURUSU, the U.S. adamantly adhered to its plan of June 21st. Report came to TOJO that the U.S. had communicated with England, Holland and China to establish a closer contact with those Governments, which did not afford TOJO much optimism for the future.

36353 TOJO said prior to this, in America, England, Australia and Holland, the political situation had become more tense, armaments had been expanded, and their leaders had been markedly provocative in their attitude towards Japan. These facts were calculated to excite the Japanese, TOJO said, and they effected the aforementioned resolutions in both Houses. Premier Churchill of England declared on 10 November 1941 that should the U.S. fight with Japan the British will follow within the hour. (Exhibit 2956, exhibit 1173). Two days later, King George proclaimed at the opening of Parliament that the British Government was concerned with the situation in East Asia.

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36354

Roosevelt stated on Armistice Day that the U.S. would fight to preserve liberty throughout the world. Secretary of Navy Knox said on the same day that the time had come to become resolute against Japan. TOJO pointed out that these leaders of America and England had taken an extremely offensive and provocative trend prior to the *77th Session of the Diet. Roosevelt declared on November 14th that the withdrawal of marines from China had been decided upon. Iraq severed her diplomatic relations with Japan on November 16. About the middle of November, TOJO said it was reported the Canadian Army for the defense of Hong Kong had arrived Hong Kong. The U.S. announced on November 24, its decision to dispatch army forces to Netherlands Guinea. This dispatch of U.S. forces to Holland territory disturbed Japan. On November 21st, reinforcements to the British Far Eastern Army was announced by the Navy Minister.

36355

Early in November, the U.S. Navy announced that naval construction for the two ocean fleets carried out between January and October of that year was: Capital ships, 2 commissioned, 2 launched; Destroyers, 13 commissioned, 15 launched. On 25 November U.S. Army authorities in the Philippines announced that by the end of December mines would be laid at the entrance of Manila. The British authorities at the Straits Settlements declared that mines would be laid at the eastern entrance of Singapore Harbor. Toward the end of November, Knox proclaimed that the naval recruiting was at the rate of 11,000 a month. One hundred U.S. residents in Tientsin were evacuated about the end of November. These joint undertakings by U.S. and Britain impressed Japan with the close imminence of a war.

TOJO said on November 26, 1941, the U.S. replied to NOMURA and KURUSU that after carefully studying Japan's proposal of November 20th, the U.S. dissented from the proposal and submitted a note as a basis for further negotiations. This the "Hull Note" of November 26. Its contents were as set forth in Exhibit 1245-I.

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36356 The said "Note" adhered to the former assertions on the part of U.S. and TOJO said made unreasonable demands, which were unacceptable to Japan that Japan make unconditional withdrawal of the Japanese army and navy from French Indo-China *as well as from China, that Japan deny the Manchukuo Government and the Nationalist Government at Nanking, and that they make the Tripartite Alliance a dead letter.

Prior to the receipt of "Note", a Liaison Conference was held on 22 November 1941 for a discussion of U.S.-Japanese negotiations. Viewed from existing conditions, the members of the Conference were discouraged but the Government did not abandon hope, but made an exploratory study as to Japan's attitude in case U.S. should reject Japan's proposals; and as to what the next step should be when the U.S. made some concession to the request for oil.

36357 In the first event there would be no alternative but to act in accordance with the decision of the Imperial Conference on 5 November. In the second eventuality Japan should propose some concrete demands. TOJO remembered it was decided to request a total amount of *six million tons of oil from the U.S. and the Netherlands. Defense Ex. 3666 to the effect that the plan-B, concerning the amount of gasoline decided necessary to be imported from U.S.A. and the Dutch Indies formulated at the Liaison Conference of November 22, 1941, was destroyed by fire at the time of the termination of the war, was then admitted in evidence.

36358 TOJO stated that on 27 November the Government and the Supreme Command held a Liaison Conference at the Imperial Palace. The Hull note had not yet arrived. *TOGO explained the difficulties of the U.S.-Japanese negotiations. The gist of the U.S. proposition was reported by Military Attache in Washington. This consisted of the harsh demands heretofore outlined. A similar message was sent by the Naval Attache. On the same day, 27 November, a Liaison Conference was again

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held to discuss the items in the information received. They were all dumfounded at the severity of the U.S. proposition.

TOJO remembered they concluded the U.S. note of 26 November was an ultimatum to Japan, and that Japan could not accept the conditions TOJO said the U.S. knew full well that they were unacceptable to Japan. The memorandum was made with the joint understanding of other countries concerned.

36359 Taking notice of the measures taken by the U.S. towards Japan and U.S. attitude, the U.S. seemed to have *already decided upon war against Japan. They felt Japan might be attacked by the U.S. at any moment, and she should guard fully against it.

The Liaison Conference decided that since there was no hope in negotiating, Japan should act in accordance with the decisions made at the Imperial Conference on 5 November. But the final decision was to be made at the Imperial Conference, and the next Imperial Conference was scheduled to be held on 1 December with all members of the cabinet. TOJO stated they allowed substantial time between the Liaison Conference and Imperial Conference because they knew His Majesty wanted to hear the senior statesmen's opinions on this matter. That was why they did not convene an Imperial Conference immediately.

36360 A cabinet meeting was held on 28 November at 10 o'clock in the morning. TOJO recalled that TOGO made a detailed report concerning the negotiations. They discussed the decision of preceding Liaison Conference, to which all the cabinet members agreed. However, they did not decide on *war. This was deferred until the Imperial Conference to be held on December 1st.

Just prior to the Cabinet meeting TOGO reported to TOJO the telegram of 26 November from NOMURA and KURUSU concerning their suggestions on the Imperial message (exhibit 2249) and TOGO also told him that he had already communicated this to SHIMADA.

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They concluded that the measure suggested would not solve the current impasse, and since the Hull note had already been handed to them the method set forth in telegram was out of the question. TOJO said the NOMURA telegram must have been dispatched before they had received Hull's note. In accordance with decision instructions were forwarded to NOMURA in Washington.

TOJO stated that there were some fact which came to his knowledge after the war's termination. For instance, that the U.S. authorities had deciphered Japan's secret code and knew our decision before it had been presented to them; that the U.S. State Department had knowledge that Japan's proposition of 20 November would *be the final one.

36361

That prior to the Hull note the U.S. had formulated a draft of a modus vivendi based on Roosevelt's idea, which left room for negotiations and would gain time for the U.S. Navy's replenishment of armaments, but which was abandoned owing to opposition from British and Chinese, and consequently the Hull note was adopted and the U.S. knew that this note would never be accepted by Japan; that the U.S. knew that Japan was regarding Hull's note of 26 November as an ultimatum; that by the end of November 1941, the U.S. and Britain, had decided to enter war with Japan and that the U.S. was determined Japan should commit the first overt act.

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36364 * On 29 November 1941 the Senior Statesmen convened at the Imperial Palace to hear the Government's intention relative to opening hostilities against the U.S., Britain and the Netherlands, and to report their opinions in that regard.* His Majesty yearned to assume a discreet attitude toward a decision for war. Those who attended were ex-Premiers KONOYE, HIRANUMA, HAYASHI, HIROTA, ABE, YONAI, WAKATSUKI, OKADA and HARA, the President of the Privy Council. This type of meeting was no more than a confabulation of the above named senior statesmen. No one presided at the meeting, and they did not pass any decision.

36365 Even though these men were called "senior statesmen," TOJO said they substantially differed from those elder statesmen or "Genro" at the period of the Russo-Japanese War. Elder statesmen, or "Genros," were named as veteran statesmen of the nation by Imperial rescript and they shouldered responsibilities in the gravest national problems. These senior statesmen were not those officially nominated as such. They had occupied the post of premiership in the past.

36366 * At that discussion between the Government and the Senior Statesmen, the Government was represented by TOJO as Premier and War Minister, Navy Minister SHIMADA, Foreign Minister TOGO, Finance Minister KAYA, and the President of the Planning Board, SUZUKI. No one attended from the Supreme Command. TOJO explained why Japan was placed in a position where resort to arms against the U.S. and Great Britain could not be avoided. TOGO expounded on the situation of the U.S.-Japanese negotiations. Some questions were asked concerning U.S.-Japanese negotiations and Japan's war potentials, etc., which the Government answered and explained, the details of which TOJO did not recall. OKADA's statement that TOJO refused to explain on the grounds of a "State Secret" is not founded on fact, TOJO asserted. The only matters not exposed concerned pure strategy.

36367 After luncheon the Emperor asked the Senior Statesmen their opinions concerning a possible war against the U.S. * and Great Britain. In addition to the Senior Statesmen, the Ministers of the Cabinet who had been present in the morning and KIDO attended. The opinions of the attendants are recorded in KIDO's diary. The opinions consist of the following four points: first, if the negotiations were broken off, Japan should refrain from war and make plans for the future; second, that there was no alternative but to rely on the Government's decision to resort to war after deliberate investigations; third, if the war were protracted there would be much anxiety as to Japan's supply of materials and the trend of public opinion as well. TOJO said no one gave his definite opinion as to the measures Japan should take on this point; fourth, if this war were for self-existence, they must wage war even in the fact of eventual defeat. However, if they resorted to war for East Asiatic policy, this was considered highly dangerous.

36368 TOJO explained the Government's intentions on each point. As to the first, he stated that the * Government had concluded that if they adopted the course notwithstanding the failure of the negotiations, Japan's national defense would be jeopardized and her ex-

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istence as a nation would be threatened. TOJO explained why the Government had not adopted the first plan; and he said there was no need for an explanation on the second point. With regard to the third, he explained that Japan desired an early decisive battle, but in warfare the war will not develop as expected, so they must be prepared for a prolonged war. They had made inquiries about a prolonged war in the Liaison Conferences, and the two problems were whether Japan's supply would hold out in a protracted war, and whether there would be any rupture in the fighting morale of the Japanese people, and how the war could be terminated.

36369 * With regard to Japan's supply, this, TOJO said, depended upon the initial stage of the fighting. The High Command seemed confident of success at the outset of the hostilities. TOJO said they did not mention matters of pure strategy including the projected attack on Hawaii. If they could attain the success of which the High Command was so confident, they could handle the problem of supply by securing the strategic points and thus acquiring important war materials, especially oil. For this purpose both the Army and the Government would exert their utmost efforts. The question of sustaining transportation would be chiefly the Navy's problem. The Government would take every possible precaution as to the people's morale in view of four years of war against China and the increasing propaganda and strategy of the enemies. They felt they could depend on the loyalty of the people who had never yet failed their country.

36370 As to how the war could be terminated, they had investigated a plan to negotiate peace at a proper time through the mediation of the Soviet or Vatican. They were * not confident they had a definite plan, so members were asked to suggest a plan, if there was one. To succeed in the initial engagement they should secure the strategic points as rapidly as possible so they could establish a plan for a prolonged war. They would execute an active operation and at the same time develop every national potential. Secondly, they would politically and strategically compel Chungking and Britain to fall out and thus reduce the U.S. will to fight. TOJO explained that they would proceed on the basis of this policy, adding there were no means at present to bring the war to an end; that it must be decided later according to the circumstances.

After the above meeting, a Liaison Conference was held in the Palace, where the subject of opening hostilities against the U.S., Britain and the Netherlands was discussed and adopted.

36371 * On 30 November, TOJO was summoned by the Emperor. He immediately proceeded to the Palace and was granted an audience accordingly. The Emperor told TOJO that Prince TAKAMATSU, the Imperial brother, told His Majesty that the Navy's hands were full and it desired to avoid war. TOJO answered that it was the desire of the Government and the High Command to avoid war. Since the Liaison Conference, after deliberation, decided the course to take, as reported to the Throne TOJO said there was no alternative but resort to war of self-defense. The High Command

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was fully convinced of victory. TOJO said that if His Majesty should entertain any doubt he should summon the Chief of the Navy General Staff and the Navy Minister, and let them explain. KIDO notified TOJO by telephone later that the Emperor allowed the Imperial Conference to be held on 1 December as slated.

36372 * TOJO stated the deadlock in the negotiations compelled them to resort to war. The Imperial Conference on 1 December was convoked for that purpose. This Conference was attended by the ones who attended the Liaison Conference and all Cabinet Ministers. TOJO presided over the proceedings, and that day's agenda stated that since the negotiations with the U.S. ended in failure, Japan would open war against the U.S., Britain and the Netherlands. At the outset TOJO said he made the statements as shown in Exhibit 2954 and then discussion ensued.

36373 TOGO reported on * negotiations. NAGANO, Chief of the Naval General Staff, representing the Chiefs of both Staffs of Imperial Headquarters, explained the situation from the military point of view. As TOJO recalled, NAGANO's main points were: first, the U.S., Britain and Holland were increasing their armed strength. The Chungking forces were redoubling their fighting power with the aid of U.S. and Britain. Japan could see that the U.S. and Britain had already decided to fight; second, the Japanese Army and Navy had been preparing for and were ready to go into operations as soon as the Imperial command was issued; third, through diplomacy they hoped to avoid trouble with Soviet; and fourth, the Army and Navy were in high spirits, burning with the desire to serve the nation and the Emperor, and willing to give their lives if necessary.

36374 * As Home Minister, TOJO explained the current public sentiment, the supervision of interior affairs, the protective means adopted for the protection of aliens and diplomatic officials. KAYA spoke on economic and financial strength, and the Minister of Agriculture and Forestry on the question of food supplies in case of prolonged warfare. In answer to inquiries from HARA, the President of the Privy Council,

36375 the Government and the High Command made these main points: * As to the prospect of a naval victory in the face of a progressive increase in U.S. armament, the Chief of the Naval General Staff answered that it was true that the U.S. had a big armament plan, however, he pointed out that 40% of its naval strength lay in the Atlantic, which would not speedily be transferred to Pacific waters. An increase in the British fleet in the Far East was to be expected and was already actually taking place. Judging from the European war situation, the British could not move any major fleet to the Far East. The U.S. and Britain power had the defect of being an allied and combined force. If they challenged Japan, they were ready to meet them with a hopeful prospect of success. As to how Japan would manage if the war became protracted, his answer was that it was impossible to calculate on the outcome of the war if protracted, as much depended on the total potentials of the belligerents, and the fluctuating world situation. TOJO said even then NAGANO did not betray a word on the operational plan including an attack on Hawaii.

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36376 * As to the second question regarding the move of Siam and Japan's attitude toward her, TOJO answered that Siam was moving in a very delicate manner strategically as well as diplomatically as the British Government had a latent influence upon her. Therefore, the Government and the High Command should adopt proper measures toward Siam in pursuit of strategic operations against the U.S. and Britain. In view of the recently increased intimate relations between that country and Japan, they were confident they could pass through its territories in the event of action against the U.S. and Britain.

36377 As to the third question regarding air attacks on the Homeland of Japan, the Chief of the Army General Staff answered that the initial success would decide the issue not only at the beginning of war but also in its later course. If Japan won the initial battles there was little possibility of the homeland being mass-raided. They could not say there would be none at all. The U.S. might request the U.S.S.R. for the use of bases, so they had to be very cautious. In such a case the homeland would require better protection. The military authorities were already prepared to take emergency measures for air defense. They would not have adequate defense power for the homeland because the fighting forces at the front would require increased anti-air raid equipment. This would be improved in the course of the war.

36378 HARA opined that war was unavoidable, that there was no doubt about initial success. If there were protracted warfare, the government should conquer the restlessness of the people as early as possible. HARA stated there might be a danger of collapse if the wa. were drawn out. * TOJO answered they should be very careful regarding what HARA said as to general war measures. They would also try to bring the war to the earliest conclusion. The government and the high command were proceeding with war plans under a mutual understanding that they would relinquish war plans provided the U.S. acceded to Japan's representations before the blow was struck.

36379 In prolonged warfare they would guard the people against restlessness and maintain law and order by preventing disquieting influences within and disturbing artifices without. TOJO said they realized their responsibility was great at that critical moment. In other words, TOJO said they were prepared. If His Majesty decided on war they would strengthen the resolution to serve His Majesty's cause and cement the cooperation between the government and the high command in carrying out the plans and measures, thus maintaining a national unity towards ultimate victory to accomplish the purposes of war. The proposal was adopted. * TOJO said the Emperor uttered not a word during this conference.

TOJO said the cabinet, prior to the conference, on the same day decided that the government had no objection to the proposal. All the cabinet ministers attended this Imperial Conference, and they regarded the decision of the conference to be taken as the decision of the Cabinet. The high command took the necessary course of action under its responsibility.

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TOJO said the entire responsibility rests upon the responsible persons in the cabinet and in the supreme command, and not with the Emperor.

36380 In issuing a mandate for the formation of a new cabinet the Emperor acted * upon the recommendation of the Elder Statesmen and upon the advice of KIDO who was responsible for constant advice to the Throne. There was no precedent where an Emperor issued a mandate according to his own opinions to any person to formulate a new cabinet. As for the appointment of the Chiefs of Staff of the Army, the three chiefs (War Minister, Chief of the General Staff and Inspector General of Military Education) would have a joint consultation, and their nominee is submitted for Imperial sanction by the War Minister, who assists the Emperor in that respect. This same procedure was followed by the Navy. TOJO could not recall any instance where the Emperor made an appointment at variance with the recommendations. *This long established procedure was used during the Meiji, Taisho and Showa eras.

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TOJO explained all affairs of state were conducted on the advice of cabinet and the supreme command, and the Emperor never took personal action on administration or high command without advice. This system was provided by the former Constitution of Japan, and the Emperor refrained from placing a vote upon any final decision made by the cabinet and the supreme command.

The Emperor's suggestions were issued on the recommendation of KIDO who assumed the responsibility for advice to His Majesty. Even as to these suggestions of the Emperor, the political counsellors of the cabinet or the military advisors of the supreme command advised the Emperor after a careful study on their own responsibility.

36382 * All their conclusive recommendations and suggestions were sanctioned without fail by His Majesty. TOJO recalled no instance where the Emperor refused to accept the persuasion of political counsellors and military advisors.

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36383 * TOJO, in summing up, said the Emperor had no choice. He could not reject the recommendations and advice of the Cabinet and High Command. His wishes were scrutinized by the Cabinet or the Supreme Command, and suggestions after this examination had to be approved by the Emperor and never rejected. TOJO said therefore the responsibility was solely that of the Cabinet and Supreme Command as to political, diplomatic and military affairs of the nation. Accordingly, the December 1 decision for war is the responsibility of the Cabinet Ministers and members of the High Command, and not that of the Emperor.

36384 * Up to the actual outbreak of war, two items were studied; the preparations for carrying out the commencement of hostilities and the execution of state affairs connected with these preparations. The staff officers of both the army and the navy were responsible for preparations for hostilities, as the government did not have any responsibility in such matters. There were some matters within the field of military administration that TOJO assumed the responsibility for as War Minister. As for matters concerning naval administration, TOJO did not participate as War Minister or as Premier. TOJO called attention to Regulations of the Army General Staff (Exhibit 78) and Regulations of the Naval General Staff (Exhibit 79) which clearly indicate that both the General Staffs are responsible for matters concerning the Supreme Command of the Army and Navy.

36385 * The doctrine of the independence of the Supreme Command is peculiar in the Japanese system. No administrative office can interfere in the execution of operations and tactics, or, administrative officers have no voice in matters concerning Supreme Command. Accordingly, an administrative department of the government cannot assume responsibility for policies of that nature. Of all the Cabinet Ministers, only the War and the Navy Minister are different from those of other Ministers in that these two ministers were participants in the council of war. Both the War and Navy Ministers participated in administrative matters which related to operations including personnel affairs. However, the War and Navy Ministers did not participate in the operational plans, nor in the implementation of such plans. Both War and Navy Ministers were informed of operational plans only after they had been reported and assented to by the Emperor. The testimony of the witness ISHIHARA as to this is correct.

36386 * TOJO wished to clarify exhibit 1979-A, with reference to answers attributed to him in answer to the prosecution's interrogation of 14 March 1946, as these answers did not convey his meaning exactly. The Imperial Headquarters consists of members of the Army and Navy General Staffs, and partly by members of the Army and Navy Ministries concurrently (other than the Ministers of War and Navy). They are divided into Army and Navy Departments of Imperial Headquarters and are under the control of the respective chiefs of the Army and Navy General Staffs. The Ministers of War and Navy are not included in Imperial

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36387 Headquarters as regular members, as stated in Exhibit 1970-A. However, War and Navy Ministers can attend the Imperial Headquarters Conference as participants, so that military and naval matters connected with High Command may be handled with dispatch. During his tenure of office as War Minister, * TOJC said there was not a single occasion when he had to attend such a conference. A War Minister cannot participate in the decision of affairs purely in the nature of High Command. Such matters are communicated to the War Ministry after a final decision in Imperial Headquarters.

36388 Defense exhibit 3667 stated that the two documents entitled "The Organization of the Imperial Ho" and "The Imperial Ho Service Populations" were burned at termination of war. * TOJC continued, stating that an Imperial Headquarters Conference had not been held during the entire period that he was War Minister. The meetings which *TOJC mentioned in the above exhibit were not Imperial Headquarters Conferences in the proper sense.

36389 From December 1, 1941, to the outbreak of the war, liaison conferences were held to decide matters outside the sphere of pure Supreme Command, but connected with both the High Command and military administration, as, first, the note to the U. S. and the time of its delivery; second, the decision on the guiding principles for the conduct of the war; third, the decision on administration of occupied areas; * fourth, the measures in relation to foreign countries following the outbreak of war; fifth, the drafting of the Imperial Rescript for the declaration of war.

36390 The affiant stated that on 8 December 1941 NOMURA handed the U. S. notice of Japan's determination to sever diplomatic relations with the U. S. and its intention to open hostilities. TOJC said the Foreign Ministry was responsible for all the diplomatic steps concerning this notification. According to TOJC's recollection, TOGC presented the draft of the notice at the December 4 Liaison Conference. This proposal was approved unanimously. TOJC remembered that it was agreed * first, that diplomatic steps concerning the last note were to be left to TOGC; second, that notice was to be in form a notification of war based on international law, and Japan was to reserve freedom of action after notice to U. S. Third, the notice must be delivered to the U. S. before the attack. The notice was to be handed by NOMURA to the responsible U. S. official. The notice to the American Ambassador in Japan was to be delivered after the attack. TOJC stated the Emperor had frequently instructed him and the two chiefs of the general staffs to deliver the notice before attacking, and all members of the Liaison Conference were aware of his wishes. Fourth, the time of delivery of the notice was decided after consultation between TOGC * and the two chiefs of the General Staff.

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The strategic plan for attacking Pearl Harbor and other places, and troop movements, especially the time of launching attacks, was made top secret by Imperial Headquarters. All Cabinet members except War and Navy Ministers knew nothing of Pearl Harbor plans. As War Minister, TOJO was informed secretly by the Chief of the Army General Staff, but the other Cabinet members didn't know of it. In his interrogations in evidence, TOJO stated that TCGO and SUZUKI had knowledge concerning the time of attacking Pearl Harbor, but TOJO says this was a misrecollection on his part, and he asked to correct his testimony.

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TOJO remembered that at the Cabinet meeting of 5 December 1941, TCGO explained the gist of the Japanese final note to the U. S. and all the Cabinet members agreed. On 6 December the Japanese Government * wired instructions to NOMURA that a note was to be sent to U. S. that further instructions as to the time of delivering this note to the U. S. would be sent, and NOMURA was instructed to make all preparations to present the note to the U. S. on its receipt. Thereupon the text of the note was wired to NOMURA.

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TOJO recounted that on 7 December the instructions to NOMURA were to hand the note in person to the U. S., preferably to the Secretary of State, at 1.00 p. m. Washington time 7 December. The Japanese Government had every intention that it should be delivered before the attack on Pearl Harbor, and acted in accordance with this intention. TOJO believed that delivery was made in conformance with TOJO's instructions. TOJO said it was natural to place full faith in diplomatic officials, and the Japanese Government regretted learning subsequently that the actual delivery of the note was delayed. As to the contents and the delivery of the final note, the Cabinet and the Liaison Conference relied upon the Foreign Ministry to act in the light of international law.

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TOJO said the actual date escaped his memory, but an agreement was reached in the Liaison Conference pertaining to the principles in conducting coming war. It was agreed that after outbreak of war against the U. S., Britain and the Netherlands, efforts will be made to bring about the fall of Britain and the Chungking regime. It was planned that key points * in the Philippines, British Malaya, NEI and Southern Burma would be occupied. A foundation for self-sufficiency would be established by occupation of those regions. Preparations were to be perfected to meet the situation to the North. The Supreme Command estimated five months as the time for these preparations. The military operations were to be conducted in conformity with conditions, particularly with the results of naval warfare.

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36395 * TOJO said it was agreed that the declaration would be limited to U. S. and Britain at first. No declaration of war was to be made against the Netherlands. With the outbreak of the war, the Netherlands will be regarded as quasi-hostile, and appropriate measures will be taken towards her on this status.

It was agreed to continue the policies pursued to date in settlement of the China Incident. Hong Kong would be attacked at the outbreak of the war. The British concession at Tientsin, the International Settlement at Shanghai, and other rights of hostile countries in China would be dealt with. The neutrality pact with the Soviet would be respected and the policy of maintaining tranquility in the North would be adhered to. Soviet-American cooperation would be carefully watched.

36396 It was agreed to request passage for Japanese troops through Thai territory prior to the advent of Japanese troops on Thai borders. * TOJO said it was also agreed that Japan would not request Manchukuo and the Nanking Government to participate in the war. It was agreed to conclude a treaty of a no-separate peace with Germany and Italy. Such an offer was made to Germany and Italy on 29 November 1941, at the time the negotiations with the U. S. ended. No notice was made to them as to the date for opening hostilities. After the outbreak of the war on 11 December 1941, this treaty was concluded. TOJO said this shows that there was no close cooperation between Japan and Germany and Italy prior to the outbreak of war, and Japan's decision to go to war was made without regard to the attitude of Germany and Italy. It was agreed to keep secret the time for opening hostilities.

36397 Preparations for hostilities along the decision of 1 December would terminate if U. S.-Japanese negotiations result in an understanding prior to 8 December. TOJO explained that since the Pearl Harbor attack * was solely in charge of the Navy Division of the Imperial General Headquarters, he had no connection with it. On 1 December the Army Division of Imperial General Headquarters issued orders for preparations for opening hostilities to the C-in-C of the Southern Area Army, the C-in-C of the Expeditionary Forces in China and the Commander of Forces in the Southern Seas. It was directed that if U. S.-Japanese negotiations reached an understanding, these preparations would be called off. Since these matters concerned the Supreme Command and were outside TOJO's jurisdiction he could testify as to them.

36398 Defense exhibit 3668, stating the written orders regarding preparations for war, issued by the Army Department of Imperial Hq. on December 1, 1941 to the commanders of the Southern Area Army, of the Expeditionary Forces in China, and of the South Seas Detachment, could not be found, was admitted in evidence and read.

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36399 They decided on the administration of future occupied areas in the South at the Liaison Conference on 20 November 1941. These principles were communicated to the respective commanders simultaneously with the order for commencement of preparations for hostilities. TCJC said the plan for administration of occupied regions followed certain basic * policies in accordance with military operations. Occupied territories were to be placed under military administration and supervised by operational forces. Such military administration would be abolished as soon as possible and self-government was to be granted promptly in so far as local political conditions warrant. These self-governing regions have to cooperate in the establishment of the Greater East Asia Co-prosperity Sphere and, depending on local conditions, will assist in prosecuting the war.

36400 TCJC stated the outline of administration in occupied regions was, as shown in exhibit 877, which provided for peace and order within the occupied areas, the speedy acquisition of critical natural resources needed for national defense, and local self-sufficiency of forces engaged in military operations.* In the execution of the above principles, they were required to use existing governmental agencies, respect existing organizations and racial traits, customs and habits, and to recognize freedom of religion. They were also required to get local foreigners to cooperate with military administration; and those who refused to cooperate would be requested to withdraw. They were to bring about a severance of relations of local Chinese with Chungking. Japanese nationals advancing to the south were to be carefully selected.

36401 TCJC said he would next discuss measures taken against foreign countries. The Netherlands declared war against Japan on 10 December 1941. On 12 January 1942, Japan proclaimed a state of war between Japan and the Netherlands. * The Imperial Conference of 5 November 1941 decided in case of war against the U. S., Britain and the Netherlands, close military relations should be established between Japan and Thailand. TCJC said the Liaison Conference of 23 November 1941 decided that Japan should request Thailand to permit her to send troops over Thai territory. Measures were to be taken to avoid any conflict between Japan and Thai forces. In case British forces invaded Thailand before the Japanese, Japan would inform the Ambassador in Thailand of that fact, and would cross into Thai territory after an understanding was reached. The measures decided on 1 December 1941 were dispatched to the forces at the spot to enable them to carry them out prior to crossing the troops.

36402 * The Japanese Government relied heavily on Thailand and was confident that passage of troops would be permitted. Japan refrained from presenting the request prematurely because it might be disclosed to the British. The Japanese Ambassador to Thailand commenced negotiations with the Thai Government for passage just prior to the advent of Japanese forces. It was not until around noon of 8 December that the agreement was signed. The Japanese army forces had already received intelligence to the effect that the British forces had entered the southern part of

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- 36403 Thai territory. A skirmish between Japanese and Thailand forces was taken care of on 8 December by the Thai Government. The crossing of the Thai border by British forces was confirmed by Col. Wild and TOJO. * said he received intelligence on that matter at the time. TOJO remembered that KIMURA stated in TOJO's name at the 78th Diet session on 15 December that the British Empire had long been pressuring Thailand to participate in the Anti-Japanese front. Britain under cover of darkness at midnight of 7 December had broken through the Malaya border and invaded the southern part of Thailand. Japanese army forces with the support of the Navy completed landing operations at strategic points of the Malaya Peninsula at dawn of the 8th.
- 36404 * Defense exhibit 3669-A, KIMURA's speech to the Diet, an excerpt from proceedings of the House of Representatives, was received in evidence.
- 36405 TOJO continued, stating Japan promulgated the Imperial Rescript on the declaration of war on 8 December 1941. The Rescript was addressed to the people of Japan, and TOJO said it was not * a communication of commencement of hostilities as contemplated under international law. It was decided at the Liaison Conference of 29 November, if he remembered correctly, to start drafting the Imperial Rescript on a declaration of war. The final draft was decided at the Cabinet Council on 5 December and at the Liaison Conference on 6 December, and submitted to the Throne on 7 December 1941. TOJO made two or three interim reports to the Throne prior to its final form. They amended the two points in the Imperial Rescript in obedience to His Majesty's wishes as to the responsibility of the Cabinet.
- 36406 The reading "It has been truly unavoidable and far from our wishes that our Empire has now been brought to cross swords with America and Britain" was amended and added in accordance with the Emperor's wishes. The second amendment was * also made by the Emperor's efforts, which changed a phrase in the concluding paragraph which read, "raising and enhancing thereby the glory of the Imperial Way" to read "preserving thereby the glory of our Empire".
- The promulgation of the Imperial Rescript on the declaration of war was submitted to the Privy Councillors for discussion. TOJO remembered it was past 11 a. m. on 8 December 1941 that the Rescript was announced, after Privy Council and Imperial sanction. TOJO said that as stated in exhibit 1241 he explained before the Investigation Committee of the Privy Council that after war was decided upon 1 December the negotiations with U. S. were continued only for strategic considerations, and that Japan would not declare war against Holland in view of strategic convenience.

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* TOJC said his statements before the Privy Council did not correctly convey what he actually said on that occasion. What he actually said was that the decision to go to war was made on 1 December. After that date although preparations for hostilities were foremost, they continued to hope for a diplomatic settlement through U. S. reconsideration. If this hope materialized they contemplated suspension of all military operations. They did not anticipate attacking the Netherlands at the outset so it was deemed unnecessary to declare war against her, and Holland was not included in the Imperial Rescript.

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Japan, following the strategic plans of the Imperial Headquarters, undertook * to break through enemy encirclement at four points, Hawaii, the Philippines, Hongkong and Malaya on December 8, 1941. The operations were pointed at military targets. This operation was arranged in the strictest secrecy by the Supreme Command. As Minister of War, TOJC had been notified of its general outline through the Chief of the Army General Staff. No cabinet colleague other than TOJC and the Minister of Navy were acquainted with the operation. TOJC believed that if the Japanese-American negotiations succeeded he could immediately notify the Supreme Command, and the Supreme Command would immediately suspend action. TOJC felt confident that the Supreme Command would call off operations despite its thorough-going plans and its confidence as to the outcome. TOJC was anxious for fear that the plan might collapse because of an enemy attack. His apprehension was based upon the knowledge that America and Britain had already determined to wage war against Japan. The order of the Supreme Command dated 1 Dec. 1941, * provided that in case of enemy attack hostilities should be entered into. It was probable the enemy might open the attack. TOJC said they did not know that the U. S. was attempting to force Japan to make the first overt act.

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At 4.30 a.m. 8 December 1941, TOJC received news from the Navy of the successful attack on Pearl Harbor. He was enthusiastic and grateful for this miraculous success. Imperial Headquarters announced at 6 a. m. that they had entered into a state of war with U. S. and Britain. On the same day the Cabinet had an extraordinary session, and complete plans for military operations were explained by the Army and the Navy Ministers. In the meantime they had received reports on the successful operations in the Malay area.

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* TOJC said the time of the delivery of the note was decided by the Foreign Ministry and Supreme Command. TOJC said the wilful delay of the note to secure the success of the attack was inconceivable. He said that since the U. S. had full knowledge of the attack prior to its launching and had completed the necessary measures to cope with the situation, any delay in delivery of the note would not have had any particular effect.

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36411 About 1 a.m. on 8 December 1941, TCGO called on TOJC at the Prime Minister's residence and told him Grew informed him that Roosevelt had sent a personal message to the Emperor and handed him a copy of the document. TCGO also informed TOJC that he would deliver the message to the Emperor. He asked * TCGO if the message contained any concessions by the U. S. and the reply was there were none. TOJC stated that although he had no objection to reporting the matter to the Emperor, he was afraid that the planes of their task force would be taking off from the carriers. TCGO left, and TOJC believed he immediately reported to the Throne.

This was the first time TOJC knew of Roosevelt's message. He said it was absolutely untrue, as alleged by the prosecution, that he had previous knowledge that the President's message would be forthcoming. It was not true that the Government contrived to delay the delivery of such message. In Japan, TOJC said no one would commit lese-majeste and wilfully delay a message from the head of a nation addressed to the Emperor.

36412 * TOJC explained that the responsibility for controlling and directing subordinates in the military was divided into two categories. The first category covers matters within the chain of command of the Supreme Command, strategy, security, transport, and treatment of POWs during the period of transportation to POW camps established by the Minister of War. All these matters fall within the jurisdictional responsibility of the Supreme Command, and final responsibility rests with the General Staff chief. The occurrences which took place on the Malay and Bataan Peninsulas, and the affairs which occurred on transport vessels took place prior to * the internment of POWs in the camps established by the War Minister, and therefore the responsibility is with the Supreme Command.

36413 The second category covers matters which occur within the authority of the War Minister. The treatment of POWs after internment at detention camps established by the War Minister, or treatment of civilian internees interned in the war zones, except for China, are in this classification. The treatment of prisoners employed in the construction of the Burma-Siamese Railway fell within the jurisdiction of the War Minister. TOJC said he assumed administrative responsibility as War Minister for the period beginning with the Pacific War up to 22 July 1944. Regarding affairs in the first category, TOJC said he took administrative responsibility as the Chief of the General Staff from February to July 1944. He also assumed responsibility for any matters concerning foreign affairs such as protests from enemy countries, or through the international Red Cross, during the period of * September 1942, when he was also the Minister of Foreign Affairs. He also assumed administrative responsibility in his capacity as Minister of Home Affairs for any treatment of civilian internees in Japan from December 8, 1941, to February 17, 1942.

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As Prime Minister and War Minister, TCJO said he was politically responsible for the POW punishment law. He had nothing whatever to say as to his legal or criminal responsibility, other than to state frankly that at no time during his entire career did he ever contemplate the commission of a criminal act. He gave orders in accordance with the POW Treatment Regulations and POW Service Regulations prohibiting maltreatment and imposition of forced labor, and he ordered that they
36415 * should be treated with humanity according to the principles of international law and the regulations. In January 1941 he issued the Field Service Instructions, in which directions were given to all army officers, soldiers and civilian employees of the army as to their behavior at the front.

TCJO said the Geneva Protocol was not ratified by Japan. He said the Japanese conception regarding POWs differs from that of Europeans and Americans; the differences in living conditions, customs and manners between Japanese and other nationals, together with the enormous number of prisoners and the acute shortage of materials and supplies, made it
36416 impossible for Japan to apply the Geneva Protocol verbatim. * He explained that the statement that the Japanese conception regarding POWs differs from that of Europeans and Americans meant that the Japanese have deemed it most degrading to be taken prisoner, and all combatants had been instructed to choose death rather than be captured. Ratification of the Geneva Protocol would lead public opinion to believe that the authorities encouraged them to be captured as prisoners, and there was fear that such ratification would conflict with the tradition concerning POWs. When the Foreign Office inquired regarding the Geneva Protocol, the War Ministry replied that it had no objection to the application of the Protocol with necessary reservations concerning POWs. In January 1942, ACC announced through the Ministries of Switzerland and Argentina that Japan would apply the Protocol with modification. The Japanese Government meant that it would apply the Geneva Protocol with changes to conform to the domestic law and regulations and existing conditions.
36417 * This was stated clearly in the Japanese note of April 22, 1944, in reply to the protest of the U. S.

Defense exhibit 3670, the Japanese reply to the U. S. protest, was admitted in evidence.

TCJO said the disciplinary law for POWs was amended in March
36418 1943 because the Law for POWs was first enacted * at the time of the Russo-Japanese War, and conditions prevailing then were different from those in the present; for instance, there was the differences in race and nationality and number of POWs involved, and the entire situation was more complicated. TCJO said the new law adjusted articles relating to the crime of violence or insubordination against POW supervisors, the crime of escape in mass conspiracy, and the breach of parole. The new law adopted new penalties for misconduct, such as prisoners' mass meetings, assault and intimidation, and the formation of bands for the purpose of killing, wounding, intimidating, insulting or insubordination

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against POW supervisors. TOJC said these reforms were drafted with the conviction that they were not in conflict with the Geneva Protocol.

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* Penalties for violations of wartime laws and regulations during an air raid were provided for in the Vice-War Minister's communication issued by order of the War Minister. TOJC said when the Doolittle fliers invaded the Tokyo area, atrocities were committed by these fliers in violation of international law and regulations. TOJC said these same atrocities instigated against a civilian population constituted war crimes according to established International Law. There was a demand for action to prevent such atrocities in the future. TOJC said, however, it was considered important to prevent rigorous treatment of plane crews by troops on the spot. TOJC said the conclusion was that all these cases go to trial and be disposed of after due deliberation as to whether there were violations of international law and regulations. This communication of the Vice-Minister was issued in July 1942. Based upon

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this and similar * communications, "Military Regulations for the Punishment of Enemy Flyers" was enacted in August 1942, in the name of the Commander of the Japanese Forces in China. This law was a compilation of the principles of the law and regulations then existing in international practice.

TOJC said a trial was held pursuant to the sforesaid court-martial law at a court established in Shanghai, and all eight Doolittle flyers were sentenced to death. The court reported its findings to Imperial Headquarters, and the Chief of the Army Staff recommended to TOJC that the sentences should be carried out as pronounced. Knowing the Emperor's concern, TOJC, after an informal report to the Throne, took measures to have the death penalty of five of the prisoners commuted.

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* TOJC said the object for the construction of the Thailand-Burma Railway was to expedite supplies to the Japanese forces in Burma and facilitate commerce and communications between the two countries. On account of enemy submarines, it was important to open a land route to that area, and this railway was surveyed and constructed by order of the General Staff. TOJC agreed to the proposed undertaking. With respect to labor on the railway, he agreed to the employment of POWs, which were placed under his jurisdiction. TOJC said there were no military operations in that area so the construction work on the railway could not be construed as military operations prohibited to POWs by the Hague and Geneva treaties. He also stated the district was not an uncommonly unhealthy one. Japanese soldiers were treated equally with

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* men of other nationalities, and TOJC said they never thought that this type of employment would ever be challenged as prohibitive under international standards.

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36422 * The Army Staff Chief directed the construction work of the railway, but TCJC held the administrative responsibility as supervising authority over the POWs. In May 1943, on report of deficiencies in sanitary conditions and treatment of POWs, TCJC dispatched HAMADA, Chief of the POW Section and a number of expert surgeons. A company commander who dealt unfairly with the prisoners was tried by Court Martial. TCJC also relieved from duty the commanding general, railway construction, as testified to by WAKAMATSU, Tadichi.

36423 TCJC stated that TANAKA's statement that the "Summary of the Disposal of the POWs" * had the effect of compelling compulsory labor by the prisoners was grossly erroneous. TCJC said the Summary did not order nor suggest compulsory labor. The statement of the witness is his own interpretation. TOJC pointed out that according to "The Regulations on the Work of the POWs", officer POWs may voluntarily choose to labor. This Summary was not decided upon in the Bureau Directors' Council, TOJC said. It was drafted by Chief of the Prisoners Control Section and adopted by TOJC. This Summary, as well as the instructions TOJC gave commanders of camps, did not order compulsory or severe labor.

36424 TCJC said the prosecution had the wrong interpretation of the word "gunji" as used in Laws. * (On page 31 of the English text is the following: "Prisoners of War who are white persons shall be imprisoned in Chosen, Taiwan, Manchuria and China successively to be employed in the expansion of our production and on work connected with military affairs". TOJC said the word "gunji" means "military affairs", or anything connected with war effort. The industry making clothing for soldiers and civilians was considered "gunji". So was the coal industry, the cement industry and the rice-polishing industry. Any industry that was necessary for the war effort was "military affairs".

36425 TCJC stated several of his replies to the prosecution interrogations concerning POWs were presented in evidence. TCJC wished to correct the record wherein he made erroneous statements due to the inaccuracy of memory. There is a paragraph in exhibit 1983-A to the effect that the rules concerning POWs were the result of conferences between the Chief of the MAB and the General Staff. The rules were drafted by various * bureaus and departments according to the subject matter, so TCJC said they were not drafted exclusively by the Chief of the MAB, as he stated before.

In exhibit 1984-B in answer to a question as to whether heads of various prison camps made a monthly report to the MAB with respect to the prisoners under their care in connection with food, health, labor, etc., TCJC replied in the affirmative. As regards the death of prisoners due to malnutrition and other causes, TCJC replied that the Commanders in the field were responsible. In case they could not fulfill their

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36426 responsibilities they were to request the War Ministry. TCJO had answered that these requests came to the Chief of the MAB and that after consultation between the latter and the commanders in the field, the War Ministry would send food or take other action. TCJO said the rations of prisoners were in charge of the Accountant's Bureau, and he was wrong to say they were * in charge of the MAB. The monthly report on POWs was presented to the War Minister and the Chief of the POW Information Bureau and not to the MAB.

36427 TCJO said the Greater East Asia Policy was expressed in different terms according to the particular period in history referred to. "The New Order in East Asia", "The New Order in Greater East Asia", etc., were used. The ultimate object of the policy was to establish the stability of the Far East. * TCJO actually participated in formulating and promoting this policy, so he was well qualified to explain their true intentions, since all ministries were concerned subsequent to the 2nd KONOYE Cabinet of July 1940.

36428 Japan's Greater East Asia policy was formed to effect economic cooperation among neighboring countries, which was one of the major results of the First World War, when the entire world was organized into economic zones or blocs. TCJO said the China Incident broke out because of the spread of Communism in Asia and the anti-Japanese policy of China. Japan's basic policy was the establishment of peace and stability in East Asia through friendly relations with China by anti-communistic and economic cooperation. One fundamental of her East Asia policy was the settlement of the China Incident. However, TCJO said despite Japan's valiant efforts, the relationship between Japan and China deteriorated because of U. S., British and Soviet assistance to the Chiang regime. Japan * did her best, but U. S. and Britain adopted a policy of strangulation against Japan, forcing her to strive for economic cooperation with FIC, Thailand and NEI, and she had to work alone to reestablish stability in East Asia.

36429 TCJO said Japan appealed to the powers for assistance. U. S., Britain and the Netherlands increased their pressure directed against Japan to such an extent that it became impossible to solve the problems through diplomatic negotiations. Japan was forced to exercise its sovereign right of self-preservation, and resort to arms in order to break through the barrier encircling her. The decision to resort to arms was necessary for self-defense. Japan's war aims included the materialization of its East Asia policy and steps were taken to establish a sphere of common prosperity in East Asia. * The means for realizing the policy were the emancipation of the Asiatic peoples in bondage and the establishment of a family of independent nations in East Asia.

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- 36430 * TOJO said the Great East Asia Policy aimed at the liberation of East Asia from the status of colonies under the control of western powers, so that they might enjoy freedom with other racial states. He said the movement was similar to that in Latin America a century ago when they fought to free themselves from European domination. East Asia groaned under the oppression of western powers. TOJO referred to the statement of Wan Waiyaken, Thailand's delegate to the Greater East Asia Conference at Tokyo on 6 November 1943, that over a hundred years ago Britain and the U. S. extended their power to Greater East Asia by taking territories as colonies and as fields of exploitation for raw materials for manufactured * goods, and for markets for their manufactured goods. Nations in Greater East Asia lost sovereignty, or were subject to extra-territoriality and unequal treaties, having no reciprocity in accordance with international law. Asia had become a mere geographical name. At the conference, Wang Ching-wei quoted an address made by Sun Yat Sen, father of the Chinese revolution, that Japan and China were brothers, that Japan got rid of restraints of treaties and eventually became an advanced state in the East as well as one of the world's powers. China is going to abrogate the discriminatory treaties concluded by her. Sun Yat Sen wished he could get every assistance from Japan, for China's emancipation is the emancipation of Asia.
- 36431
- 36432 * Defense exhibit 3671-A, an excerpt from pamphlet entitled "Address delivered before the Assembly of Greater East Asiatic Nations," was received in evidence.
- 36433 TOJO next explained why his Cabinet made the Greater East Asia policy an objective of the war. * Successive Japanese Governments felt this discontent in the Orient would constitute an eternal root of unrest in that part of the world unless there was a peaceful understanding among the nations concerned. Japan had proposed racial equality to the Covenant of the League at the Peace Conference in January 1917.
- 36434 Defense exhibit 3672, Proposal to League to Abolish Racial Discrimination, was received in evidence. TOJO said the proposal was shelved by the Powers. The Washington Conference in 1922 strengthened * the colonial or semi-colonial status of East Asia by the Nine-Power Treaty, and this ran counter to the Asiatics' desire for the emancipation of East Asia. In 1924 a U. S. law with an anti-Japanese immigration clause became effective. As early as 1901, the Australian Government prohibited the immigration of colored people. Thus, the aspirations of the Asiatics were denied. The Asiatics were irritated over these developments, and the Japanese Government noticed this trend of affairs. Out of anxiety the successive Japanese cabinets advocated the Greater East Asia policy, and TOJO's Cabinet made it one of the aims of the war.

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36435 * TOJO said Japan believed that each and every nation in the world should be placed in its proper place, and that it would enjoy happiness and prosperity by cooperating with every other nation. The countries closely related in the East Asia region should form a co-existence and a co-prosperity sphere among themselves by consolidating their national foundations and at the same time have pleasant relationships with countries in other areas.

36436 TOJO stated the aims of the Greater East Asia policy at the Greater East Asia Conference on November 5, 1942. They set the five goals in the establishment of Greater East Asia. First, the countries comprising Greater East Asia should * set up co-existence and co-prosperity based upon justice. The order of co-existence and co-prosperity of Greater East Asia was to be based on a moral and spiritual foundation of Eastern tradition and therefore different from the old order, which sacrificed other races and other countries; second, TOJC said they thought that the countries in Greater East Asia should establish respect for the other's sovereignty and independence, for there exists no friendly relation where there is exploitation of others. TOJO believed that friendly relations could only exist where the sovereignty * of others was respected, and where all people were able to prosper and to let others prosper in return. TOJC said the third characteristic was that the countries of Greater East Asia should respect another's national traditions and develop creative faculties of each race, and enhance the culture of Greater East Asia. TOJC said that there had been a superior culture in Greater East Asia marked by sublimity and profoundness. They thought if they spread this culture all over the world it would contribute to the welfare of mankind. They believed that the nations in Greater East Asia would respect one another's glorious traditions, promote the creative powers of their own races and thereby elevate the culture of Greater East Asia.

36438 TOJC said the fourth characteristic was that the nations in Greater East Asia were to accelerate economic development through close cooperation * and promote prosperity of their own region. TOJO said it was their belief that though Asia had been exploited by the Powers, Greater East Asia would in future be autonomous and independent economically and build up its own prosperity by mutual reliance and assistance. TOJC said the final characteristic was the countries of Greater East Asia would cultivate friendships with the world powers and work to abolish discrimination, the promotion of cultural intercourse and the opening of resources throughout the world, and thereby contribute to the progress of mankind. The new order in Greater East Asia was not to be exclusive, but cooperative in that it would contribute towards world progress. TOJO said they were convinced that suppression and discrimination of other peoples and * the exclusive possession of lands and resources as a threat to others while advocating freedom and justice was detrimental to world development.

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TOJC said they never imagined that the Greater East Asia policy would be construed as planning for conquest, the domination of the world, or of aggression. He said the establishment of East Asia had always been the cherished dream of Japan. In concluding the Sino-Japanese Basic Treaty, in the announcement of the Japan-Manchuria-China Joint Declaration, in reaching a solution of the China Incident and settling amicable relations with FIC and Thailand, Japan tried to achieve the above goal by peaceful means. This was made known to the world in * The Greater East Asia Joint Declaration of 6 November 1943, which was approved by the respective nations attending the Greater East Asia Conference.

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TOJC made every effort to realize the Greater East Asia Policy while prosecuting the war; consequently, various measures were undertaken. There was established the Greater East Asiatic Deliberative Council in March 1942 as an advisory organ to the Prime Minister in matters concerning Greater East Asia Policy. Defense exhibit no. 3673, Imperial Ordinance establishing Greater East Asia Construction Commission, was received in evidence. * The Ministry of Greater East Asiatic Affairs was established in November 1942 to supervise business with Greater East Asia Policy.

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In accordance with the new policy, Japan intended to replace the unequal treaty which formerly existed between Japan and China with a new treaty based on equality. TOJC said Japan intended to effect concrete measures in response to the desire of the people of the Asiatic countries. Japan would follow the proposal of the Greater East Asiatic Conference to promote understanding among the respective peoples and to gain mutual cooperation by mutual agreement.

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TOJC said the Greater East Asia Deliberative Council was established in February 1942 as an advisory organ to the Prime Minister. The Council was established to reflect the ideas of well-informed circles in Japan upon the concrete measures to be adopted in the establishment of Greater East Asia. A similar proposition had been proposed in the Diet for the establishment of an investigating organ.

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Defense exhibit No. 3674, proceedings at the Diet Session, was received in evidence. TOJC said this proposal gave birth to an Advisory Committee. The members of this organ were experts in politics, diplomacy, * finance, economy, industry and culture. In response to governmental demands the committee made studies, proposed views, presented plans, and discussed ways and means of contributing to the construction of Greater East Asia.

TOJC said the only organization to implement the East Asiatic Policy was the Great East Asia Deliberative Council; the government was not in the least concerned with private research or an investigating organ in regard to the construction of a Greater East Asia. TOJC said the government had nothing to do with the National Institute for Research

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36445 Institute, as suggested by the prosecution. The Total War Research Institute had the training of students and investigating total warfare as its * aims, and had nothing to do with governmental policy.

The Ministry for Greater East Asiatic Affairs was established November 2, 1942. External affairs with regard to the Greater East Asia Policy were placed under this ministry while the Foreign Ministry handled purely diplomatic affairs as the conclusion of treaties. The Foreign Ministry could devote itself to pressing foreign policies toward allied countries, neutrals as well as belligerent powers, outside the Greater East Asiatic area, and could contribute more toward the prosecution of war and also bringing the war to an end. TOJC said they formed this policy believing relations between independent states within Greater East Asia were like a great family necessitating harmonious relations, a mutual understanding and sincere cooperation.

36446 * TOJC said there was a difference from other nations which based their diplomatic activity on self-interest. The Greater East Asiatic Affairs Ministry had jurisdiction as to negotiations concerning economy, culture and commerce, the administration of the Kwantung Bureau and the South Sea Bureau, and business to assist military administration in occupied areas. Proceedings in the Privy Council at the time when the ordinance establishing said Ministry was submitted are set forth in exhibit No. 687, TOJC said.

36447 * The new China Policy was formulated on 21 December 1941 in line with the Greater East Asia Policy. The Cabinet adopted measures to repeal the unequal treaty between China and Japan. The execution was completed on 30 October 1943. TOJC stated the Sino-Japanese Agreement redeeming every concession in Chinese territory and abolishing extra-territoriality was concluded and became effective January 9, 1943. On 8 February 1943, Japan transferred control of enemy property held in China to the Nanking Government. On 30 October 1943, Japan and China concluded the Sino-Japanese Alliance, whereby Japan renounced rights of occupation in the Basic Agreement concluded on 30 November 1940, and promised complete evacuation of the Japanese troops. The last of the
 36448 * discriminating treaty between China and Japan was removed.

In the new alliance the two nations promised to respect the territorial integrity of the other, and to effect mutual aid and economic coalition for the establishment of Greater East Asia. On 6 November 1943, Wang Ching-wei stated that Japan had given back her settlements to China and abolished extra-territorial jurisdiction and had concluded a Sino-Japanese Alliance treaty, abrogating the former Sino-Japanese Fundamental treaty and accessory documents. Wang Ching-wei stated the Principle of Greater East Asia, which Sun Yat Sen advocated has commenced to dawn. Japan's aid toward China and the abolishment of the discriminating treaty
 36449 * have been attained.

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Japan recognized the independence of Burma as a nation on 1 August 1943; Exhibit 3675, the Japan-Burma Alliance, was received in evidence. TCJO said in the first article of the treaty Japan agreed to respect the independence of Burma. TCJC said on 25 September 1943, Japan concluded a Burma-Japanese Pact.

36450 * Defense exhibit 3676, the Burmese-Japanese Treaty, was received in evidence. TOJC said in treaty Japan promised to assign to Burma part of the Japanese occupied territory with which Burma had a close racial association, and this promise was fulfilled. He stated Japan had no territorial ambitions in Burma.

TCJO said soon after the outbreak of the Pacific War, he revealed in a speech on administrative policy to the Diet on 22 January 1942 the plan to acknowledge Burma as an independent state.

36453 * Defense exhibit No. 3677-A, excerpt from proceedings of Diet, was admitted in evidence. TOJO said when Dr. Maw came to Japan, TOJC informed him of the government's intention. Preparations for the establishment of a state were made and on 1 August 1943 independence was accomplished. Dr. Maw, who represented Burma at the Greater East Asia Conference held on 6 November 1943, stated the Burmese had for generations fought the British, but because they never realized that what sixteen million Burmese could not do a thousand million Asiatics could do. Every * revolt was crushed. Burmese villages went up in flames, Burmese women were massacred, Burmese patriots were imprisoned, hanged, exiled. But the Asiatic flame kept burning in every Burmese heart. Dr. Maw said at last their strength was not only the strength of sixteen million Burmese but of a thousand million East Asiatics, that so long as East Asia was strong, Burma was strong.

36455 TOJO said on 14 October 1943, Japan recognized the independence of the Philippines and the enactment of its constitution. * Defense exhibit 3679, an alliance between Japan and the Philippines, was received in evidence. TOJO explained the U. S. had announced her intention to recognize independence of the Philippines as of July 1946. Japan

36456 announced her intention * to recognize the independence of the Philippines at the Diet on 22 January 1942. TOJO in 1942 went to the Philippines and assisted the people in establishing an independent nation. In June the drafting of a constitution and the arrangements for independence were progressing. On 14 October 1943, the Republic of the Philippines was an independent nation. A constitution based on the consent of the people was enacted, and Mr. Laurel was elected President of the Republic. The Japanese Government agreed with Mr. Laurel's proposal that the Philippine Republic should not participate in war nor organize military forces. TCJC said this shows Japan never had territorial ambitions in the Philippines.

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36457 * On 12 June 1940 the Japan-Thailand treaty was concluded. On 9 May 1941 a protocol of guarantee and political understanding was signed by Japan and Thailand. These understandings were entered into prior to war. On 21 December 1941, the two nations signed the treaty of alliance, furthering the establishment of East Asia order, respecting each other's independence and sovereignty, and promising political and military assistance.

36458 Defense exhibit 3680, Japanese-Thailand Treaty of Alliance, was received in evidence. Defense exhibit 3681, the Japan-Thailand * Cultural Agreement of 28 October 1942, was received in evidence.

36459 Defense exhibit 3682, the treaty which provided that Japan should return to Thailand the four Malayan provinces of Perulis, Kedah, Kerantan and Trengganu out of the former Siamese territory in Malay and the two Shan provinces of Kentung and Monpang, was received in evidence. * TOJC said he proposed the return of the territory in accordance with the decision of the Imperial Conference of 31 May 1943 entitled "Outline in Directing Greater East Asia Policy", which defense exhibit 3683 shows was lost at the end of war.

36460 * TOJC said he visited the capital of Siam on his tour of inspection through South Asia after an interview with Prime Minister Pibul. The reason they transferred these areas to Thailand was that these were more recently plundered by Britain, and they would consider other areas later. The High Command was inclined to oppose this transfer, but TOJC insisted on the basis of the Great East Asiatic policy and finally obtained their assent.

36461 At the Great East Asia Conference on 6 November 1943, the Siamese delegate stated the Japanese Government is large-hearted in assisting Thai to recover lost territories and to unite the people of Thai race. He stated the Japanese Government has concluded a treaty * recognizing the incorporation into Thailand of the four states in Malaya and the two states in the Shan region. He said this showed that Japan respects the sovereignty of Thailand, but promoted the increased power of Thailand. The Thai Government and people are grateful to the Japanese Government. TOJO stated this speech implied that Japan had no territorial ambitions in the occupied areas and showed the support of the Siamese for the measure.

36462 At the investigating committee meeting of the Privy Council on 18 August 1943 the questions as to whether respecting treaty the occupying power had territorial rights to the occupied area were discussed. MORIYAMA expressed the legal views concerning the above question. The treaty was drafted in accordance with this view. TOJO's explanations at the meeting were given from the military and political points of view. TOJC said the statement that * Articles 1 and 2 of the treaty were drafted to avoid unnecessary friction meant that they did not adopt

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an exclusively military and political viewpoint but adopted the legal conception. He did not think the treaty was in violation of international law. They did not include the occupied areas into the occupying powers territory. They permitted Thailand to recover her old territory plundered by England.

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TOJO said he knew that an agreement providing cession of the Polish territory and settlement of the border was made between Germany and the USSR in December 1940 and the annexation of a part of Roumanian territory to the USSR in June 1940. He understood this parceling out of territory was made according to international law. TOJO pointed out that the treaty between Japan and Thailand was concluded * when war was going on. As the object of the war was the emancipation of East Asia, TOJO said they carried the liberation of East Asia in rapid succession. They extended independence to the country worthy of independence, autonomy also to those worthy of autonomy, and recovery of their lost territories when expedient to do so. They thought it unnecessary to wait for the termination of the war to carry out measures.

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* TOJO said the information received after the war convinced him those demarcations were not opposed to international law. At the Cairo Conference the U. S., England and Chungking Government promised to cede Formosa and the Pescadores Islands to the Chungking Government. TOJO said this was territory of Japan not yet occupied by the Allied Powers. In the Yalta Agreement in February 1945, the Soviet was promised the Kurile Islands, also Japanese territory, not yet occupied. TOJO said this was one of the conditions to induce the USSR to join in the Pacific War. Such actions according to the big powers were in accordance with international law. TOJO believed then that the Japanese methods were not contrary to the law.

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TOJO said local conditions in the NEI prevented immediate independence. Based on the Outline in Directing Greater East Asia Policy, 31 May 1943, TOJO * told the Diet on 16 June 1943 that it was the government's policy to allow the Indonesians political participation. Defense exhibit 3684-A, an excerpt from Proceedings of the Diet, was received in evidence. On the strength of this the Indonesians were allowed active participation in governmental affairs. TOJO understood that subsequent to the fall of his Cabinet the Japanese Government recognized the independence of NEI.

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TOJO referred to prosecution exhibit 1344, Course of Events Leading up to Decisions on Political Control and Reversion of the East Indies in the Second World War, and prosecution statement that the Imperial Conference of 31 May 1943 decided to make the East Indies a part of the Japanese Empire.

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36467 TOJO said it was the Imperial Conference decision that appears to incorporate the NEI under Japanese jurisdiction. The Japanese Government desired to recognize its independence as promptly as possible. The high command and the army and navy staffs opposed an early acknowledgment of independence on the grounds of strategy. The conference reached an impasse. They expedited the independence of Burma and the Philippines, and also the cession of lost territories to the possession of Thailand, so it was necessary to retain the NEI temporarily under * military administration for consideration. The decision was secret, and the fact that they could participate in administrative affairs was withheld from commanders on the spot. TOJO said at the time of decision it was not their plan to hold this territory to the end. Before altering that decision, TOJO's cabinet resigned en masse. During the KOISO administration the Indonesians declared their independence, which TOJO favored.

36468 Japan recognized the Provisional Government of Free India on 23 October 1943. This Provisional Government resulted from movement to secure independence under the leadership of Chandra Bose and Indians living in East Asia. * Japan gave full support to this government in the cause of Great East Asia. Japan announced she was prepared to place both Andaman and Nicobar Islands, the only Indian dominions under Japanese occupation, under the rule of the Provisional Government of Free India. Defense exhibit 3685, TOJO's statement on Andaman and Nicobar Islands, was received in evidence.

36469 TOJO said the Greater East Asia Conference was held in Tokyo on 5 and 6 November 1943 under the sponsorship of the Japanese Government. Those present were Wang Ching-wei, China, the President of Yuan; Laurel of the Philippines; Waithayakon, of Thailand; Chang Ching-hui of Manchukuo; * Mr. Pa Maw of Burma, and TOJO himself for Japan. Mr. Bose of Free India attended. The object of the conference was to set up a new order in Greater East Asia, and ways and means to achieve success in the Greater East Asia War. This conference, said TOJO, was convened with full agreement on principles. At the recommendation of the countries TOJO presided. On the first day each representative expressed his opinions and the second day, Joint Declaration of Greater East Asia, was unanimously adopted.

36470 The countries were agreed to win * The Greater East Asia War and to establish Greater East Asia. Chang Ching-hui proposed that they hold meetings again. Maw proposed support to the Provisional Government of Free India. Mr. Bose discussed the independence movement in India. TOJO said the Japanese Government would return Andaman and Nicobar Islands and the conference closed.

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36471 * TOJO said the conference was not compulsory. Laurel stated his gratitude to Japan for sponsoring this Greater East Asia Co-Prosperty Sphere, so they could discuss the common problems affecting their safety and welfare. Bose pointed out the conference was not to divide war booties, and it was not a conference to plot the sacrifice of the smaller and weaker nations. He stated the conference was one of liberated nations
36472 with the purpose of forming * a new order based on justice, sovereignty, reciprocity and mutual help.

Defense exhibit 3686, address of Bose, was received in evidence. Maw of Burma said he had dreamed Asiatic dreams. His Asiatic blood was always called to other Asiatics. He had always heard the voice of Asia calling to her children. For the first time he could hear Asia's voice calling, but not in a dream

36473 * TOJO said the Indictment charged that the Japanese policies were dominated by a critical militaristic clique, but TOJO said there never existed a so-called militaristic clique, much less a criminal militaristic clique. In the early part of the Meiji Era, there might be a militaristic clique. Upon the establishment of the Japanese Army and Navy as systematized national institutions, and the emergence of a liberal political consciousness, the above-mentioned factions could not exist. Later the military influence again replaced the political
36474 parties. * but TOJO said this was not by the old military clique. The factor of influence at a later stage was the official military institution. This was in character and in historical emergence entirely different from Nazism and Fascism, both philosophically and politically.

TOJO said the military was involved in politics because the Army and Navy supported the reformation movement against the inroads of communism. The military became politically involved also because national activity was swept into general mobilization because of
36475 prolongation of the China Incident and shifting to a wartime structure * after the outbreak of the Pacific War. TOJO said independence of the Supreme Command, as provided by the Japanese constitution, made the military a powerful force within the political sphere.

TOJO had no concern with the state of affairs at the time of the Manchurian Incident, but he was interested in the fate of his country. He said free trade was broken down after World War I by over-production and selfishness of the big powers. Japan had the decay of capitalism and liberalism. The national economy suffered and the people were impoverished. The world-wide unrest overflowed into Japan, and she was impelled into an evolutionary period. * He said there was a radical and a moderate movement to improve capitalism. The radical revolutionists used soldiers and involved young officers, such as the May Incident and the 26 February Incident. These incidents sprang from the officer's sympathy for the farmers, villagers and fishermen.

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However, the 26 February Incident was considered a deterioration of military discipline and defiance to the constitution, so a military purge was performed and the offenders were punished. Individual interference in politics by military men was forbidden. The War Minister demanded that the government implement policies to eliminate social uneasiness. The * ordinance requiring Army and Navy Ministers to be officers on the active list was revived for this as well as for the military purge, so the military authorities were given a voice in politics. General mobilization was prompted by the prolongation of the China Incident and demand of the military authorities, along with the outbreak of the Pacific War.

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The management of the war, state affairs and * administration moved toward success. This revolved around the Army and Navy. Since the formation of Imperial Hq. in 1937 the military gained great power in politics. TOJC explained they had to concentrate national strength toward victory. He said there was no criminal element in the participation, and he knows that no criminal military clique dominated the politics of Japan.

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According to the old constitution, military operations and strategy were placed independently outside the scope of state affairs. * TOJC explained that the government had no authority to restrict or direct the Supreme Command, but could coordinate the civil administration and the High Command by means of Liaison Conferences or Imperial Conferences. Discussions could not include operations and tactics. Once hostilities started, they were carried on by unilateral decisions of the Supreme Command; the Civil Government supplied what the High Command demanded, thus always yielding to the High Command. TOJC pointed out modern war was prosecuted on a global scale, requiring total mobilization. The situation was different when the system of the independence of the High Command was instituted. Japan had no organ to restrain the High Command from plunging into hostilities, and no authority to employ High Command * at its will. TOJC said this is why every cabinet worried about adjusting civil affairs and the High Command. anxious to get rid of the above inconsistency, TOJC accepted the position of Chief of the General Staff in February 1944 in addition to the Premiership. He said it was too late to accomplish much; but even then he could not affect matters of the Naval High Command

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TOJC said the effect of the system was an increased influence of the military and the Imperial Headquarters on management of ordinary state affairs and administration. He said it was not true that a criminalistic military clique then dominated and directed the policies of Japan

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36481 * As the 15 May and 26 February incidents suggested military interference in politics, the Army authorities were forced to discipline these cases. As the 26 February Incident broke out TCJC was commander of military police of the Kwantung Army. He ordered a thorough investigation of all military and civilian personnel suspected of having any connection, and he endeavored to maintain the highest military discipline. War Minister TERAUCHI prohibited any military participation in politics, and prevented factional relationships in military circles. Successive War Ministers adhered to the same policy. TCJC also supported this policy. In order to check the growth of factional relationships, TCJC endeavored to put the right man in the right post, considering ability and experience.

36482 TCJC * respected everyone's responsibilities in his position, and enforced correct sequence of command in each office. He also prohibited military men from meddling in political affairs. After becoming Premier he prevented any confusion between the War Ministry and the Cabinet. He said it was true that the political organization was in a state of total war during his tenure as War Minister and Prime Minister, but there never was political control or domination by a military clique.

TCJC said Japan never intended to invade USSR, which the prosecution has asserted. She was bent on defense against Russian aggression in East Asia. After the establishment of Manchukuo Japan devoted herself to the defense of Manchuria against USSR.

36483 * The Japanese army aimed military preparations mainly at the Russian army in the East. The nature of the operational plan towards USSR was essentially defensive. TCJC said it was true the plan contained offensive measures, but they were preparations in case Japan was forced to open war and it was never intended she would open the war. Japan has never considered Siberia as a part of the Great East Asia Co-Prosperty Sphere. The so-called plan of "Kan Toku En" presented by prosecution is a plan for replenishing materials and personnel. TCJC said Japan's policy towards Soviet Russia always was to keep tranquility in her relation with Russia. After the outbreak of the China Incident and the Pacific War, Japan tried not to create any trouble in the north, and especially after the Russo-Japanese * Neutrality Treaty in April 1940, Japan intended to keep the treaty firmly. TCJC said it was not Japan who broke the treaty and committed aggression in August 1945, when its terms were still valid. Japan also was concerned in that the Third International began to pervade through East Asia.

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Japan had been anxious for long that infiltration of communistic policy into East Asia would destroy her public peace and upset the stabilization in East Asia. The Public Peace Maintenance Law in 1925 was revised in 1941 to guard against plots to revolutionize the national constitution by communism.

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TOJO said Japan felt the activities of the Chinese Communist Party was preventing the establishment of peace between Japan and China. She made the prevention of communism a condition for settling the China incident. * This was done to save East Asia from Bolshevization.

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36486 TOJO stated the present condition of the world two years after World War II explains how important these barriers were for the peace of the world. TOJO said he had described Japan's position and the honest policy of its officials to activate some program to safeguard the national honor of the Empire. He stated that from a thorough knowledge of the facts that the devastating war beginning 8 December 1941 was*provoked by the allies to force U.S. into the European conflict, and that it was a war of self-defense so far as Japan was concerned. TOJO said there was no doubt in his mind that Japan's decision to make war was a last resort.

TOJO said he had pointed out the absurdity of a consistent plan of aggression on the part of Japan throughout the Manchurian and China Incidents and the Pacific War. Such a conspiracy formed by a few officials and continued over a long period of years through numerous Cabinet changes is unthinkable, TOJO averred.

36487 * TOJO said in conclusion he wanted to restate that Japan's
36488 policy involved neither aggression nor exploitation. Japan *
came to the realization that a war of self-existence was her only
alternative. They staked the fate of Japan on that decision and lost.

TOJO said the question whether the war was a just one considered from international law and responsibility for defeat are two different matters. The former is a legal problem between foreign countries, but TOJO said he believed and would contend to the last that it was a war of self-defense and not a violation of international law. They never conceived that the waging of war would be challenged by the victors as an international crime or that public officials of a vanquished nation would be charged as criminals.

As for the responsibility for defeat, TOJO said it fell on him as Premier. The responsibility he desired to accept fully.

36490 *DIRECT EXAMINATION OF TOJO BY COUNSEL FOR TOJO, MR. BLEWETT

TOJO said there had been a conference between the Army Ministry and the Army General Staff concerning the treatment of Doolittle fliers. He recalled that the conference was held after the air raid of April 18th. He said no one ever insisted on punishment without trial, and that he never knew a report to His Majesty on the matter had been made by SUGIYAMA. He only heard of it before the Tribunal. He said such allegations are false.

36491 * TOJO said when HASUNUMA visited him at the trial, TOJO
questioned him as this concerned his responsibility. HASUNUMA re-
plied that no such thing ever occurred. HASUNUMA also told defense
counsel KIYOSE the same thing. TOJO said he could definitely deny
this fact. General HASUNUMA was Chief Aide-de-camp to the Emperor
during TOJO's term of office.

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36493 *DIRECT EXAMINATION BY MR. HOWARD, COUNSEL FOR KIMURA

36494 TOJO said KIMURA when Vice-Minister of War did not attend Imperial and Liaison Conferences. * TOJO said he may have made the statement that KIMURA assisted him on technical business matters only, but the statement needed amplification. TOJO said he assisted him in the disposition of business with all his heart. TOJO said KIMURA was removed from the position of Vice War Minister so TOJO could appoint him Chief of the Ordinance Administration Headquarters. TOJO felt he was qualified for the post.

36495 According to regulations, it was customary for various *orders to be issued by the Vice-Minister by order of the War Minister. The responsibility for orders issued by order of the War Minister fell on the War Minister. TOJO said he made the important decisions within the War Ministry.

Decisions as to how prisoners of war were treated were made by the Minister of War and subordinates who made such decisions within limits of delegated authority.

36497 * TOJO said after he became Prime Minister there was no change of status in the War Ministry.

DIRECT EXAMINATION BY MR. SOMIYA, COUNSEL FOR OKA.

36498 TOJO said the secretaries did not participate in decisions of the Liaison Conference. They did not participate in discussions. *TOJO said he did not allow secretaries to express their opinions at Liaison Conferences. This was true of OKA, HOSHINO, MUTO, SATO, and others.

DIRECT EXAMINATION BY MR. FUJII, COUNSEL FOR HOSHINO

36499 * With reference to his statement that he needed an assistant, and therefore he first chose the chief secretary of the cabinet, TOJO
36500 said by "assistant" he meant somebody to make * telephone calls and take down notes. He did all the important things himself, but he needed someone to help him. Between the middle of October and the 8th of December 1941, TOJO said he did direct HOSHINO to attend the Liaison Conferences and the Imperial Conferences in order to fulfill duties as secretary. TOJO said the secretaries attending the Liaison and Imperial Conferences performed clerical duties, and they were not regularly constituted members of the Liaison and Imperial Conferences.

36501 When asked if at the Liaison or Imperial Conferences HOSHINO ever expressed a strong stand against making concessions to the U.S., *TOJO replied that he did not allow secretaries to voice their opinions. TOJO said he never heard HOSHINO express an opinion that Japan should show a strong opposition toward the U.S. and should not withdraw troops from China, and he had proof to the contrary.

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TOJO said at the end of October when plans A and B were adopted by the Liaison Conference, HOSHINO stated that with plans A and B, the Japanese-American negotiations would probably go very smoothly.

36502 About the 24th or 25th of November, when Japan received information that the U.S., Britain and the Chungking Regime had been having * a conference, HOSHINO told TOJO that "the Powers are conferring at Washington. Of course, they are conferring about the Japanese proposals. Maybe the negotiations will go well." TOJO stated that what he had said regarding HOSHINO applied to all Japanese leaders at the time.

36503 * When asked if HOSHINO ever advised him with regard to military or diplomatic matters, TOJO said in foreign affairs he consulted TOGO and in military affairs, he did not allow HOSHINO to interfere.

36504 TOJO was asked if any studies made by students of the Total War Research Institute ever were incorporated in governmental policy, and he * stated no results of studies were ever adopted by the government.

CROSS EXAMINATION OF TOJO BY MR. LOGAN, COUNSEL FOR KIDO

36505 TOJO said it was true that in conversation with OIKAWA, OIKAWA stated he had received an Imperial message that the cooperation between the army and navy should be closer. * When asked if he interpreted the Emperor's words to mean that the army should blindly follow the navy or that the navy should blindly follow the army, TOJO said such a proposition was inconceivable, and equally inconceivable that the Emperor should think of such a stupid thing.

36506 TOJO explained the words he received from the Emperor * were to the effect that he should form a cabinet and obey the provisions of the constitution. He was told the army and navy should cooperate closely and the Emperor said he would call the Navy Minister later and give him the same message. TOJO said OIKAWA received a separate message, and therefore he didn't know what the Emperor said to OIKAWA. TOJO said he was convinced that OIKAWA did not lie before the Tribunal.

36507 * When asked if after he received this message from the Emperor, and KIDO's message that the Imperial Decision of September 6 be re-examined, he told his secretary, Colonel AKAMATSU, that he was not the
36508 old TOJO but since he was appointed Premier he would try to realize the Emperor's wishes, TOJO supposed he said something to that effect. * When asked if he requested the Navy to recommend a Minister for his Cabinet who would blindly follow him, TOJO said he never heard of such an absurd proposition.

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- 36509 TOJO said it was a fact that neither the Emperor nor KIDO attended the morning session or the session after 3 o'clock in the afternoon of 29 November. TOJO stated at the session between 8 o'clock and 3 o'clock, the Emperor and KIDO were there.* He said it was a fact that KIDO was there merely to wait on the Emperor and that he said absolutely nothing. TOJO said this was not a conference to make any decisions, and no decisions were made.
- 36510 As to * matters falling within the sphere of the High Command, those matters arising out of Article 11 of the Constitution, KIDO had no authority to interfere. TOJO did not think he listened to the Emperor's desires in this respect nor gave advice. Article 11 provides that the Emperor shall command the Army and the Navy.
- 36511 * TOJO explained Cabinet decisions were made on the responsibility of the Cabinet and the decisions of the Supreme Command were made on the responsibility of the Supreme Command; and no other person could interfere, and other people included KIDO.
- 36512 * TOJO said it was true that at the Imperial Conference of 6 September, President HARA of the Privy Council asked questions. TOJO said he recalled one of the questions asked by HARA as to the main object of the Imperial decision of 6 September, and whether it was preparation for war or for the establishment of peace. TOJO said the Navy Minister replied that the main object was the solution of the situation through peaceful negotiations.
- 36513 At the conclusion of the conference * TOJO said it was true the Emperor repeated Emperor MEIJI's poem, "Yomono-Umi."
- 36515 * TOJO was asked if prior to 8 December 1941 he found out KIDO's state of mind with respect to war and peace through conversations with him.

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36518 *TOJO answered his memory was not clear but he
felt KIDO followed the desire of the Emperor for peace.
36519 *At the time they decided on propositions A and B and
the time they made decision with regard to the question
36520 of withdrawal of troops, TOJO talked with KIDO *and
KIDO was elated on learning that the High Command had
submitted to the idea, and TOJO recalled that KIDO said
that things would probably go well. TOJO said they
were referring to Japanese-American negotiations.

TOJO said he could only cite this instance,
although he felt there were other instances indicating
KIDO's state of mind.

36521 TOJO said KIDO had nothing to do with the
appointment of SHIMADA as Navy Minister. He would not
have permitted it. *As to whether KIDO acted contrary
to Emperor's wishes, TOJO stated no Japanese would go
against the will of His Majesty.

Cross-Examination by Mr. Brannon,
Counsel for SHIMADA.

36522 TOJO stated he decided upon all state ministers
in his cabinet with the exception of SHIMADA and himself
as War Minister. *TOJO said it was true that the Navy
Minister was appointed last.

36523 TOJO said it was correct that before SHIMADA
accepted the Navy Ministership, he insisted that
negotiations with the United States would be carried
on. TOJO was asked if he felt if he failed to agree to
continue negotiations the Navy might refuse to appoint
a minister, and he answered that the question never
occurred to him because it had always been his desire
36524 to settle through negotiations. *It was only natural
for SHIMADA to ask this question.

TOJO was asked if he knew OIKAWA had
insisted on the negotiations in the third KONOYE
Cabinet. TOJO replied he did but his impression was
that it was evasion of responsibility.

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TOJO was asked whether there was a sharp issue between him and OIKAWA regarding negotiations, and he said not with OIKAWA, but there was a split in views between him and the Foreign Minister and Prime Minister then. That led to the downfall of the third KONOYE Cabinet.

36525 *TOJO was asked if the statement were true that SHIMADA joined the TOJO Cabinet because he was an active supporter of TOJO policy. TOJO could not accept that statement.

He explained SHIMADA was not a person who would tolerate anything against the interests of his country. The Navy Minister is selected by the approval of the Chief of the Naval General Staff and the Vice-Chief of the Naval General Staff, as well as the former Navy Minister.

36526 TOJO said it was not a fact that SHIMADA was a member of the Imperial Rule Association Political because he was an active naval officer and could not enter any political organization. TOJO was asked if the statement were true that in June 1944 reorganization of the Cabinet TOJO suggested SHIMADA be appointed Welfare Minister in order to have a member of IRAA in the Cabinet. TOJO said it was not a fact. The SHIMADA spoken of was the late SHIMADA, Toshio, and not the accused.

36527 *The court asked TOJO whether the fact that he was not acting against the interests of the country was the reason SHIMADA supported him. TOJO explained that if anything were against the country's interests, SHIMADA would have argued against TOJO if TOJO happened to be taking *such a policy. If the stand taken was right, SHIMADA would give his all to see it carried out. TOJO was asked if at any time the Navy ever advocated an attack on the U.S. or Britain without giving a notice. He said there was no instant.

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He was asked if he recalled that while at Sugamo NAGANO or SHIMADA or both asked him whether he recalled this. TOJO said there was such an occasion, but he answered there was no case he could remember. He stated he was positive.

36529 TOJO was asked if he remembered TOGO's statement that TOJO's memory, as that of other accused who attended the liaison conference, was not dependable and *whether the Navy at a liaison conference advocated an attack without notice. TOJO replied that he had already answered the question.

36532 *TOJO was asked whether the words "notification of war" meant a declaration of and he stated that in accordance with international law, the correct procedure was taken. He said he did depend upon the advice of the Foreign Minister as to last notification. He said the notice was written outside the Liaison Conference and then brought into the Conference for discussion.

36533 *He said the notification was drafted by the secretaries and the completed draft was proposed and discussed at the 4th December Liaison Conference. TOGO presented the notification to the Liaison Conference.

36536 Cross-examination by Mr. Keenan,
Chief Counsel for Prosecution.
*TOJO said the fact that U.S. powers were interfering with plans for Greater East Asia Co-Prosperity was not a direct reason for attacking U.S.

36537 *TOJO said it was one of the remote causes. TOJO said it was true they intended to establish the New Order throughout Greater East Asia prior to Pearl Harbor attack, but at the same time they desired to bring it about by peaceful means. He said that a policy was made clear at the time of the Second KONOYE Cabinet.

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*TOJO said he did believe that every people had the right to determine its own government and its own way of life so long as such did not menace any other country, and he believed so today. TOJO said he got no rights to determine the way of life for people of Greater East Asia.

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When asked if he advocated peace terms between China and Japan in 1941 while there was a huge army occupying a large part of China, he replied there was no inconsistency in *situation. He continued such efforts for peace. *When asked if he advocated the Japanese Army remain in China until the terms of peace were agreed upon, he said they could not withdraw troops from China until the peace terms were agreed upon.

36541

TOJO said it was not true that he refused to enter into an agreement with the U.S. in 1941 unless they agreed Japanese troops would remain in China until two years after the peace terms had been agreed upon. TOJO said Japan proposed that if SINO-Japanese peace were realized Japan would withdraw her troops generally from China leaving only a part behind. The only question was the stationing of small *force in China.

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TOJO said by the term "after peace," he meant after the agreement had been reached. TOJO said the terms of the treaty would determine whether any self-respecting nation would discuss peace terms with a huge enemy army occupying its main cities. TOJO said if it would contribute to stability of East Asia he would consent to the conditions of determining a peace while the enemy army was occupying Japan.

36543

*TOJO said there was no secret about the fact that the Tripartite Agreement was entered into between Germany, Italy and Japan. He stated at that time he was the War Minister. *He stated he did not deny that the Minister of War was a very powerful man in the Japanese Cabinet.

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- 36544 *He said he knew a part of the negotiations with the German envoys before the Tripartite was adopted. He did have a general idea of it. Under the situation prevailing he was in favor of it. He knew very well it provided for the establishment of a new order. As to the meaning of the term "new order", TOJO thought the interpretation of the term was made in accordance with the situation in respective countries. He did not make any study of Hitler's new order.
- 36545 *As War Minister he knew the general outline of the Hitlerian new order; but he did not make any deep study as to what Hitler himself thought it meant. There was no need to find out the real intentions of the German new order. It was only necessary for Japan to know her own conception of her own new order. When asked if he denied that it was the pact's purpose to help Hitler maintain his new order in Europe. He said that is not what he meant. Mutual assistance is clearly stated in the treaty.
- 36546 *When asked if he didn't know what the new order as put into practice by Hitler in September of 1940 was, he said that he knew of the historical processes and in general the outline. TOJO was asked if he approved the action of Hitler in renouncing his promises to the Netherlands and Belgium to respect their independence and, without warning marching into their territories with huge armies. *He answered he had no knowledge whether Germany renounced its promise vis-a-vis Holland and Belgium, or whether they were justified or not. He thought history would judge that. TOJO did not recall Hitler's assurance that he would not invade the Netherlands.
- 36547 *He answered he had no knowledge whether Germany renounced its promise vis-a-vis Holland and Belgium, or whether they were justified or not. He thought history would judge that. TOJO did not recall Hitler's assurance that he would not invade the Netherlands.
- 36548 *TOJO said he knew very well prior to the Tripartite in September 1940 that Holland was invaded by Hitler. He did recall when Hitler marched into Austria. He was asked if he considered Hitler was acting in self-defense, and he replied he did not know the particulars, nor had he studied such particulars.

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36549 *He heard of the Munich Agreement but did not know the contents. He remembered that Hitler marched into Czechoslovakia and took over the entire country. As to whether that was self-defense, TOJO said history would judge that.

He did recall that Hitler invaded Norway. He said he never stated that was in self-defense. He stated he could not judge whether or not it was an act of self-defense.

36550 *He was asked if he knew very much about Hitler, German history, modern history at the time he approved of the Tripartite Pact, and he replied that as an ordinary person and as a matter of common sense, he knew prior to the Tripartite Pact about the persecution of the Jews. He knew nothing about the blood purge and concentration camp.

36551 He was asked if the U.S. had anything to do with Japan embarking upon Manchuria in 1931, and he answered that he was not qualified to speak on that matter because he was not holding any position of responsibility then. *From a layman's point of view, he replied that the U.S. had nothing to do with it. He was asked whether the invasion of Manchuria by Japan caused anti-Japanese feeling. He stated Japan never invaded Manchuria.

36552 *TOJO thought some Chinese had antipathy toward Japanese because of Japanese troop movements in Manchuria.

36553 *TOJO said it was probable that such feelings were found among a part of the Chinese people after the clash at Marco Polo Bridge, but as to the causes or cause of the Marco Polo Bridge Incident that is another matter.

36554 Leaving out the reasons which accompanied the movement of Japanese armies in China, TOJO said there was among the Chinese people such feelings of antipathy. TOJO stated that by 1941 *somewhere between six hundred and seven hundred thousand troops were dispatched to China, but this figure was not accurate.

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TOJO asked the prosecution to tell him the number of Chinese casualties caused by Japanese Army. TOJO said the communique of Imperial Headquarters reported in Japanese Year Book was reliable. The prosecution then read Imperial Headquarters statement which estimated the number of Chinese killed during July 1937 to June of 1941 as 2,015,000. TOJO was asked if the Japanese Army had services in China to obtain information as to the number of Chinese killed, and TOJO said he was not sure but he thought the figures were compiled by estimating at the front.

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*TOJO said it was important but there was no organization for the purpose of investigating such casualties. Orders were sent to the various armies to report casualties incurred in fighting, both Chinese and Japanese. TOJO assumed that Imperial Headquarters announced the total of those reports. TOJO said he believed the report of the loss of Chinese forces of 3,800,000 must have included the former report of 2,015,000.

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*TOJO said he sent regular reports during the period in which he was connected with Kwantung Army of the number of Chinese killed. TOJO's attention was called to the next entry, "Booty", which included "Arms, 482,257."

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*TOJO explained that commanders at the front were fond of reporting their own exploits, and they were apt to report the number of casualties in exaggerated figures. TOJO said he would not consider tank figures of 1475 as accurate.

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* Since it is easy to count locomotives and carriages, TOJO supposed those figures, 2449 were correct.

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*TOJO was asked if he thought the figures 109,250 were accurate for losses to Imperial Army including "the Nomonhan Incident." TOJO thought there was a mistake in the digits. He thought Japanese forces lost 1,200,000 or something like that. He would not consider 109,250 accurate. He didn't think the figure could be so small for Japanese casualties.

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*TOJO said he could not recollect the exact figures but during the period in which the Chinese forces lost something over 2,000,000, the Japanese forces lost something around 1,200,000 and that included Japanese residents in China.

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*As to China Incident, TOJO explained the hostilities were called an incident in Japan. Actually, he said, it was a war, and on the 8th of December 1941 the Chungking Regime declared war on Japan.

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*TOJO said he then was not in a position of responsibility and could not explain why the war was called an incident. TOJO said he could understand how the Chinese developed anti-Japanese feelings but he felt their leaders would hold a different view. TOJO said he felt the whole war was unfortunate * for both countries. He felt sorry for the Chinese and that is the reason the early solution of the China Incident was the established policy. TOJO stated that as for the people of both countries, they were innocent people and had nothing to do with the war.

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TOJO said, however, their statesmen were different. The anti-Japanese movement, the contempt-for-Japanese movement, and the boycott of Japanese goods, and the massacre of innocent residents * were their acts and they constituted one of the great causes of the war.

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TOJO did not agree that war was a crime, but he would agree that wars have an unfortunate effect upon the victor and the vanquished.

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*TOJO said he joined the KONOYE Cabinet in July 1940 as War Minister. * He was named for the War Ministership by the three army chiefs. But when asked if it were a surprise to him he said he was surprised in one sense and not in another. As he was recommended by the three army chiefs it was up to him to do his best, and therefore, he was not surprised. It is the custom of a military man to obey orders.

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*TOJO was asked if he had heard any rumors that he was to be so chosen beforehand. He had never heard such rumors. He had just come back from Manchukuo and had heard the general details of the fall of the YONAI Cabinet from the Vice Minister. He had been Vice Minister of War in the earlier KONOYE Cabinet for four months. TOJO became Vice Minister before ITAGAKI became Minister of War. TOJO said it is true that they both served in the Kwantung Army.

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- 36575 *The first time he knew MATSUOKA was when he was Chief of Staff of the Kwantung Army and MATSUOKA was president of the South Manchuria Railway. He remembered the expression "Niki Sansuke," but he didn't know the reason for it. *TOJO was asked if the expression were not made up of the last letters in the first name of the five men who were the important Japanese figures in Manchuria, he replied that it could be taken that way. TOJO said it was true that he and MATSUOKA were two of the five figures referred to. TOJO said he thought HOSHINO was included among the five.
- 36576
- 36577 *TOJO said he got the impression that the YONAI Cabinet fell because it no longer led Japan in the international situation and the domestic situation. * TOJO said he meant the YONAI cabinet did not have the ability to dispose of matters relating to the international situation and the domestic situation. By international situations, TOJO referred to the whole effect which the war situation in Europe had on the Far East.
- 36578
- 36579 *At that time it appeared that U.S. was about to enter the war, whereas in East Asia no prospects of settlement were seen; in the domestic situation political parties were dissolved and public opinion estranged from the government.
- 36580 *KONOYE and KIDO met during some time in May and concluded that the situation couldn't be handled under the present cabinet. It was the feeling that the cabinet lacked political power. And, this called for the appearance of the second KONOYE Cabinet.
- TOJO said KIDO did not have considerable influence in terminating the YONAI Cabinet on the basis of his knowledge - he was speaking on the basis of evidence introduced.
- 36581 * TOJO said he did not know if YONAI disapproved of the German Alliance and he knew nothing of YONAI's state of mind. * Outwardly the fact that the Big Three refused to give YONAI a War Minister may be regarded as the cause of the fall of the cabinet, but TOJO believed the real cause could be found elsewhere. TOJO said it was not a fact that YONAI cabinet did not seize the opportunity for expansion and did not take advantage of events in Europe and so this caused its fall.
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36584 *TOJO was in Manchukuo and did not know that the Foreign Office instructed Ambassador HATA in July 1940 to confer with German authorities upon strengthening the coalition between the two countries. TOJO heard of this as War Minister at the time policy was being decided but he was not in a position of responsibility.

36585 *Exhibit 541 was handed to the witness. He identified it as the copy of the cabinet decision on the outline of Japan's basic national policy including a decision to strengthen the relationship among Japan, Germany and Italy. However, he explained the strengthening of the Japan-German-Italian relations and others were not cabinet decisions.

36586 *TOJO stated he helped make that cabinet decision about nine days after he became War Minister. TOJO explained that one second of idleness was permitted. * TOJO recalled the outline started off with the observation that the world was now on the threshold of a stupendous historic change. 36588 * TOJO said by "stupendous historic change" they meant the world convulsion that began with the European War. *As he 36589 explained before, there was apprehension that the U.S. might participate in that war and her entry would spread to the Pacific area.

36592 *TOJO was asked what effect early victory for Hitler had upon Japan. He stated that in view of the fact that Japan was a party to the Anti-Comintern Pact with Germany and Italy, Japan took a friendly attitude toward Germany. TOJO said no profound consideration was given to Germany, for the Japanese followed the Anti-Comintern Pact in the sentimental sense. TOJO recalled that the same exhibit contained a statement that Japan was faced by a great ordeal unparalleled in history.

36594 *TOJO said they were speaking of the critical situation in Japan because of the international and internal situations, and that the Japanese people were fated to surmount the difficulties. * He said it was true that the basic policy was decided within a few days after TOJO joined the KONOYE Cabinet as War Minister. TOJO said he agreed with the statement in the basic policy that it was directed toward a new order of Greater East Asia built upon a solidarity of Japan, Manchukuo and China with Japan as the center. 6595

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*On July 26, 1940 TOJO said he and members of the cabinet had no intention of forming an alliance with Germany. TOJO had known MUTO before he became War Minister in the KONOYE Cabinet but did not know at the time what views MUTO held with regard to the Tripartite Pact. TOJO did not believe the reason for the fall of the YONAI Cabinet was that MUTO and his group had not persuaded YONAI to enter into alliance with Germany.

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*Before the Tribunal TOJO first learned the Big Three in the Army refused to name a War Minister for YONAI and thereby caused the fall of that cabinet. TOJO did not know that HATA asked the Emperor to appoint TOJO War Minister.

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*TOJO said HATA could not have visited the Emperor after he left the post because a man who is no longer War Minister cannot make any report to the Throne.

As to KIDO's Diary of 18 July 1940, which said HATA saw the Emperor and later, that the Emperor stated to KIDO that the War Minister had secretly recommended TOJO for War Minister and Tomoyuki YAMASHITA for Inspector-General of the Air Force but the Emperor thought procedure was wrong for KONOYE was still forming a cabinet and had not yet accepted TOJO.

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*TOJO said he could not have known, that he arrived at 10:40 p.m. on the 18th from China.

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*With reference to the possibility that HATA secretly suggested to the Emperor TOJO for War Minister, TOJO replied that this was the case. Before any appointment of General Officers is made, an informal recommendation is made to the Throne, and therefore TOJO presumed that informal recommendation was made. * The proper procedure is after the Premier-designate has determined upon the Navy Minister and the War Minister of his cabinet, then the preceding Navy Minister and the War Minister should make their informal recommendation.

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*TOJO was asked if KIDO were mistaken when he said that the War Minister had just secretly recommended TOJO for War Minister. TOJO said the translation was mistaken * with regard to the word "naiso" -- informal recommendation. There is nothing secret about "naiso." The Language

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Arbitrator agreed the word "naiso" meant "informal recommendation."

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*If recommendation was made between 225 in the afternoon and 250 on 1^o July 1940, TOJO said he believed as KIDO states that the informal recommendation was made

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a little prematurely. * TOJO insisted there was nothing unusual or strange about the outgoing War Minister informally recommending to the Throne the succeeding War Minister. TOJO said the situation then required a very de-

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tailed explanation. * TOJO suggested that this was very difficult to understand. TOJO said he understood the situation very well. He understood what KIDO stated and he understood what the Emperor felt.

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*TOJO again explained there was nothing strange with regard to the procedure of "naiso" or informal recommendation. When an outgoing War Minister makes an informal recommendation to the Throne before the Premier Designate had determined on the War Minister or the Navy Minister of his cabinet, the procedure would be out of the ordinary. In this case the doubt arises whether the recommendation was made at the proper time and in a proper manner. The War Minister and the Navy Minister of a cabinet are formally recommended to the Throne by the cabinet itself, but there is the necessity for the army and navy respectively to make an informal recommendation to the Throne in addition.

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*TOJO knew nothing about a recommendation being made to the Emperor for ABE Cabinet for TADA for War Minister that was not accepted. TOJO never heard that in the ABE Cabinet the Emperor wanted to have either UMEZU or HATA appointed War Minister.

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*TOJO was asked if the Big Three of the Army received a message from the Emperor as to whom he wanted for War Minister would they make their own selection regardless of the choice of the Emperor. TOJO explained the Big Three select the person after viewing the general over-all situation and they petition for the approval of the Throne. Even where a specific candidate is favored by His Majesty, the Big Three consult and study the candidate and, after unanimity of views present his name to the Throne and receive the Imperial sanction.

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36621 TOJO was asked if the Emperor automatically agreed to the War Minister thus chosen. * TOJO said the selection of the War Minister cannot be decided only by the Big Three Chiefs. The Premier designate must make recommendation to the Throne and receives its approval. The Big Three recommend the succeeding War Minister to the Premier designate. That is the formal recommendation. It is necessary to have an informal recommendation from Army because of the shift that would naturally arise because of the change in War Minister.

26622 * TOJO said he had no knowledge in connection with the selection of the War Minister in the ABE Cabinet. He would think that the candidate for the War Minister was unanimously agreed upon by the Big Three of the Army, considering the desire of His Majesty.

36623 * Exhibit 3199-A was handed to the witness. TOJO
36625 has not * read this article or seen the article before. TOJO said the cabinet decision of 26 July 1940 was made about two months before the Tripartite Agreement was entered into. In that decision there was the statement
36626 that the urgent * task was to renovate all branches of the government in accordance with the fundamental principle of the national polity.

TOJO said he was not a statesman but he explained "to renovate all branches" meant to renew. TOJO said he was fundamentally a military man. TOJO was asked what wrongs had to be righted in the branches of the government.

36627 *TOJO explained Japan was internally and externally faced with a critical situation. The biggest cancer was the question of the settlement of the China Incident, and it was necessary to complete the structure of national defense.

36628 TOJO was asked what was wrong with the branches of the government. * He said it was recognized that an overall renovation of the administration was needed.

TOJO did not know what was meant by "totalitarian form of government." TOJO said to say Japan planned the form of government in Nazi Germany was wide off the mark.

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36629 *The necessity to change their government arose from the situation within Japan itself.

36630 TOJO was asked in what manner they intended to renovate the educational system. TOJO said he could give a general explanation. First, there was stress on materialism; there was to be emphasis on spiritual values. Second, in the academic world thought was * beclouded by unhealthy thought. Japanese thought was tarnished by communistic views.

36631 *TOJO said it was true that the educational program was to suppress communism coming upon Japan at that time. They wanted to save their students from such thoughts. TOJO said that Japan never considered one nation, one party or one-party rule.

36632 *TOJO was asked what was meant by setting up a new national political structure. The outline's aims were set forth in paragraphs (a), (b) and (c), TOJO pointed out.

36634 TOJO was asked what was meant by reform of the Diet system. At that time the desire was to have a national Diet which represented the will of the eighty million people of Japan. TOJO said when he became War Minister the Diet in form represented the people. TOJO said the intention was to see that the Diet functioned effectively. TOJO said * he was then Prime Minister and he could not explain political issues but he did not say this to evade any responsibility.

36635 TOJO was asked what was meant by the establishment of the foundation for a national defense economy on the basis of autonomous construction of the economies of Japan, Manchukuo, and China with Japan as the center. Japan at that time laid the basis of its economy on Britain and U.S., TOJO believed. Raw materials were derived from British and U.S. spheres of influence. With the *abrogation of the treaty of commerce and navigation between Japan and the U.S. by the U.S. in July, 1939, Japan received economic pressure from the outside. She had her hands full with the China Incident. It was necessary to establish an autonomous economy involving the three countries which was planned.

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*TOJO was asked what was meant by making Japan, Manchukuo and China a single unity. TOJO said it meant the promotion of close economic collaboration among Japan, Manchukuo and China against the economic bloc.

TOJO was asked what was meant by "the whole of Greater East Asia." He replied that with Japan-China-Manchukuo economy as a nucleus, closer relationship economically should be established with other parts of East Asia. He was then asked what countries were included in the whole of Greater East Asia.

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*TOJO said the state and the people of Japan, Manchukuo and China, and in addition, FIC, Thailand and the NEI. The idea was to promote active trade among these nations and establish stable economies.

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TOJO was asked if the whole of Greater East Asia included the Philippine Islands. At that time the Philippine Islands were not clearly within their consciousness. At that time the Philippines were not definitely within the idea of Greater East Asia. TOJO said the Malays should have been included. At that time, TOJO said India was not considered. TOJO said then the idea of Greater East Asia did not include Burma.* It was only after the outbreak of the Greater East Asia War that Burma and the Philippines were considered. He said Australia was not included.

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36642 *TOJO said that Navy Minister YOSHIDA resigned
for the surface reason of illness, but TOJO presumed
36643 *he disapproved of bringing relations among Japan, Germany,
and Italy to the point of an alliance. Preceding the
decision of July 26, 1940, YOSHIDA agreed at discussions
to the political strengthening of the relationship among
Japan, Germany, and Italy. However, in September 1940,
the question as to whether the relationship should be
advanced to an alliance was asked as to why YOSHIDA refused
to become a member of the KONOYE Cabinet.

36644 *TOJO said he believed YOSHIDA opposed placing of
the three-power relationships on an alliance basis. TOJO
said this was merely a presumption because the reason
36645 YOSHIDA gave for resigning was illness. *TOJO said
YOSHIDA did not say directly he was opposed to a military
alliance. TOJO said it was true that very well informed
men in Japan felt the signing of the Tripartite would cause
a war between Japan and the Western Powers.

TOJO said he recalled that the investigating
committee talked at length with the members of the Privy
Council the day before the Tripartite was executed.
36646 *TOJO said a discussion as to how much petroleum was
available to fill the warships and the airplanes to go to
war with the Western Powers might have been discussed,
but it was brought up as a matter of course. He didn't
recall that in any detail.

36647 *TOJO said the character of the Tripartite
Alliance was of a self-defensive nature under the prevail-
36648 ing situation. *TOJO said the economic pressure on Japan
by U.S. had something to do with signing the pact.
TOJO said there was no direct and active military action
on the part of U.S. but there were plans. See exhibit
3567 and 3660. After U.S. abrogated the United States-
Japan treaty of commerce and navigation, Japan's
economic life was under strong pressure.

36649 *TOJO was reminded to discuss military situ-
ation and he stated that in May 1940 a large U.S. fleet
was concentrated in Hawaii, its personnel active and on
the alert.

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36650 TOJO was asked if he claimed that because the U.S. vessels concentrated at Pearl Harbor, this was evidence that Japan was in danger of attack by U.S. TOJO said he was asked what kind of military threat against Japan existed at *that time, and he gave this explanation.

36651 *TOJO was asked if the only way the U.S. could avoid that type of threat would be to take all warships out of the Pacific. TOJO said that may well be so. The threat was felt by Japan and TOJO felt it. TOJO was asked what other kind of military threat was made by the U.S. prior to the Tripartite Pact. *He said the increase in armed forces in the areas of the Philippine Islands, Malaya, Burma and the Netherlands East Indies as well as strengthening the contact among the powers; the implementation of air bases and their facilities in the same area; and the U.S. had intentions to create and strengthen its air bases in Alaska.

36653 In the war between Japan and China, the U.S., Britain and other powers were assisting China by strengthening Chinese resistance to bring about the attrition of Japanese national power. *Japan considered the building of airfields and strengthening of armaments in insular possessions of *the United States were threats against Japan.

36654 TOJO was asked if it were true that U.S. action in strengthening naval forces and armaments in Hawaii and other Pacific islands was grounds for Japan *to anticipate attack, but the action of the Japanese in sending several hundred thousand troops into the heart of China was a defensive measure. TOJO replied that U.S. reinforcing its troops, constructing or strengthening its airfields and concentrating its fleets in its own territory, were felt to be threats against Japan. The hostilities going on in China were entirely different. There was the necessity for the protection of Japanese residents and the purpose was self-defense. *IPS Doc. 36655 3150-373A handed to witness *and he was asked if this

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- 36657 excerpt from SAIONJI-HARADA Memoirs contain the result of the Four Ministers' Conference held before TOJO became War Minister in the second KONOYE Cabinet. TOJO said he had no confidence in this document. TOJO said he did not place much trust in the person HARADA. TOJO said he considered HARADA a sort of highclass information broker. *If he were alive or dead, TOJO said he would say the same thing. TOJO said he never met HARADA, but his impression was that he was a peddler of information.
- 36658 *TOJO said he would not say that Prince SAIONJI had passed judgment on any issue on the information brought to him by HARADA. TOJO said he did not deny that
- 36659 all premiers were chosen by SAIONJI. *TOJO was asked if he agreed that in appointing the Prime Minister of Japan SAIONJI exercised the most important governmental function. TOJO agreed if the question means that it was performing a function of the highest political responsibility and
- 36660 *playing one of the most important roles in the appointment of the Prime Minister. If Prince SAIONJI himself
- 36661 wrote the diary, TOJO would place reliance on it. *TOJO said it depended on the way SAIONJI edited it to determine whether he would have more respect for it.
- 36662 *TOJO did not know SAIONJI. He had never met him. TOJO, MATSUOKA, YOSHIDA and KONOYE met for the first time on the 19th of July 1940 at what is known as Ogikubo Conference. The purpose was to provide for
- 36663 political leadership and guidance. *TOJO said no secretary was there. No one was there but the Prime
- 36664 Minister, MATSUOKA, YOSHIDA, and TOJO. *TOJO said they were only concerned with a high degree national defense state. TOJO said YOSHIDA did not manifest any opposition to plan at that conference.
- 36665 *Exhibit 3687A was handed to TOJO for examination. He was asked if this did not relate to what took place
- 36666 at the Four-Ministers' Conference on the 19th of August, and also the Liaison Conference. *TOJO said he did not remember the Four-Ministers' Conference of August 19, 1940. TOJO said also the document did not contain facts. "The Outline of the Solution of the Situation," presented in evidence, was decided at the Liaison Conference and the exhibit is accurate, but the summary which TOJO was

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- 36667 examining has portions which were not consistent with the original document and show what a high-class information broker can do. *TOJO said he inferred that this was written by HARADA on the basis of what HARADA heard
- 36668 indifferent places. *A portion of Exhibit was read but
- 36669 TOJO said he did not change his opinion about it. *In order to point out inconsistencies in Ex. 3687, TOJO asked to compare it with the "Outline of the Solution of the Situation." *TOJO said Ex. 1310, "Main Points in Regard to Dealing with the Situation," was different from the HARADA document both in form and in content. The HARADA document states, "The Essential Points," and then gives articles I, II, which is not the form which was taken at the Liaison Conference. The HARADA diary describes the plan for the prompt submission of the Chungking Regime. Ex. 1310 plans the settlement of the China Incident by preventing Third Powers from assisting the Chiang regime. TOJO said at the Liaison Conference no one had yet thought of planning the prompt submission of the Chungking regime.
- 36671 *TOJO said the HARADA diary states as to the South Seas Islands policy, they will seize an opportunity and utilize any changes in the situation. The actual exhibit states that to settle the Southern Problems they will act within the limits so as not to cause a war against a Third Power. TOJO stated the HARADA diary was wrong in regard to many points and he believed HARADA must have written down what he heard from miscellaneous sources.
- 36672 TOJO was asked if the entry in HARADA Diary which stated they would plan the prompt submission of the Chungking Regime was in error. He replied that he could not say but TOJO said at the time this decision was adopted no one had yet decided on that matter. *TOJO said that decision was embodied in the Imperial Conference decision of 13 November 1940, when the policy towards China was decided upon, and in that decision the national will toward China was clearly established.

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- 36674 *TOJO pointed what HARADA calls "Article II" and said the original document didn't have any Article II. HARADA's diary states that emphasis is to be placed on policies towards Germany, Italy, and Russia, but TOJO said the phrase, "emphasis is to be placed on policies towards Germany, Italy, and Russia" cannot be found in the original decision of the Liaison Conference.
- 36675 *HARADA wrote that although they would not refrain from boldly carrying out the policy deemed necessary by the Empire in spite of the inevitable and natural aggravation which will accompany it. TOJO pointed out that portion is something that was added by HARADA. He said it was not in the Liaison Conference decision.
- 36676 HARADA stated that regarding French Indo-China (Kwangchow Bay*included) and TOJO pointed out the phrase "Regarding French Indo-China (Kwangchow Bay included)" was not included as Kwangchow Bay, was not even considered. TOJO said that part of HARADA Diary that FIC must supply troops, permit the use of airfields and the passage of troops, and that they would also strive for the acquisition of raw materials necessary to the Empire, was not included when*the national policy was decided on at the Liaison Conference. That way of thinking did not appear until September 1940.
- 36677
- 36678 *TOJO said the statement that with respect to withdrawal of troops of belligerent countries, they would induce China to take these back, was going too far, that Japan didn't think of such a thing at the time and it is difficult to understand what is meant.
- 36679 HARADA stated in regard to the Dutch East Indies, they would endeavor to *secure vital resources through diplomatic measures. TOJO said this was off the track, for the Liaison Conference decided to strengthen the diplomatic policy towards the Dutch East Indies in order to obtain important materials. TOJO said the Liaison Conference decision did not include statement they would take measures to secure the return of the former German and French territorial islands in the South Pacific through diplomatic negotiations.

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- 36680 *TOJO stated it seemed to him that HARADA confused the outline of the fundamental national policy decided upon on the 26th of July 1940, and the Liaison Conference decision regarding the outline for the solution of the situation, which was arrived at on the following day. And HARADA apparently wrote this portion of his diary as Articles I, II, so forth, just as if he had written down, verbatim, the actual decisions of the Liaison Conference, and that is why TOJO called him a high-class information broker.
- 36681 *TOJO said Ex. 541 stated correctly the Cabinet decision of 26 July 1940 and exhibit 541 correctly stated the *decision of the Liaison Conference of 27 July 1940. He assumed responsibility for these decisions as War Minister.
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- 36688 *TOJO was asked what was meant by maintaining a firm attitude towards America. *TOJO said this meant to advocate righteousness and not take a servile position in diplomatic negotiations. *TOJO said he never dreamed of attacking the U.S. in war unless the U.S. would desist from sending any supplies or aid to Chiang Kai-shek.
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- 36692 TOJO said he never even thought of making war unless assistance to Chiang Kai-shek ceased.
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- 36695 *TOJO was asked if he recalled the 4th item that the U.S. would obstruct Japan's effort to a peace with China. Whether it was item four or one, TOJO did not recall, but such an item was there. TOJO explained that if Proposition A failed Japan intended to improve the situation by means of Proposal B. *It was their intention to improve the situation and then to enter into more negotiations on broader issues.
- 36696
- 36697 *TOJO said if Plan B had been accepted by the U.S., the Pearl Harbor attack would not have occurred. Even if half of Plan B were accepted by U.S., TOJO did not believe war would have occurred, if the U.S. truly desired peace in the Pacific.

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36698 *TOJO was asked what part of Plan B would have been sufficient for the U.S. to accept to prevent the Pearl Harbor attack. TOJO said any item would have done if U.S. had approached Japan with an attitude to make concessions on her own part. TOJO believed that the terms could have been relaxed if the U.S. approached Japan in a spirit of reciprocity. TOJO said he approved of both plans. He was the one holding the highest responsibility on the matter.

36699 *TOJO was asked if he remembered that about October 18, 1941, TOGO told Grew, KURUSU and NOMURA that Plans A and B carried the last concession that possibly could be *made by Japan. TOJO couldn't remember exactly how it was worded, but he believed it was only natural TOGO must have said something to that effect as Foreign Minister.

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TOJO took such steps on the basis of decisions made by the Liaison Conference, and he was doing his duty as Foreign Minister. TOJO was asked if TOGO wasn't acting in TOJO's responsibility as Prime Minister, and he said in some sense he was but TOJO's position was different from that of the Foreign Minister.

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TOJO said he did not deny that at Liaison Conference, November 5, 1941, Plans A and B were drawn up with the last concessions from Japan, and they were sent to the United States through *diplomatic channels with instructions that they constituted the farthest extent in concessions. *TOJO said this was not the last word. The last word was contained in the note delivered to U.S. on the 7th of December. In the meantime, TOJO said the Hull Note was thrown into their faces. *TOJO said the language was used that they were the final concessions that would be made.

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*TOJO said that accurate information was transmitted to Ambassadors at Washington. As for TOGO, he took various measures in regard to this very vital question, whereas TOJO was occupied with *the question of the rise or fall of Japan.

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36706 *TOJO said the Premier could not say that once a plan had been decided upon he wanted the whole plan carried through in toto. TOJO said TOGO did not act against TOJO's intentions or desires when TOGO told the Japanese Ambassadors at Washington that Plans A and B contained the maximum concessions that Japan was willing to agree to. *TOJO said he took the responsibility therefor.

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TOJO was asked when they decided that the U.S. was not acting in good faith. TOJO said they never made up their minds on such a thing. TOJO said he did not know of naval preparations for the departure of the Japanese fleet for Pearl Harbor. They were handled by the Naval High Command. TOJO said he was not trying to evade responsibility.

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*TOJO said plans A and B were also discussed at the Liaison Conferences and the discussions considered whether or not they would constitute the final concessions of Japan.

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*Exhibit 3688 was handed to the witness. TOJO identified the document definitely as the record embodying the cabinet decision 3 September 1940.

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*TOJO was asked what was meant by "special facilities for the establishment and operation of Japanese enterprises as contained in Exhibit 3688.

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*TOJO said he thought this was a demand that every possible convenience should be afforded Japanese enterprises in their establishment and operation. This had no relation to why an army was dispatched to Indo-China. TOJO said this was a cabinet decision so he was sure that these were demands on FIC. TOJO said this was the basis for diplomatic negotiations with French Indo-China, and Japan hoped to solve the matter through peaceful negotiations. TOJO said Japan didn't have any rights to make demands.

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*TOJO said it was true that they planned to advance troops into Northern FIC at the time. But the purpose was not to enforce demands. TOJO was asked if it were merely a coincidence that the army was dispatched to Indo-China at the same time they made the demands. TOJO said rather than say that the troops advanced into FIC, Japan's advance into FIC was based on negotiations conducted with the Vichy Government. Roosevelt had discussed in detail the FIC problem with the Emperor. TOJO believed he employed the words, "with the permission of the Vichy Government."

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*TOJO said troops first advanced into FIC. TOJO was then War Minister. TOJO, as War Minister, was responsible for initiating that plan of dispatching the Japanese troops into Indo-China at that time. TOJO said the troops were sent to Indo-China after agreement with the Vichy Government. *TOJO could not say for sure, but according to his recollection, probably a portion of forces stationed in South China were sent to FIC besides those from Japan. TOJO recalled it was the Fifth Division that was sent.

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TOJO was asked if he recalled the entry in KIDO's diary where KIDO quoted the Emperor as stating, with reference to transactions in Indo-China, that he did not *like the application of the principle of thief at a fire. TOJO said he recalled that entry, and he thought KIDO used very strange language. TOJO said he had no recollection of ever taking action similar to that of a thief at a fire. TOJO said he could not imagine the Emperor using such a phrase as "a thief at a fire". He thought KIDO must have imagined that and written it down. In Japan that is the lowest form of expression.

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TOJO's attention was called to decision of September 3, 1940, and he was asked *what the phrase "existing interests" referred to. TOJO replied that as to what is meant by existing interests, he did not have sufficient knowledge to reply fully. He felt that inferentially interests already existing were meant. TOJO said he did not have enough knowledge to reply.

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36717 *TOJO was asked what was meant by "driving out," and he said this had no reference to military force. They intended to use diplomatic negotiations. Since the words "drive out" were written, TOJO supposed drive out was meant. They intended by diplomatic negotiations to drive them out.

36718 *TOJO then read the phrase "a Committee for Economic Construction and other suitable organs which include Japanese." He thought this meant an intention to see the establishment of a committee which would include. TOJO's attention was called to the language that the banks of FIC would offer Japanese all possible financial facilities, but even realize the exchange control guided by the Empire. *He believed the words honestly conveyed the Cabinet decision of that date. As Minister of War and also as a Minister of State, TOJO had responsibility for this decision. In order to effectuate the stabilization of the Far East, troops were sent to FIC to shut off supplies to Chiang Kai-shek TOJO said.

36720 *TOJO said they took the action referred to because they thought the immediate solution of the China Incident was an important factor in stabilizing the Far East. TOJO said it was a fact they requested the German Government for assistance, which was refused. He didn't recall the date. This request was made by TOJO so TOJO did not remember the date. TOJO could not recall whether the matter was discussed at a Liaison Conference, or whether TOJO did it on his own responsibility.

36721 *TOJO stated the Netherlands declared war on Japan on the 8th of December 1941, and that is how the state of war arose between the two countries. *TOJO said the wording of the Imperial Conference decision of December 1 states Japan intended to war against Netherlands, but the declaration of war made no mention of this. The declaration of war was against U.S. and Britain. It was the Netherlands that declared war on Japan.

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36723 TOJO said they made up their minds on the 1st
36724 of December that war with Britain, U.S. and Netherlands was
unavoidable. This arose from the necessity of self-
defense. *TOJO was asked in what way the Netherlands
menaced Japan. TOJO said the threat *was military,
economic and political. In close military cooperation
with Britain and U.S. the Netherlands participated in
the military encirclement of Japan. Japan saw the Nether-
lands Navy allied with the British and American Navies.

Airfields in NEI were available to the British
and American air forces. Submarine bases were offered
to Britain and U.S. The armed forces of NEI and those of
Britain and U.S. were increasing. Together with Britain
and U.S. the Netherlands was a threat to Japan.

36725 *TOJO said exhibits 3660 and 3567 state the
details of this threat. TOJO was asked if any repre-
sentative of the Netherlands ever uttered a threat to
use military force against Japan. TOJO said in May of
1941 the Foreign Minister of the Netherlands stated they
were ready to meet the Japanese challenge at any time,
together with Britain and the U.S.

36726 *TOJO said it was true that every country has
the privilege of defending itself, but as to whether the
language used by the Netherlands representative had to do
with the challenge from Japan, TOJO said the words were
the customary diplomatic language and the interpretation
of what those words meant was up to Japan. What Japan
wanted to know was not the words themselves but the real
significance behind them. TOJO said Japan interpreted
those words as a threat. TOJO said they felt they had
received a political challenge.

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37219

*Exhibit No.3735. "Plan for Disposing of Incident, dated August 7, 1936 stated that the main object was to settle the Incident quickly by effective military operations and diplomatic measures so that China would lose her pretext for anti-Japanism and there be created between Japan and China a fair and permanent diplomatic relation with cooperation and co-prosperity between Japan, Manchukou and China.

The aim of the military action is to make China give up her will to fight in the shortest possible time. For prompt settlement measures such as the use of military force, occupation of strategic points and accompanying necessary operations, etc. shall be taken.

37220

The aim of diplomatic measures is to urge China's reconsideration as soon as possible so she may be led to the position desired. *Timely negotiations and actions will be carried out. The way of settling the Incident and its remedial measures is to make China lose her pretext for anti-Japanism and to negotiate with her under conditions unbiased by past circumstances. All measures and accompanying operations shall be carefully taken within the bounds of international law.

37221

"Principal areas for using military force on the land shall be Hopeh-Chahar and Shanghai and against areas where it is needed, military operations shall be carried out from the sea and air. To carry out military operation smoothly the various organs of the nation will be brought to wartime status by executing general mobilization and establishing emergency laws.

The settlement of the NORTH CHINA problem aims at realizing co-existence and co-prosperity of Japan, Manchukuo and China, bringing about a really bright North China under the control of China's Central Government. They expect to see the creation of such condition in Central China and South China as to be suitable for continuous promotion and development of trade between Japan and China.

37222

*Measures to be taken behind the operation field of North China should avoid for the most part any idea of enemy territory occupation. There shall be no administration by the Occupation Army but maintenance of peace and order shall be ensured under Army guidance. Political organs shall be left to the local inhabitants but they will give necessary guidance to make them carry out a fair administration. Transportation facilities and exploitation of materials necessary for military purpose shall be under necessary control.

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Trade, economic and financial relations between Japan, China and third countries shall be ruled in line with Japan's main object of having China lose her hostile spirit.

87223

*Military and diplomatic measures and accompanying actions, shall be carefully taken for least they cause entanglements with third countries or induce intervention. Depending upon the situation, all Japanese residents shall be evacuated and their relief will be considered. Although it is the main purpose to bring the Incident to an immediate settlement, they should be determined to exercise military power on a large scale for a long period of time. They should make quick preparations to be able to meet any development in the situation.

This was decided and signed on August 7 by Foreign, Army and Navy Ministers. The Foreign Office will try secretly and quickly to have the Chinese make proposals for peace.

87224

The first plan entrusted to the Foreign Ministry for the creation of a disarmed zone provided that the eastern and northern areas of the line connecting Paochang-Changpei,-- Lungmen-Yenking-Mentoukou-Chow-Chow-Mauu-Yungtsin-Singan-Tuliuchen-Hsingnunchen-Faoshaling (including areas on the line) shall be a disarmed zone shutting out Chinese troops. Peace and order shall be in charge of the "Peace Preservation Corps" whose strength and equipment shall be stipulated hereafter.

The second plan, taken as the final one provided that Paochang-Changpei-Lungmen-Yenking-Mentoukou line and the adjoining areas in the Hopei Province, left of the Yungtung and Hai rivers shall be disarmed zone with maintenance of peace and order by the "Peace Preservation Corps".

In case China lays emphasis on a time limit for the disarmed zone, there is no objection.

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The first plan provided that if a time limit is attached, they will take into consideration what is to be done on its expiration. The second plan adopted provided that in case a time limit was attached, an understanding shall be had that on expiration another disarmed zone shall be newly-established along the Sino-Manchurian border, drawn by a fixed line. According to need, Japan will express willingness to voluntarily reduce the strength of occupation troops within the limits of the strength at the time of the outbreak. The TANGKU Truce shall be abolished and various agreements based on it will be adjusted, if necessary. Various arrangements based upon the Peiping arrangement, such as * Confiscation of the Great Wall's gates; through railway traffic, customs, through mail service, aviation, shall not be abolished. The DOIHARA-CHIN TE-CHIN and UMEZU-HO YING-CHIN Agreements shall be abolished but the Central Army will

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37226 *have to be evacuated from Hopei Province. Japan will make China promise to strengthen her control of anti-Japanese movement as well as preventing Bolshevization in the disarmed zone.

37227 *Japan agrees to dissolving of the Hopei-Chahar and EASTERN HOPEI Governments, the administration there to be left to the discretion of Nanking. They hoped that the Chief Administrators would be influential persons suitable for Sino-Japanese harmony. An agreement shall be reached on economic collaboration in North China. It should be collaboration under joint management based upon Sino-Japanese equality. Although there is no objection to dissolving the Eastern Hopei Government, they must consider making the most of bargaining in the negotiations.

37228 Negotiations for adjusting Sino-Japanese relations, unbiased by past circumstances, shall be made concurrently with or following the peace negotiations stipulated herein. *If the peace agreement be reached between Japan and China, and the evacuation of Chinese troops from the disarmed zones and the Central Army from the HOPEI Province is effected, then the evacuation of troops shall commence. Announcement of Japan's intentions of evacuation shall be timed with the reaching of the agreement.

A mutual announcement shall be made that the two countries will henceforth enter into a "New Deal" for realization of true friendship." And then, "TOP SECRET (STAMP) "Outline of the Proposal for the General Adjustment of Sino-Japanese Relations decided Evening 6 August 1937, stated that politically CHINA shall give a tacit promise to leave MANCHOURUO alone. There shall be concluded an anti-communistic agreement between Japan and China and anti-communism in the disarmed zone will naturally be practiced, and strictly controlled; that besides dissolving EASTERN HOPEI and HOPEI CHAHAR Governments, Japan will negotiate
37229 * with NANKING on Inner Mongolia and Suiyuan districts to have it accept Japan's rightful requests, Japan having no intention of excluding Nanking's influence from those districts, and that China shall strictly control anti-Japanese movements and emphasize its 'good neighbor Ordinance' throughout the country and any anti-Japanese movement in the disarmed zone must be especially controlled.

Militarily, if China strongly demands the abolition of the Shanghai Peace Agreement Japan will agree after making the most of the transaction and free aviation will be abolished.

Economically, customs tariff on specific articles will be lowered, EASTERN HOPEI special trade will be lowered. EASTERN HOPEI special trade will be abolished and free hand control in China's smuggling on the sea bordering the disarmed zone will be restored.

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*Exhibit 3268 previously for identification (29886) (HIROTA) to rebut 29786 et seq. Views concerning the attitude of the Empire toward Arbitration or Intervention by America, European Powers or the League of Nations in the Sino-Japanese Incident, decided by the War Department Oct 11 1937 stated that Japan would forcibly refuse and exclude intervention or pressure by U.S., European Powers, or the League in connection with the Incident but will accept peace-recommending arbitration after it has achieved the object of its military movements against China. This principle upon confirmation by Navy, Army and Foreign Affairs, shall be sent to envoys in foreign countries with orders to act in accordance.

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Germany and Italy will be informed of this decision at an appropriate time and required to support Japan's assertion. The reasons for this are that the cooperation of England and U.S. and the meeting of the Nine Power Treaty Powers * show that the powers and the League may interfere or arbitrate.

Such interference and arbitration before accomplishment of the purpose of the military movement will never make China feel contrite. Japan will forcibly prevent and reject them if they are not impartial peace-recommending arbitration proposals even after the purpose of the military movement is accomplished because this would be throwing away the results of all previous efforts. There is no reason to reject just, peace-recommending arbitration as it may facilitate negotiations with China. If such countries as Germany and Italy, though they are not so powerful, should come forward as arbitrators at China's request it would be the better because of their special relations with Japan.

Though this principle is generally accepted it is not yet decided as the national attitude. It should be negotiated among War, Navy and Foreign Affairs and become the foundation of diplomatic measures. They should be careful not to publish it too hastily, nor to speak of it to the Powers since it might leave the impression that Japan is anxious to bring the incident to a close.

In the matter of the course decided upon to be taken by the Japanese Government on Mediation or Intervention by Third Powers in Connection with the Sino-Japanese Incident, decided by Navy and Foreign Affairs on October 22, 1937, stated that with the progress of the Incident England, Soviet Russia and the United States showed indications of intervening. They are either intervention or arbitration founded on placing Japan in the position of a defendant. It was natural that Japan should reject them from the first. With the advance of military movement, when its purpose shall be practically attained, the Nanking Government, under the pressure

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37240 of Japan's force, will want to sue for peace although obliged to *assume outwardly a strong attitude. The good will offices of England, United States and others in such a case will be advantageous to draw China to negotiations. If Germany and Italy should act as arbitrators at the request of China, it would be excellent.

Such being the case, the following principles are adopted. They will positively refuse and exclude hasty intervention or arbitration by third parties but may accept impartial peace-recommending services from them at a time when they have nearly achieved the purpose of military movements toward China. This shall be sent to appropriate envoys with instructions to take measures accordingly. They should avoid publishing it too hastily or making it known to foreign governments because it is not an advisable measure since it may give an impression that Japan is in a hurry to conclude the Incident because of some weakness.

37241 *They should tell beforehand only Germany and Italy on some proper occasion and take such measures as might induce them to act according to Japan's wishes. When they recognize that the purpose of military movements toward China has nearly been accomplished or that they should notify Germany and Italy, this will be decided by consultation among War, Navy and Foreign Affairs.

37245 (HIROTA) For Ident. 29866 to rebut 29858.

37246 Exhibit No. 3269 - The Course Towards the Opening of the Imperial Conference January 14, 1938, East Asia Bureau, stated that Wang Ke-Min recently put before TERAUCHI three questions - whether Japan will give full-scale support to the new North China regime; whether Japan intends to regard CHIANG Kai-shek as a party to deal with, and whether Japan intends *to make North China similar to Manchukuo.

Commander TERAUCHI conveyed these to the Central Army authorities, who were unable to reach a decision. TERAUCHI urged the War Minister or Vice Minister to come to Tientsin. Almost simultaneously MATSUI urged the central authorities to establish a policy, stating that it was inadvisable to save the situation by dealing with CHIANG Kai-shek. Central Army authorities decided to hold the Liaison and Imperial Conferences.

MATSUDAIRA understood that the outline decided by the Imperial Conference was carried by UMEZU to China, but was doubtful as to the reliability of the story.

37249 *Exhibit No. 3270-A. Communication from Prime Minister KONOYE to HIROTA January 21, 1938 stated that the general principles of National Policy had been decided. They would, he stated, make it the basic principles

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37250 of the administration to strive for strengthening national power internally and to plan for the development of the Empire externally. With a period of emergency extending over several years as the objective, they would carry out the following governmental policies. Foreign policy will be based on realization of close cooperation between Japan, Manchukuo and China, establishment of an eternal peace in the Orient and contribution to the peace of the world. *They will firmly maintain inseparable relations between Japan and Manchukuo, and establish an important policy toward Manchukuo. Positive efforts will be made to carry out the policy towards China, and efforts shall be made for the economic development in the Southern Areas.

37250 *Military aims in the China Incident shall be perfectly attained, and the status of general mobilization completed according to the needs of national defense and plans to strengthen military preparedness will be made. All measures shall be taken against prolonged resistance of China.

Within the next four years the development of important industries shall be planned, the over-all expansion of productive capacity achieved, and supplies of materials necessary for national defense secured under a comprehensive plan, including North China, international balance of trade improved by promoting export trade. The establishment of a national defense economy and strengthening of the economic power of the Empire can be expected.

37251 *The home front shall be managed, aid given to the war dead, wounded and diseased and their families; proper measures taken for demobilization and for the recovery of Japanese residents in China. The future development of the Empire is expected to be secured.

The guidance of national thought shall be strengthened and made complete, science and culture shall be promoted and education will be reformed to cultivate the character of the people of a great nation.

The determination of the nation towards the emergency shall be increasingly emphasized and every effort shall be made to enforce various policies for stabilizing national livelihood, especially in promoting the development of agricultural and fishing villages. The welfare of medium and minor merchants manufacturers and laborers and the physical strength of the people shall be emphasized.

Together with imposing necessary state controls over prices, finance industry, foreign trade, transportation and communication, power, labor, etc.

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*for national preparedness, the promotion of industry and the stabilization of the national livelihood, an emergency financial plan shall be established. Efforts shall be made to eradicate and overcome Communism and other thoughts or actions inconsistent with the national structure. To assure rapid and precise execution of the policies, the political administration shall be reformed and the various organs of the state shall be made to conform to it.

The reasons for this are that although the Chiang Kai-Shek Regime has lost its capital and other important districts, they have not awakened from anti-Japanese delusions but are still expecting foreign aid and anticipating the economic collapse of Japan and are devoting themselves to prolonged resistance. This will tend to prolong obstinate resistance.

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Meanwhile both England and Russia are skillfully agitating *China and the general trend is far from reassuring. From the long point of view, it is necessary to achieve the military objectives and plan for undermining long term resistance and for a rapid overseas expansion. In order to meet any changes in the international situation with unity, it is necessary to attain complete military preparedness. With the next few years as the objective, it is an urgent necessity that the nation's course be clarified, and that all elements in the state devote themselves to the attainment of this objective.

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*Exhibit 3271. Instructions of February 8, 1938, to Consul Generals in Shanghai and in Hongkong from HIROTA on matters pertaining to propaganda work for the destruction of the Nationalist Government, stated that to aid the self-dissolution of the Nationalist Government, stated that to aid in the self-dissolution of the Nationalist Government, the Foreign Ministry has been making various propaganda leaflets and pamphlets which aims at disintegration within the enemy's army and the alienation of the people's minds. These have been scattered in various important areas by navy aircraft. In view of the frequent outbursts of internal dissensions in the Canton, Szechwan areas for the past few days it is thought that this might be the appropriate time to hasten disintegration and destruction by aggravating domestic discord through the reinforcement of this type of project. Since this work necessitates timeliness in the future on matters which require immediate planning, it is requested that the recipient also make appropriate leaflets and pamphlets, or give consideration to completion of the work through radio and newspapers.

In Szechwan there is an idea that Szechwan should be ruled by

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its people. They must emphasize this idea strongly and help the Szechwan army unite against Chiang Kai-shek.

37258 *In the Canton area, we must observe the relationship between certain Chinese and Nanking and the internal disintegration.

In Hsu-Chow they must plan estrangement of the local Central armies. They must plan to cause and promote anti-communistic movements in all areas.

37261 *Exhibit 3272. Matters Regarding the Imperial General Headquarters Council February 18, 1938, stated that the Council was opened on the 16th. The Navy stated that it was necessary to obtain air bases in Nanking in the Yangtze-Kiang area and near Hongkong in South China to facilitate future air raids.

The Army stated it planned to advance its military activities up to the Lunghai Railway Area, but it could not consider the capture of Nanking at present. The Army never thought of sending troops to the Hongkong and Kuangtung area. It was necessary to leave a margin of power behind in view of the situation of the Soviet Union.

37262 *The Navy insisted on the need of expanding naval power to prepare against Great Britain and America. The Emperor asked the War Minister whether the Army could, at one and the same time, carry out preparations against the Soviet and Great Britain and America and the latter replied that he would answer after consulting other members of the cabinet.

37264 *(R.29703-4; 29861-2)
Exhibit No.3736 Telegram from Trautmann to Ribbentrop, 15 January 1938 stated that the President of the Executive Yuan expressed thanks for everything that Germany had done to bring about peace, and for the words of the Fuehrer.

37265 *The Chinese Government did not by any means want to adopt an evasive attitude and many discussions were held because the decision involved difficult national and international complications. China who has suffered so much, was willing to come to a real understanding with Japan which would guarantee lasting peace and she wanted to make all earnest endeavors to seek every possibility of peace.

Kung requested that an oral report be conveyed to HIROTA stating that it was most unfortunate that China and Japan should be engaged in armed conflict. China still entertained the desire to reach a real understanding with Japan so that durable peace might be maintained in East Asia. China had expressed the earnest wish to be informed of the nature and content of the "basic conditions" proposed by Japan because they wanted to use every effort to restore peace.

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*Trautman felt that China might tone down the defect of her answer by this statement.

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"Exhibit No.3737 A. Proceedings of Budget Committee Meeting of February 16, 1938, House of Peers stated Baron OKURA asked KIDO in view of the fact that foreign newspapers write distasteful things about the actions of the Japanese forces in Nanking and Shanghai areas

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*what was being done in the field to education to correct such conduct. KIDO stated that he heard about the reports of actions of Japanese troops in Shanghai and he did not think that they were all absolutely true. It was a fact that there were quite a number of such reports from other sources. He had often heard about the wrongful actions of Japanese abroad caused by extreme senses of superiority in and around China and Manchuria. He believed this was caused by some shortcomings in education. Japan which will expand to the continent in the future must be concerned with this point and make reflections.

It is necessary to give a more grand and virile education from elementary school on, in order to maintain the broadmindedness of a great nation. Up to this date they had paid some attention and started working in that direction in the summarized programme of instruction revised last year. In the future, they want to make full studies and carry out remedial measures.

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*When asked by OKURA why Japan had tried to deal with Chiang Kai Shek, HIROTA stated that since the beginning they had adopted the policy of local settlement and non-aggravation. In those days they had negotiated constantly with the Chinese in compliance with this policy. It became impossible for Japan to continue that policy because of the subsequent Chinese attitude. Japan decided on a policy to necessarily chastise them. Parallel with chastisement by force of arms, Japan constantly continued negotiations with the hope of making them reflect and to make them correct the extremely wrong ideas of Chiang Kai-Shek and others in the National Government, if possible. These negotiations were carried out by contacting various nations.

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* In those days, when the resolution of aiding China was passed in the meeting of the League of Nations and when conference of the Nine Power Treaty was to be held, there was a tendency of the Powers to jointly settle this incident with sympathy directed toward China. It was impossible for Japan to accept the mediatory acts of the Powers, although Japan notified those Powers, especially Germany and Italy respectively, of Japan's preparedness for negotiating if China made reflections and requested a direct negotiation. China's attitude was as strong as ever. She strongly stated that she would never independently negotiate with Japan to settle. She stated this in the Nine Power Conference.

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*Later the Germans made a proposal that the Chinese intention of entering into direct negotiations with Japan seemed fairly intense, and that the Chinese had heard that Japan would accept but wished to obtain Japan's view as to the attitude which the Chinese must have. Japan decided upon the four basic conditions. In addition to these

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*Chiang Kai-shek would have to put an actual end to the situation of cooperating with the Communist party. Japan might agree to open negotiations on the basis of these four conditions, provided Chiang showed evidence of complying with the spirit of the so-called anti-comintern by severing relations with the Communists or ousting those in intimate relations with it.

It is absolutely not true that Japan tried to compromise. It took the attitude that it would accept direct negotiation if Chiang-Kai-shek would accept the terms demanded and ask for peace. China gave various noncommittal answers to the terms presented and no sincerity was perceived. As the result of reaching the decision that they could no longer try to settle by dealing with Chiang Kai-shek, they issued the declaration.

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*Exhibit No.3739 - Telegram from SHIDEHARA to Consul General HAYASHI at Mukden, 5 September 1931, re Control of the Activities of adventurers in connection with the NAKAMURA Incident, stated that they had heard that ITAGAKI and others of the Kwantung Army were exerting themselves in various activities with ample funds and were manipulating Japanese adventurers in China and members of the KOKUSUI-KAI. In view of the tardy progress of the negotiations on the NAKAMURA Incident especially, they had decided on some concrete move around the middle of the month. He hoped it was merely a rumour.

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* In view of the appearance of excitement on the part of military authorities, it would be regrettable if they ruined Japan's position by behaving rashly; he was to take further deliberate steps to control the activities of the RONIN.

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*Exhibit No.2406, telegram from Consul General HAYASHI, Mukden, to Foreign Minister SHIDEHARA, October 13, 1931, stated that according to the Chief of the Manchurian Railway's local office, Japan's army supplied Chang Waipeng with 5000 rifles to give him independence. Chang asked for * further assistance of 200,000 yen as a war fund. It was rumored that the Railway, in connection with the recent incident, would advance about three million yen of secret military fund, and that when this is realized, the army would probably lay out its plan with the above fund.

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*(MANCHURIAN GEN) id 19381 - R. 19384.

Exhibit 2407 telegram from Consul General HAYASHI Mukden to Foreign Minister SHIDEHARA, 17 Oct 1931, stated that according to Hsieh Chieh-Shik, Chang Hai-peng telephoned his family in Taonan on the morning of the 15th that his entry into Tsitsihar would be a little delayed because a bridge was destroyed on the way. Hsieh stated that there was a condition that Chang Hai-peng be supplied with 10,000 rifles, 200,000 yuan, field guns and planes by a certain quarter for entering Heilungkiang and that he declare the independence, and then proceed with the restoration of the Monarch. He received only 3000 rifles and 200,000 yuan. His troop strength is some 3000, although he is planning to increase it to more than 5000, training is insufficient.

37326

*Even if he succeeds in occupying Tsitsihar peacefully, it is doubtful that he could maintain his position since there are quite a few soldiers in various parts in the province who possess troop strength. It would be still more difficult to support Pu-Yi for the throne. Chiang's success or failure depends wholly upon the amount of support given by a certain quarter.

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*Exhibit 3740, telegram from Consul General HAYASHI, Mukden to SHIDEHARA, 13 October 1931, stated that according to reliable sources the Municipal Administrative Office has planned the monopolization of opium and issue of lottery tickets to raise their funds, and has asked Army Headquarters for approval. He learned that though the Army had no objections, they instructed the office to state the stipulations clearly and get the approval of Headquarters before the plans are put in operation, and also to report to the consulate and the police. These are not only unfavorable from the viewpoint of international relations, but they are the materialization of a part of the plans of the Army of October 2nd. He asked SHIDEHARA to call upon the top army to immediately check the movement, * and take special care to preserve absolute secrecy from the army as to this telegram and official letter.

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*Exhibit 3457, decision of the Five Ministers Conference. The Measures to be taken in the case of Surrender of the Present Central Government of China, decided 8 July 1938, stated that * in case of surrender of China, Japan will regard the Central Government as one of the regimes and treat it accordingly to the "Must be made to join the newly established Central Government of China" policy. Japan will adhere to the decided policy and shall not try to adjust the general relations between Japan and China in negotiation with the present Government.

In case the present Government surrenders and accepts the third condition, stated later, it shall either be considered a friendly regime and be permitted to join the newly established Central Government, or be made to establish another new central government in cooperation with various existing pro-Japanese regimes.

The merger with or establishment of a new central government shall be undertaken chiefly by the Chinese, with internal assistance by Japan. The merger with or taking part in the establishment of the new Central Government of China; the change of title and reorganization of the former National Government; the abolition of anti-Japanese, pro-Communist policy and the adoption of pro-Japanese-Manchukuo and anti-Communist policy, and the retirement of Chiang Kai-shek are conditions for recognizing the surrender.

The suspension of hostilities shall not be taken up unless Japan is satisfied with the facts of surrender. In the case of negotiation the cessation of hostilities, the conditions shall be considered separately. The Measures to be taken in the case where the Present Central Government of China does not Surrender, (decided 8 July 1938) stated that:

"The Policy" Japan shall control her national power more rigidly and her whole strength in administration, foreign relations, financial tactics and propaganda shall be concentrated upon bringing about the

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destruction or surrender of the present Government of China. The various measures necessary for long term warfare shall be intensified to actually realize wartime conditions spiritually and materially.

Before occupying strategic points, Japan must direct positive war operations without break to occupy strategic points to control the general situation of China so as to cause the self-destruction of the present government and the abandonment of fighting spirit, through repeated defeats and especially the loss of their midland.

In accord with the development of war operations, the pro-Japanese and anti-Comintern influences should be fostered through strengthening tactics of administration, finance, foreign relations and thought. The aim is to break up anti-Japanese influence and to bring about an atmosphere for peace as well as the ruin of its financial and economic basis, so that the present Government might collapse, or be reduced to a mere local regime at the earliest possible time.

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*These policies shall be carried out not only by Japan but also thru guidance of the various pro-Japanese regimes of China and others. The various pro-Japanese regimes shall be enlarged and strengthened and be incorporated into one regime as early as possible. It should be made really worthy of the name of a Central Chinese Government so that it may be inevitably recognized at home and abroad as the government replacing the present government.

Recognition of the new central Government of China by Japan depends solely upon the situation but it must be done as soon as possible. While Japan will respect the rights and interests of third powers, and avoid trouble with them, it should adopt powerful and straightforward measures to settle the Incident so that the policies toward China be understood.

37355

*The others will be compelled to support Japan's attitude in order to protect and increase their vested rights and interests. As a result the present Government will be isolated. After occupying the strategic points, in case the present government should not surrender, Japan should not be impatient so as to resort to force to settle the Incident, but should make efforts to enlarge and strengthen the new Government, and at the same time attempt the downfall of the present Government chiefly by increasing pressure upon it by political, economic and ideological measures.

STRATEGY TOWARD CHINA IN CONFORMITY WITH THE CURRENT SITUATION decided 8 July 1938, stated that in order to break down the present Chinese Government and bring about Chiang Kai-shek's fall simultaneously with the destruction of fighting power, the plans shall be strengthened.

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*By engaging persons of the first rank in China they will pave the way for a new strong administrative power concurrently with the weakening of the people's fighting spirit. By conciliation and submission of irregular forces they plan to disrupt and weaken the fighting power. By utilizing and controlling the authoritative anti-Chiang Kai-shek elements, they will establish in the enemy's midst an anti-Chiang Kai-shek, anti-Comintern and anti-war government.

By promoting the Mohammedan movement they will create an anti-Comintern zone operated by Mohammedans in the northwestern region.

By confiscating Chinese funds abroad, they will cause financial destruction. They will spread necessary undercover propaganda to make easier the execution of all the measures.

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*THE GUIDING POLICY FOR THE ESTABLISHMENT OF THE NEW CENTRAL GOVERNMENT OF CHINA, decided 15 July 1938, stated that the new Central Government shall not be confined to the mere party concerned in settling the Incident, but shall be made the government of China, so that Japan and China will sweep away all frictions in past relationships and establish a friendly relationship from a broadminded viewpoint.

Though the establishment will be undertaken mainly by Chinese, it will be internally assisted by Japan. The principle of the collaboration of individual local governments shall be adopted. A Joint Commission shall be established by cooperation between the Provisional and Restoration Governments to be joined later by the Mongolian and Hsiang-Kiang Joint Commission. Japan should guide this regime to make it grow into a real central government.

37358

*The new Government shall not be established until after the fall of Hankow with the Chiang Kai-shek regime reduced to a local government or until the reformation of the present government is brought about by Chiang retirement.

In case the split or reformation does not take place after the fall of Hankow they should establish a new central government from existing governments. In case the Chiang Kai-shek regime is broken up or reformed, and should a pro-Japanese government turn up, they would make it a factor of the central government system and proceed to set up a central government.

The date for recognition of the new Government would be when the reformed government could take charge of suspension of hostilities, or when the United Government has grown to be a efficient central government.

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*with control of the new Government shall be done on the following basis - that the basic matters to be agreed upon for setting up new relations with China shall be the utilization and development of natural resources in North China, the recognition of the highly cooperative zones by Japan and China in North China and the lower Yangtze, the establishment of a special position against the Soviet Union in Mongolia, the establishment of a special position on the various islands along the coast of South China, and the establishment of a general policy for the collaboration among Japan, Manchukuo and China based upon neighborly friendship and goodwill, anti-Comintern and joint defense and economic cooperation. For these objectives, Japan will give internal guidance during a certain period.

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*DIPLOMATIC POLICY TOWARD BRITAIN FOR THE TIME BEING, decided July 8, 1938, stated that in order to cause Britain to give up her policy of aiding Chiang, it is necessary to make her understand Japan's just attitude. Pending matters will be investigated concretely and settled rapidly according to the above mentioned plan.

37361

ATTITUDE TOWARD PROPOSALS OF THE BRITISH AND THE GERMAN AMBASSADOR FOR PEACE MEDIATION decided July 12, 1938, stated that with the British Ambassador, they would first decline but not sever the connection, * while with the German Ambassador, they would first hear what he says.

PROCEDURE TAKEN IN CONNECTION WITH THE SETTLEMENT OF THE CHANG KU FEND INCIDENT decided July 22 1938, stated that they have made preparations for emergencies and the use of military power is to be carried out by the Imperial Order after negotiation among the authorities.

SPECIAL COMMISSION ON CHINESE AFFAIRS decided July 26, 1938, stated that The Special Commission for China belonged to the Five Ministers' Council and is an executive organ for working out important strategems against China and establishing the new Chinese Central Government in accordance with the decision of the council.

Every organ concerned with the above-mentioned business is directed by the Special Commission for China. The Army and Navy Ministers will be in charge of the liaison between the Special Commission and Imperial Headquarters.

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*COMMENTARY ON THE SPECIAL COMMISSION ON CHINESE AFFAIRS decided July 29, 1938, stated that the Commission is an organ under the leadership of BOIHARA, TSUDA and BANZAI, and that the important strategems against China are political and economic strategies not directly connected with military operations.

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The Supreme Command is not included in the local organs. If there is necessity to adjust a certain strategm of the Supreme Command organ with that of the Commission, both will be adjusted through their channels of subordination.

37363

*OUTLINE FOR THE ESTABLISHMENT OF A JOINT COMMITTEE decided September 9, 1938, stated that the policy was to establish a Joint Committee in accordance with the Policy to Guide the Establishment of the New Central Government of China decided by Five Ministers, 15 July, 1938.

The establishment of the Joint Committee is to be carried out mainly by China, but is to be unofficially assisted by Japan. Assistance shall be offered after due approval by the Central Government of a locally framed plan for guidance in establishing the Joint Committee.

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*When the Japanese plan for guidance of the establishment of the Joint Committee is completed, with the aid of the administrative guidance organs of North China and of Central China, a Preparatory Committee meeting shall be opened in Dairen to make preparations for a Federal Committee.

The Joint Committee shall be held in Peiping, based on preparations of the Preparatory Committee.

"CONCERNING THE SETTING UP OF A COMMITTEE FOR LIAISON WITH THE CONFERENCE ON THE FIVE MINISTERS decided October 7, 1938, stated that the liaison committee is established to accelerate matters agreed upon by the Five Ministers Conference for disposal of the situation in China, and to study and investigate measures to be discussed by the Conference.

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"This committee is a secret committee which will have as members the Chief of East Asia Bureau, the Chief of the First East Asia Section; Chief of Finance Bureau, Finance Ministry; Chief of Foreign Affairs Section; Chief of Military Affairs Bureau, War Ministry; Chief of Military Affairs Section; Chief of Naval Affairs Bureau, Navy Ministry; Chief of First Naval Section and as Secretaries, the Chief of the First East Asia Section, Foreign Office; Chief of Foreign Affairs Section, Finance Ministry; Chief of Military Affairs Section, War Ministry; the Chief of the First Naval Affairs Section, Navy Ministry.

37373

"Exhibit No.3741, The Essential Points of Administration in the Hankow District, decided by the War, Navy and Foreign Ministers October 28, 1938, stated that the administration of political affairs in the Hankow District shall be for the time being based on the principle that political affairs in the district shall be administered by Japan within the sphere of the operations of the Army and of maintenance of peace and order,

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*a special position shall be given to specified islands along the South China coasts. The system shall in principle be entrusted to China and intervention shall be avoided as much as possible. The intentions of statesmen shall be respected as to the form of the new central government. At the same time the matter of Japan's specific relations with existing regimes shall be deliberated.

37388

"Wang shall establish a powerful government in cooperation with Wu and the existing regimes. He shall make necessary preparations and try to win eminent persons of the Chungking government. Preparatory movements shall cover items such as the establishment of fundamental sphere of influence the movements toward Chungking, the unification of existing influences, raising of funds, full equipment of armed forces. Japan's outward interference in these movements shall be limited as much as possible.

The new central government shall be established in conformity with the phases of Japan's independent guidance of war. Japan will require of Wang that during the period of preparations, Wang, Wu, and the existing regimes shall work together, eminent persons of the Chungking government, and to establish a powerful government by establishing their sphere of influence.

37389

*The new government shall recognize the principles for adjusting the new relations between Japan and China. The time of establishment and

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Yaks
37395

The money granted will be paid in Federal Reserve Bank notes in North China and in Chinese currency notes in Central China. The operations of selling Chinese currency and paying yen will be conducted by the Yokohama Specie Bank.

37397

*(R. 30,436-9 - ITAGAKI. Exhibit No.3744, decision of China Affairs Board, stated when utilizing the surplus funds of the Maritime Customs revenue, Japanese names would be used to maintain secrecy.

37398

*Exhibit No.3745, OUTLINE TO GUIDE THE CENTRAL POLITICAL CONFERENCE, 1 November 1939, of the China Affairs Board stated the policy to establish a new Central Government shall have as its main aim the perfection of the inner basic conditions of China and second, the policies toward the Third Powers and Changking.

37399

*The main component people of the new Central Government shall be made to understand the matters desired and demanded by Japan. The Conferences shall be so directed that there shall be no conflict between this and what will be decided by the Chinese.

The Chinese shall complete preparations for the replenishment of manpower and the acquirement of basic power, with regard to the establishment of a base area, the policy against Chungking, the organization of armed forces, and the preparation of funds. Particular emphasis shall be on the destruction and undermining of the various powers of the Chungking side. WANG will be the central figure with the full cooperation of Wu and the existing regimes.

37400

*The political creed and policies of the new Government shall include the principles for re-adjustment of the new relationship with Japan, the necessary recognition of existing facts, as well as the desires of Japan. It shall include nothing that will contradict this. After the formation of the Central Government and before its establishment, the leading figures shall make a firm pledge to Japan.

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37408

*R. 30,505 - ITAGAKI.

37409 Exhibit No. 3746 *Strictly secret telegram of May 27, 1939 from Ott stated that on hearing rumors of new cabinet struggles over alliance he asked the Army for information. The Foreign Minister wired *Five Ministers decision of May 20 to Berlin and Rome in a form which Army rejects, because it does not automatically fix the entrance into a state of war against England and France, but proposed to make it dependent on the situation at the time. The Japanese Ambassadors had refused transmittal. The Premier had ascertained this departure from the decision after it had left and had delivered a correction to the cabinet. With the express approval of Supreme War Council the War Minister is again struggling together with the Prime Minister on this basic question.

37410 Ott pointed out to spokesman that the theoretical reservations of Navy against Western Power was in contradiction of their procedure in Army and Western Powers were working for a Soviet alliance. Spokesman counted on the possibility of the resignation of Foreign Minister. The private secretary of Prime Minister also expressed a similar view.

*Heard from other sources that Emperor had made agreement between Army and Navy a condition for his assent in answer to Prince KAN-IN, who represented the alliance demands of the Army.

37417 *Exhibit No. 3747, memorandum from MUTO July 11, 1944 stated that his bureau had no objection to the draft of telegraphic instruction to NOMURA on the French Indo-China Problem as submitted by the Navy. As reply material for the Northern Problem, this draft is offered by the Army. * This draft is to be submitted to the Foreign Office as reply material when the U.S. questions NOMURA after the strengthening of military forces in Manchuria becomes known. As the time of dispatch is a military top secret requiring ample consideration, the Army and Navy are asked to confer. In view of the circumstances when she sent her military forces to Siberia and to Iceland, this draft has the object of not giving a pretext to, as well as preventing, the United States from making its influence felt in Kamchatka or elsewhere under the pretense of the self-defense and security.

37419 *The draft stated that it is self-evident that Japan watches with the great interest the development of the German Russian war. Japan and Manchukuo directly border the Soviet and Japan is making efforts to establish the Co-Prosperity Sphere. International defense could be endangered by the European conflict, felt in the Far East, or by the third power's sphere of influence spreading to the Soviet territories in the Far East. Japan absolutely cannot allow such eventualities to happen.

Japan was strengthening her defensive military forces within the minimum limit required solely to prepare for such a serious state of affairs.

Page
37420

*The Navy is sending drafts of instructions to Ambassador NOMURA as materials for answering questions on penetration into French Indo-China and instructions to NOMURA as materials for answering questions on the management of Northern problems. It is quite dangerous if matters regarding the North leak through to the U.S. too early. Time, etc. should be discussed at the liaison conference.

As to the southern plan, there is generally no objection of the Chief of the Bureau, but about the Northern plan there are further opinions on the part of the Army.

37422
37423

*(Muto) foundation, 33,206-8). Exhibit No.3748,
*Report of U.S. Military Mission to China, December 26, 1941, stated that on October 8, 1941, the military attache was invited to call at the General Staff, Tokyo and was presented to MUTO. MUTO stated that he had been informed that the attache had been ordered to leave Japan and inasmuch as the attache had just completed a tour of duty with the Japanese Army, he desired to explain the seriousness of the international situation. This explanation repeated the usual statements of Japan's desire to maintain peace. Following this, MUTO said there was no longer any real hope of settling the problems by diplomatic talks. The matter was one for the armies to settle. It was possible that the armies could do this *without fighting and the attache should try to report that Japan has a good army. He did not care how he criticized Japan but he should be careful to tell only the actual facts. If he could not convey the true state of things, Muto feared that he must give a very unpleasant farewell at present which was simply that if an understanding was not reached, they would be fighting Japan in six weeks in Manila. The conversation was reported to the Military Attache and to the Ambassador.

37424

He was merely reporting the main features in the event the Attache was unable to forward his report. It has very little value except as an interesting forecast of the opening date of the war.

37432
37433

*Exhibit No.3474, the statement of KAGESA and OKA, Chiefs of military affairs and Naval Affairs Sections, August 30, 1938, stated that *conferences on concrete plans for the capture of Canton, between the Army and Navy have been held for two or three days. Army strength is expected to be about three divisions.

In consideration of friction with Britain, land forces will land on the peninsula at the East part of Bias Bay and will carry out the capture. The capture is deeply connected with diplomatic considerations, and it is thought by some that the policy should be decided by the Five Ministers' Conference. This conference has already in accordance with the transition of the war situation, decided the policies of occupying various important places in China; and the capture of Canton is only the application of the over-all policy.

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37433

As the Canton operation is purely within the Supreme Command sphere, a decision to leave the formal decision to the Conference might give rise to the charge that the prerogative of the Supreme Command has been violated. No definite view has been decided upon, but it is believed probable that either the army and Navy Ministers will discuss the matter privately with the Foreign Minister or that it will be decided by the Five Ministers' Conference.

37444
37445

*Direct examination MURAYAMA, Tomiji, by Mr. Comyns Carr.
*The witness identified exhibit 3749 as his affidavit and verified it.

37447

*The affidavit stated that the witness was family physician for the late Baron Kumao HARADA from 1922 until his death in 1946. From 1922 until 1941 he attended HARADA during several illnesses, none of which were serious, and at no time was there a loss of memory or any sickness which would impair his mentality.

From 1930 to 1941 HARADA was in complete command of all his faculties and was alert mentally.

CROSS EXAMINATION

37449
37449

The witness stated that he was HARADA's principal physician until the date of his death. * In 1943, August, Baron HARADA was affected by thrombosis of the brain which was a relatively acute disease. *HARADA was affected by this disease for the first time in August 1943. While his records were destroyed during the air raids, the witness recalled that during 1922 he attended HARADA two or three times for colds or indigestion from overeating. He attended HARADA several times from 1922 to 1941 - about five or six times. This was for the whole period. He had no other doctors. *He could not give the exact years of treatment. Throughout that period he never contracted any disease important enough to call by name.

37450

37451

He could not recall the exact times of treatment. He had seen HARADA on other occasions because he treated other members of his family for diseases, but he only treated him five or six times. He had opportunities *to see HARADA two or three times a month. HARADA was a little too obese and his heart was weakened and his thrombosis came from that. He showed signs of a weakened heart from the year previous to the outbreak of this disease.

He never heard of HARADA having any headaches from 1937 on. He had never seen him affected by any disease covering an extensive period of five months. He did not know that during a period of time in 1937 he had to get KIDO to take over his work as secretary for SAIONJI. He did not recall visiting him during that period of time, but might have. He first suffered with paralysis after he contracted thrombosis of the brain.

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37452

*He was sure HARADA contracted thrombosis in 1943. For about a month after he contracted thrombosis of the brain he was not able to use his tongue, and even after that, up to the date of his death it was difficult to understand what he was saying.

37453

He thought that HARADA made his home in Oiso after he contracted this disease till the date of his death. Once in a while, when his disease was not too heavy, he would go to Hakone. The witness did not know how long he lived in Oiso before contracting this disease. He went to Karuizawa the year he contracted this disease and in fact became sick while on the train from Karuizawa to Oiso.

37454

*The witness specialized in diseases of the heart, kidneys and of the digestive organs, and metabolism. He did not specialize in mental diseases. The witness was 55 years old.

37455

*The witness made the statement of HARADA's memoirs of his own free will in answer to a question. The prosecution put the question. In some cases paralysis affects the memory, in other cases it does not. He thought a doctor's knowledge would be sufficient to cover the matter without examining for memory. In examining brain disease, loss of memory and the state of mentality would be taken into account. * In some cases tests are required. He made tests on HARADA in 1943 after he became ill. He had never made any especially before.

37456

37457

*HARADA never contracted any disease requiring a special examination, and throughout the period of his association with him he never showed any signs of loss of memory or of an impaired mentality. Paralysis or semi-paralysis is caused by a blood clot. He never treated HARADA in 1937 for a paralytic condition. A blood clot on the brain causes pressure and is quite probably likely to affect the memory.

37458

*He had no recollection of HARADA ever telling him about having paralysis in 1937. He thought HARADA would have told him if he had had such a condition. He did not know of HARADA having suffered any mental disease.

37459

He did remember every illness of every one of his patients he treated from 1922 to 1941 but he was on especially intimate terms with HARADA and so he remembered his case better than the others and should. He was one of his patients with whom he was most intimate. He thought that the thrombosis of the brain was first contracted by HARADA in 1943.

37460

*If he had it before, he should have shown some symptoms, but in 1943 the witness found no symptoms of a prior outbreak. The witness graduated from the Okayama Medical College and later continued his studies at the University of Pennsylvania and at Harvard.

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37461

Direct examination of KONOYE, Yasuko. The witness identified Exhibit No. 3750 as her affidavit and verified them. (Exhibit No. 3750-A and B).

37462

*The first affidavit stated that the witness from 1930 to 1940 as stenographer took in shorthand the notes of HARADA. She had been shown a photostatic copy of the finished transcription which she recognized as the memoirs of HARADA written by her in her own handwriting. These notes were transcribed in Japanese by her and given to HARADA for approval. HARADA took the transcript to SAIONJI for corrections and suggestions. SAIONJI's corrections and suggestions were incorporated in the completed form which she wrote in her handwriting and which was identified above.

37464

*The second affidavit stated that HARADA dictated to the witness once or twice a week from notes and from memory. HARADA was a university graduate and was about average in methodical methods of work, being neither outstanding nor lax in organizing. With reference to a statement by KIDO that HARADA was sick for three or four months from the time when UGAKI failed to form his cabinet, and that KIDO took over his duties, she stated that from a study of the records from 1 February 1937-31 May 1937, there was only one sickness mentioned, this being on 23 February and HARADA was active on 3 March having gone to Okitsu on that date. During the whole of the rest of the four months * he was travelling between Tokyo, his own and SAIONJI's country homes, and calling upon people.

37465

During such times as he was sick, either then or any other period, he never ceased dictating. She took the dictation in his bedroom or sitting room. During such a period he gathered information by telephone and by people visiting him. At no time did KIDO or anyone other than HARADA dictate any part of the records. She took the dictation in his bedroom or sitting room. During such a period he gathered information by telephone and by people visiting him. At no time did KIDO or anyone other than HARADA dictate any part of the records.

With regard to KIDO's statement that HARADA suffered from drowsiness during the latter part of his life, if this refers to the five years between the death of SAIONJI and his own she saw him very seldom and could not express an opinion. It was not true as to any part of the time when he was keeping the records. It is true that all the time regardless of health, he occasionally appeared abstracted, as if thinking of something else, while someone was speaking, but she noticed that in spite of appearance, he always knew quite well what was said. He was at all times fully competent mentally.

37466

With regard to the entry of 19 August 1940, Exhibit 3687, she remembered * that when HARADA was dictating he was reading from a document.

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37466

CROSS EXAMINATION by Mr. Logan.

- * She first started taking dictation of the Memoirs in 1930. There were occasions when she didn't take this dictation but once every two weeks, sometimes once every three weeks, but when there was little to write, sometimes in one sitting she would take down what should have been put down on two separate dates, and therefore the dates of the Diary may not be accurate in all respects. She didn't feel that there were any other inaccuracies besides the date.
- 37470 *She continued to take dictation from HARADA from 1930 to the date of SAIONJI's death in the winter of 1940. She didn't distinctly remember how many times during those ten years she took dictation once or twice a week.
- 37471 *When there was little to write the number of pages was also naturally small and what would ordinarily take two or three dictations on separate occasions, would be incorporated into only one dictation. The regularity of her visits to HARADA depended upon the amount of material that he had to dictate and considerations of HARADA's health were also involved. Sometimes he would catch cold or be otherwise indisposed.
- 37472 On these visits where a space of three weeks or less elapsed, HARADA would dictate what happened three weeks previously. He dictated from memory and notes. On the whole the notes he used were obtained by him from his diaries. She did not know very much about the contents of his diaries.
- 37473 The writing in the book shown to her looked like that of HARADA. On subjects other than persons' names, HARADA dictated from memory. There were many occasions when HARADA dictated from memory and not from the diary, but even in the diary there will be found many notations of events as distinguished from names of persons.
- 37474 *There are places here and there where conversations are recorded, but whole conversations were not recorded and it was something like notes to which comments had been added. She couldn't say that all conversations came from notes. In regard to specific details, he dictated from memory. There were also occasions on which he had papers in his hand other than the notebook from which he would dictate. She could not remember specific instances, but it was on many occasions.
- 37475 *They were pieces of paper on which notations were written down, for instance, dates, names of people, and the broad outline of events or matters under discussion. She had never seen those papers. She was able to tell about them by the way in which he read them. He may have read documents to her in which he was quoting conversations that he had with other people, but she didn't recall for sure. She took the dictation home and wrote it out in Japanese script.

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37478

*She did not know how many times during the ten year period she went to see HARADA and took dictation once or twice a week. One might assume on the basis of elimination she didnt know how many times she went once every three weeks or so. She did not remember during those ten years she went once every three weeks in succession. She believed there were occasions when she didnt go for three weeks when HARADA was ill or indisposed. She felt there were occasions when she didn't go for three
37479 *weeks twice or three times in succession one after the other. But on the whole she went to see him once or twice a week.

On these occasions when three weeks elapsed twice in succession, when she brought the document back to HARADA it was six weeks after the first date mentioned in the transcript. She could not say that he would keep them for a while and then take them up to Prince SAIONJI later on. Her recollection is that he took them with him on the next occasion he visited Okitsu.

37480

*She didnt know that the Memoirs were taken after she wrote them to SAIONJI to be edited. She could not say whether HARADA brought the manuscripts back with him on the same trip to SAIONJI,waited and picked them up at a subsequent date.

37481

When asked if after HARADA had gone to see SAIONJI, he brought them back and turned them over to her to have them rewritten, she stated that she rewrote the whole thing after considerable time had elapsed. * She said she didnt remember when she started rewriting the Memoirs. He sense of time was very hazy and she often confused what happened yesterday with what happened the day before. She did not have a good memory. When she started rewriting the Memoirs there were some insertions in SAIONJI's handwriting; they were very few.

37482

*She rewrote a third of the whole series from the beginning to the end. There were hardly any deletions. She could recognize SAIONJI's handwriting. As SAIONJI looked through them every time HARADA took them he must have made corrections on each occasion when he found a mistake. When she was rewriting the document, she noticed the correction. She did not recall whether SAIONJI corrected any conversations that HARADA had with
37483 other people.*Her memory was not so good. When the documents came back from SAIONJI they were put in a vault at the Sumitome bank. She didnt think there were any other persons who made additions to the original, but there is one person who wrote a book based on the original document. She was sure of that. She worked alongside a man who made
37484 corrections on the diary down at the Sumitome Bank. * He was a novelist with a pen name of SATOMI, Ten. She didnt remember how long he worked but it was up to the time the book was published.

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37485

*He worked before HARADA became sick. She thought she rewrote the manuscript before SATOMI began researches in connection with the composition of the book. Her recollection was that he rewrote the manuscript on HARADA's request. She didn't know whether he was paid for it. She thought he was employed to make it grammatically correct, to figure out whether HARADA was referring to the present or the past and who was speaking in the various conversations.

37486

*There are many portions where it would be difficult for one to determine whether HARADA was referring to present or past, to determine the predicate and the subject of the sentences, and tell who was saying what. When asked whether there wasn't shorthand confusion she stated her system of shorthand is written phonetically and each character differed from the other.

37487

*When she transcribed the shorthand notes which she had taken down she tried to avoid the possibility of mistakes arising and took every care that confusion would not occur. When transcribing her notes, she had great difficulty in trying to discover just what portion in a given sentence was the subject. She did the best she could and wrote it out the way she thought it should be. SATOMI asked her to rewrite the diary before he started to work to put larger margins so he could make his corrections.

37488

*After he finished making all his corrections, she rewrote it again. She did not recall when she finished working on it. The Japanese original of the notes which she transcribed from shorthand into Japanese script is what is left today. SATOMI's corrections do not appear on the document, which HARADA took to SAIONJI for correction.

37489

*She rewrote the document which HARADA had taken to SAIONJI for correction and SATOMI corrected the rewritten copy of that document.

37490

*The photostatic copy she saw is a copy of the document she just spoke about. During the ten years HARADA was often slightly ill or indisposed but she didn't remember how many times. She found in the diary that HARADA had been ill on the 23rd of February 1937 and had gone to Oiso. She was taking dictation from him at this period. She didn't remember whether the left half of his body was semi-paralyzed. She felt that on February 23rd he had caught a cold but the

37491

*entry does not say that in so many words. She was relying on her memory.

The appearance of abstraction did not occur all the time but once in a while she would get such a feeling. She couldn't say if he was a man who had a great imagination. He didn't dislike speaking. Once in a while he would appear to be quite abstracted and when reply was made he wouldn't understand it. She did not recall that in 1937 he requested KIDO to take his place as secretary to SAIONJI. That might have happened without her knowing it or else she might have forgotten it.

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37492

*She could not say that sometimes he would become sleepy while he was dictating or while talking to somebody else.

37493

*In Chapter 262 she thought the dictation was given on February 9 and HARADA was dictating as far back as to what occurred on January 21 on that occasion.

37495

CROSS EXAMINATION by Dr. Kiyose.

*She personally did not see the document mentioned in her affidavit from which HARADA dictated. She did not recall that he told her anything as to the nature of that document. She merely recalled that he read the original document,

37497

"She was in no position to state that both HARADA and SAIONJI intensely disliked HIRANUMA. She didn't know about SATOMI's final draft.

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37503

*REDIRECT EXAMINATION BY MR. COMYNS CARR.

37505 The document in court does not contain any corrections or alterations made by SATOMI. * The copy of the document referred to in her answer was not the copy rewritten after SATOMI had made corrections.
37510 *In the copy here there are only a few corrections and additional nota-
37511 tions by SAIONJI. * SATOMI's corrections were made on another copy
37512 which she made from the original from which the photostat copies were made.* The corrections are in SAIONJI's handwriting. SATOMI's corrections were not made on the copy which was photostated. What she said yesterday was that SATOMI made his corrections on a copy which she made herself from the original from which the photostat was made.

37514 *After she gave her work to HARADA, she thought generally he read it through and where he found mistakes she thought he made corrections. At the beginning of the text of Chapter 262, the date was 31 January.

37516 *On Chapter 261 the date is January 28. * When the dictation
37517 was rather short, dictation for two occasions were combined to constitute one. She didnt recall if long chapters were dictated at the same time or at more than one time.

37518 * CROSS EXAMINATION BY MR. BROOKS
HARADA dictated by chapters. The headings placed at the chapters were not put on there after this book was edited by SATOMI.

37549 *EXHIBIT 3751 A, excerpt from the SAIONJI Memoirs, October 1940
37550 stated that HARADA consulted SAIONJI about requesting TAKAMATSU to keep the transcript until they were delivered to the Emperor. SAIONJI agreed. On the 20th * HARADA talked with TAKAMATSU. He told TAKAMATSU that this record was started in 1929. At the time of the London Treaty only false rumors prevailed, and the truth was never known. Especially, the attitude taken by the Emperor had been for the most part, falsely rumored. The counsel given to the Throne and actions taken by the Genro, court officials and the Cabinet Ministers had been falsely rumored. This created serious perturbations in the political circles and was the direct cause of subsequent disturbances in the Army and Navy. The virtues and intelligent perspicacity of the Emperor were perverted almost beyond imagination by propaganda. He felt this was exceedingly regrettable. Since he knew the truth, HARADA felt * it was necessary to record this for posterity. He consulted KONOYE and then decided to seek the assistance of Viscountess KONOYE and have her taken it down and preserve it for posterity. It was now 10,000 odd pages.

37552 , *Every week he went to see SAIONJI and reported. His memorandum for this report was used as basic material and he had it taken down and kept. He then took the transcribed manuscript to SAIONJI who read it personally, corrected mistakes, and added whatever additional notes he deemed necessary.

Page
37552

37553 He returned it to HARADA the next time. A clean copy of this was made, edited and filed away. This fact has occasionally appeared in the newspapers. Even the fact that it is deposited for protective custody in the Sumitomo Trust Company has become known. He had heard there was danger that a rightist faction might destroy it. He had consulted with SAIONJI and had decided to request TAKAMATSU to keep it in personal custody until completed. When completed, the original manuscript which has SAIONJI's corrections and revisions will be presented to the Emperor in its original form. The edited copy will be *printed and published at a suitable occasion. It won't be possible to publish the document until after ten or fifteen years from the death of SAIONJI. The future custody is entrusted to MATSUDAIRA, Chief Secretary to the Lord Privy Seal. He wanted TAKAMATSU to consult MATSUDAIRA and make thorough arrangements so that he will be able to keep in close touch with TAKAMATSU's steward.

TAKAMATSU consented and said he would give thorough instruction about the matter to his steward, to make suitable arrangements.

37561

*Exhibit No. 3754 A, an excerpt from the SAIONJI-HARADA Memoirs stated that on the night of the 13th a newspaperman told HARADA that ARAKI was to be the Chief Aide-de-Camp to the Emperor. He was very intimate with ARAKI but he was an idolizer of HIRANUMA and a prominent figure in the KOKUHONSHA. To have such a person serving the Emperor is a serious matter and very dangerous.

37567

*Exhibit 3754 B, an excerpt from the SAIONJI-HARADA Memoirs 16 July, 1931 stated that HARADA went to the War Ministry and looked at the Army list in secret. Even the Army thinks ARAKI is a follower of HIRANUMA. The Army says that HAYASHI, Korean Army commander, is the most suitable man for the position. If not he, then KAWASHIMA. He called the Imperial Household Minister on the phone and told him about this. It was clear that the extreme rightist KOKUHONSHA is maneuvering with the army.

37569

*Exhibit No. 3755-A, excerpt from the SAIONJI HARADA MEMOIRS, August 23, 1931, stated that KONOYE and the Chief of the Asia Bureau said the army was attempting to use the killing of NAKAMURA in Mongolia as a tool for the solution of the Manchuria-Mongolian matter by enlarging the importance of the incident. HARADA met Railway Minister EGI and mentioned this to him. He said he knew nothing about it but MINAMI came and told him all about it. EGI asked MINAMI as to what he thought about the bomb incident of UGAKI and stated it was outrageous to speak of an expedition to Manchuria-Mongolia because it is unthinkable to move troops without an Imperial order. MINAMI only made very obscure replies on the matter of UGAKI.

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37572

*Exhibit No. 3756 A, excerpt from the SAIONJI HARADA Memoirs September 4, 1931, stated that on Sept 4 HARADA met Finance Minister INOUE who said MINAMI on the whole was in complete accord on the Army reorganization plan, and the matter had been agreed upon. Upon returning to the office MINAMI was severely criticized by Military Affairs Chief KOISO and another. He returned and said that he had previously agreed but found it very difficult to appease the members of his staff. For this reason the matter had reverted to its starting point.

37575

*Exhibit No. 3757-A, excerpt from the SAIONJI-HARADA MEMOIRS, 14 September 1931, stated that on the 14th the War Minister returned and immediately had TATEKAWA deliver a confidential letter to the Commander of the Kwantung Army. The contents were about the warning to the War Minister received from the Emperor on the 11th regarding discipline, and about the fact that he was told by His Majesty to take extra precautions in regard to the Army actions in Manchuria and Mongolia. The War Minister transmitted the imperial wishes to the Commander of the Kwantung Army intending to bring pressure so as to put a stop to various Army schemes in Manchuria and Mongolia.

37576

The incident broke out on the night that TATEKAWA arrived at Mukden with the letter. It seemed that it was TATEKAWA's plan to have the scheme carried out before the Commander saw the letter. This *may be seen from the fact that although at the beginning of the conference of the so called War Councillors, representing the Supreme leaders of the Army, the attitude of the members was very firm. When the War Minister conveyed the imperial wishes the attitude of the members changed completely. They decided that the present plans of the Army should be completely abandoned. This appears to have resulted in having the letter sent to the Kwantung Army/

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*Exhibit No. 3757-B excerpt from the SAIONJI HARADA MEMOIRS, 19 September 1931, stated that on the 19th he went to the Premier. The Premier appeared very troubled and said No reports had been delivered by the Foreign Ministry nor the War Minister. He had told Chief Secretary KAWASAKI to caution them. He was trying to prevent this incident from spreading, and if possible to settle it. The army authorities desired to make a guarantee occupation. This is a matter to be decided by the government, and the Army authorities have no power to make such decisions. Chinese military forces in Manchuria exceed 200,000, the strength of the Japanese is a little over 10,000. When asked what they intended doing if something should possibly happen, against such a huge opposing force, he said they would send out troops from Korea and probably troops had already been sent. There was a precedent for this during the TANAKA ministry troops were moved without Imperial sanction.

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*Exhibit No.3758 A, excerpt from the SAIONJI HARADA MEMOIRS, 22-3 September 1931, stated that on the 22nd the Premier reported to the Emperor on the progress of the Cabinet. He stated that it was decided to cause absolute cessation of establishing military administrations, and of seizing customs offices and seizing banks and to forbid all actions excepting those to prevent risks. The War Minister proposed to send the Korea Army to Manchuria. He had been notified by the Chief of Staff that the Commander of the Kwantung Army had demanded it of the Chief of Staff
 37580 *because of the shortage of strength in Manchuria. The Cabinet did not approve the proposal in its meeting because the matter might be taken up by the League and also because upon the withdrawal of the Manchurian Army there would be difficulty. The Premier severely rebuked the War Minister for sending troops as far as Kirin and Changchun.

The War Minister again consulted with the Chief of Staff about dispatching the Korea Army and decided to bring up the matter in the Cabinet on the 22nd. The War Minister told the Premier that the commander of the Korea Army decided that the situation was urgent and already had sent one brigade.

37581 *The War Minister was anxious to have dispatching of the Korea Army approved by the Cabinet. On the following morning the Emperor summoned the Premier. In the Cabinet it was decided that troops having been dispatched, the government should defray the expenses, though the Finance Minister was not admitting that the dispatch of troops had been carried out in accordance with a Cabinet decision. In view of the fact that the Chief of Staff had received a report from the War Ministry that troops had been sent arbitrarily, the government should defray the expenses without objection. The Premier was compelled to report exactly what had happened to the Emperor and the War Minister and the Chief of Staff presented themselves. The dispatch of troops decided and carried out arbitrarily had been submitted for Imperial ex post facto approval.

37582 *During the Cabinet meeting there was given the Emperor's message that the policy of non-expansion of the Incident was very appropriate and they should endeavor to carry it out completely.

37586 *Exhibit No.3759 A, excerpt from the SAIONJI HARADA MEMOIRS, 30
 37587 September 1931, stated that the Premier said that "In the Cabinet the War Minister repeatedly stressed he wants to dispatch troops to Chientao. The premier refused and said it was better to evacuate the Japanese nationals. The War Minister retorted that in case lives and properties of Japanese are endangered, would the Premier take the responsibility and the Premier replied "That cannot be helped".

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*There were incidents, bombings and assaults in Chientao. A Korean who was apprehended and confessed he did it because he was engaged to do so by Japanese Military.

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*Exhibit 3760 A, excerpt from the SAIONJI HARADA MEMOIRS, 1 October 1931, stated that in the Cabinet Meeting of October 1, SHIDEHARA stated * he wanted a clarification of attitude before the opening of the Council meeting in Geneva on the 14th. If Japan withdrew troops by that time, there would be no problem. The stationing of troops for the purpose of self-protection was all right, but the maintenance of more than needed troops and the keeping of troops in Kirin and Tungkia was far from good. The War Minister said if they withdraw troops the situation would be very difficult and they could not maintain control in Mukden and Kirin. He believed it better for Japan to withdraw from the League.

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*Exhibit No.3761 A, excerpt from the SAIONJI HARADA MEMOIRS, 22 October 1931, stated that the Premier complained that in the cabinet MINAMI said there was no need to pay deference to the League and there should be no objection to seceding. If Japan be determined to wage war against the whole world, this can be readily done.

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Exhibit No.3762 A, excerpt from the SAIONJI HARADA MEMOIRS, about 11 March 1932, stated that the decision on the Manchurian-Mongolian policy which was the topic of the Inter Ministry Conference (Army, Navy, Foreign Affairs, and Finance) was reached and placed before the Cabinet meeting on Friday.

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*Among the problems was that of the new nation. If this is regarded as a violation of the Nine Power Pact it would be unsatisfactory. At least on the surface, its recognition should be postponed for the time being. If Chang Hsueh-Liang acts as an insurgent and sends punitive troops, it will not be able to quell the rebellion because it has no army. In order somehow to safeguard it the Japanese Army must repel the attack. At the time of the Feng-Chili War, the Japanese Army under the guise of a Manchurian peace preservation force, was on the alert. The problem whether or not they might do the same raised so much trouble that the Cabinet meeting was carried over to Saturday.

The demands of the Army, to a certain extent were repulsed. HARADA showed the original and corrected plans to SAIONJI.

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*Exhibit 3763A, excerpt from the SAIONJI-HARADA Memoirs, stated that there were many in the Foreign Ministry like SHIRATORI advocating withdrawal from the League. Army circles were enthusiastic about this. The basis of SHIRATORI's argument is that Japan is unable to remain in the League after taking such actions in Manchukuo since September 18. It is unreasonable for the small European nations who lack knowledge to restrain Japan in any way. Even if Japan desires to have the understanding of the great powers, it is still unnecessary to remain in the League. Japan can do anything if she'll negotiate directly with England, France or the US. It is quite improper to remain in * the League. Chief Cabinet Secretary MORI went directly to the Premier and urged withdrawal.

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* Exhibit No. 3764A, excerpt from the SAIONJI-HARADA Memoirs, 12 September 1932, stated that HARADA visited SHIRATORI and the latter repeatedly asked about appointing ARAKI as the next premier. He stated that up to now the exchange rate had dropped considerably because Japan did not possess a strong government. In foreign affairs it is prodded from behind by the militarists and changes are made to the right after proclaiming that foreign policy is to the left. This is very harmful to the country's reputation. It would be a more becoming policy for Japan to have ARAKI representing the powerful militarists, become the premier and proceed upon an unwavering policy for 5 or 6 years. * HARADA stated it was bad to have the militarists restrain the administration after it had once set its policies. The reason Japan had lost confidence of other nations is the absence of diplomacy resulting from militarist direct intervention in international problems. They even interfere in domestic affairs directly. This is the reason for the instability of political affairs and the loss of trust. It is possible to regain this faith only by placing the militarists in the background. Domestically, freedom of action, without restriction by militarists is the basis for stabilizing the political situation.

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*Exhibit No. 3765A, excerpt from the SAIONJI-HARADA Memoirs, about 21 August 1932, stated that the Chinese Ambassador came to KONOE asking could not Japan abandon the idea of the recognition of Manchukuo. Since the problem was one between China and Japan, it should be settled between the two without the League. HARADA told KONOE that if the Chinese Ambassador felt that way, it was better for him to speak directly to a person who was responsible. If he spoke to the War Minister and the Army took action, the way would be made much easier for the Foreign Ministry. KONOE went to see ARAKI and discussed the problem in detail but ARAKI was entirely disinterested. He said it might be all right if the matter were handled as a local issue but not as a general problem, and if settled without taking it to the League. ARAKI's attitude seemed to favor creating a * situation in which Japan as a result of League deliberations would become isolated and would have to wage a war against the world.

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* Exhibit 3766A, excerpt from the SAIONJI-HARADA Memoirs, 1 November 1932, stated that HARADA told TAKAHASHI, Finance Minister, about the national policy that ARAKI is said to have shown KONOE on October 30, but since

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- 37620 the residents. The soldiers were then sent and the matter was settled very satisfactorily, better than expected. Everyone was indifferent to the army or to the Shanghai Incident. They seem to have completely forgotten that they had been very particular about the army, and this was exasperating. Japan would not be spoken well of no matter what she does.
- 37621 *HARADA told him it was their fundamental point of view to avoid as much as possible what was harmful and unprofitable. If they actually put something into practice, it must be right in name and reality. It was disadvantageous to be deemed to have waged an unjustifiable war. ARAKI stated that if about 3 divisions were first to land at Tsingtao and go thru Tsinan, Chang Hsueh-liang would flee before the troops reached Tsinan. He would like to carry out this plan if permitted but it would be rather difficult. He said in general he wanted as much as possible to limit the matter to Jehol alone, and that the General Staff seemed to be deliberating on such methods.
- 37630 * Exhibit 3769A, excerpt from the SAIONJI-HARADA Memoirs, 13 January 1933, stated that when he visited TAKAHASHI on the 14th the problem of Jehol was again brought up. TAKAHASHI stated that at the cabinet meeting
- 37631 on the 13th, the Foreign Minister had reported that there had * been an unofficial negotiation on the Russon Non-Aggression treaty and that the Soviet, intending to announce the particulars of the failure, had inquired whether Japan would agree. TAKAHASHI asked why they did not conclude the treaty. The answer was that the army and such circles feared that might
- 37632 facilitate communist propaganda. * When TAKAHASHI stated that they could not rightfully complain until there was a treaty, the War Minister said something about the public or national opinion. When TAKAHASHI said there was no such thing as public opinion but that they were threatened by the military whenever they said anything disadvantageous to the army, that pressure upon freedom of speech had never been so strict, and that the gendarmes were shadowing statesmen, ARAKI flared up and said that could not
- 37633 be and was impossible. * When TAKAHASHI said it was possible and asked what he intended to do about it, ARAKI said later on or something like that.
- 37634 Exhibit 3770A, excerpt from the SAIONJI-HARADA Memoirs, 1 February 1933, stated that at the Cabinet meeting of the 1st, when criticism was made that the army was completely in control of Japan's diplomacy and was making announcements on each and every diplomatic affair, * it was explained that the army did not make propaganda. The newspaper offices do the writing. TAKAHASHI severely reproached ARAKI, asking if the newspapers do the writing, why the army didn't stop them. It would be quite easy for the army. ARAKI seemed to be at quite a loss.
- 37635 * Exhibit 3771A, excerpt from the SAIONJI-HARADA Memoirs, 13 February 1933, stated that on the 13th the premier asked the opinion of the ministers about the draft of the reply. The draft of the Foreign Ministry was on the whole agreed to and sent off on the night of the 13th. They were again reminded that if the League should turn to Article 15, par. 4 and

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37614 he had already talked it over very carefully with ARAKI, he seemed very well informed on this matter. The national policy which ARAKI is said to have shown KONOE provided for carrying on an emergency policy for 2 years, studying whether to attack the Soviet within the 2 years, planning the perfection of military preparedness and national defense with the 2 years. Another item was promotion of friendly relations with the US and the furtherance of international goodwill. ARAKI seems to have discussed this matter * with TAKAHASHI. TAKAHASHI said that ARAKI talked about carrying on the emergency policy for 2 years but it could not be fully executed in that time. It would take 4 or 5 years.

37616 Exhibit 3767A, excerpt from the SAIONJI-HARADA Memoirs, 7 November 1932 stated that that evening he met ARAKI who said that the Finance Minister had a thorough understanding of the situation. Japan must continue emergency provisions for 2 or 3 years. It must decide whether to attack the Soviet or to convene a peace conference for the Far East, and by inviting England, US and France having vital interests in the Far East, hold a peace conference among Japan, Manchukuo, China and Russia. It would be very well if they could agree to prevent the spread of communistic propoganda. If the security of neighboring nations is disturbed by red movements, Japan must attack and destroy them. * Within 2 or 3 years it must perfect its national defense. They must complete preparations and assert their intent by displaying power for both peace and war in order not to allow other nations to make light of them. In regard to relations with the US, they must keep American goodwill as their keynote and continue diplomatic relations with others along the same line.

37617 He further stated that TAKAHASHI understood very well, and was such a splendid person. He said that in view of the present national situation an annual budget of ¥2,500,000,000 to ¥ 2,600,000 000 was reasonable. The present differed from the past and the present budget was not unreasonable. This could be had without overburdening the people. A considerable amount of revenue could be obtained from Manchukuo if desired. The Finance Minister wanted to hold the combined Army and * Navy budget down to 8 hundred million yen, but they wanted an additional increase of 2 hundred million. No definite outcome could be foreseen.

37619 *Exhibit 3768A, excerpt from the SAIONJI-HARADA Memoirs, stated that on the 6th, ARAKI stated that the Jehol problem was a local matter because it was a part of Manchukuo. He wanted to settle the matter by shortening the time. He was afraid that if they kept on moving small troops into Jehol, another failure like Nikolayevsk might be had. They should send out large troops and decisively settle the matter once and for all in a short period. * He was still very indignant about the Shanghai Incident. From the first the army did not want to send troops. It was much discussed at one time that the army should act only within the leased territory, and at other times that the army should be prohibited from passing through the settlement. He had demanded to know Japan's aim and asked them to decide the aim. It was decided that the aim was to protect

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send an advice, their stand was not to be decided upon carelessly without scrutinizing the contents. It was decided that the Jehol issue should continue to be treated as one of bandits. The attitude that the so-called bandits, not the Chinese Army, were to be attacked should be assumed. It was also clearly decided that it should be disposed of within the boundaries of Jehol, not going south of the Great Wall.

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* Exhibit 3772 A, excerpt from the SAIONJI-HARADA Memoirs, 15 February 1933, stated that a cabinet meeting was held on the * 15th for the purpose of clarifying opinion on withdrawal from the League with the intention of making doubly sure. UCHIDA and ARAKI pressed for immediate withdrawal but the majority of the cabinet did not agree to this.

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* Exhibit 3773A, excerpt from the SAIONJI-HARADA MEMOIRS, 14 May 1933, *stated that Vice-Minister ARITA stated that a plan had been made to change personnel, sending SHIRATORI abroad and TANI to Manchukuo as a Councillor. It was already to be put into effect. UCHIDA told SHIRATORI he wanted him to go abroad either as minister or councillor. SHIRATORI stated he

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would consider it but asked about sending * ARITA abroad also. Before this, when SHIRATORI was approached on the subject, he strongly objected stating if he were sent out, there was no telling what might happen. The Foreign Minister was placed at a complete loss. He told ARITA that he wanted him to go as Ambassador to Britain or to any other country he preferred because of SHIRATORI. ARITA felt it was utterly useless to support the Foreign Minister. As matters stood at present it was absolutely impossible to continue assisting him. He thought it would be

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best for him to resign before the decision was reached. * When ARITA resigned, SHIRATORI seemed to feel that he had to resign. As the result of conferences with SUZUKI of the army, SHIRATORI finally said he would accept a foreign post provided there was no change in policy. He told this the next day to UCHIDA, who was overjoyed.

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* Exhibit 3774A, excerpt from the SAIONJI-HARADA Memoirs, 19 October 1933, stated that Vice Minister SHIGEMITSU took a pessimistic view of the whole situation. He made various statements re the Russian problem, China policy, general disarmament, American problems and the League. He said the navy demands equality in armaments, and it stresses that should this demand be denied, it will abrogate the Naval Disarmament Treaty. It was demanding equality thru reserving the right to maintain a minimum of armaments absolutely necessary for national defense and by abrogation of the treaty.

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Exhibit 3775 A, excerpt from the SAIONJI-HARADA Memoirs, 5 December 1933, stated that the Domestic Policy Conference was held on the 5th, but an ordinary cabinet meeting was held in the morning. At the conclusion of the cabinet, the Foreign Minister said that since Europe and the US had increased tariffs under a unified policy against Japanese exports and were striving to place Japan in an isolated position, he wanted the ministries concerned to consider counter-measures. TAKA

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37650 HASHI said that this unity in taking a defensive attitude towards Japan did not arise simply from trade relations alone. The anti-Japanese attitude in trade relations was something appearing only on the surface.

37651 the real fact was that the Japanese militarist were claiming that 1935 or 1936 would be critical * years, and with hints that war with Russia and the US would break out, were inciting the rural and urban districts. Such activity had its effect abroad. When European countries and the US were trying to conduct matters as peacefully as possible and trying to avoid war, Japan's pro-war atmosphere created a bad feeling in diplomacy, and this was what appeared in trade relations. The military must restrain its speech and actions. There would be no crisis in 1935 and 1936. The War Minister replied that was not true. The military had not intention of waging a war but must be prepared. It could not be said that this was not a crisis.

37652 * Exhibit 3775B, excerpt from the SAIONJI*HARADA Memoirs, 9 December 1933, stated that since the resentment from various circles reflected on the military, the army and navy jointly issued something resembling a statment on the 19th and 10th stating their views in regard to the

37653 alienation of the public from the military. * They said in connection with the budget and other questions, the number of those who act to alienate the people from the military was not small. There were those who said that the crisis of 1936 was for propoganda, that in past wars only those from the lower classes were killed in action while among high ranking officers none died in action, or that the agrarian problem was sacrificed for the military budget. This movement destroyed the harmonious unity of the public mind which was the most essential basis of national defense, and the military could not tolerate it.

37654 Two important measures used as international schemes to impair the power for national defense were anti-war movements which aim at the defeat of one's country upon insturctions from the Third Internationale, and the movement to alienate the people from the military. The former was well known while the latter was surprisingly unknown although its evil was great because its movement was only * moderate and disguised. They declared that those who made such statements despite the fact that the military had only made demands for minimum national defense was extremely insolent.

37662 *Exhibit 3776A, excerpt from the SAIONJI*HARADA Memoirs, 17 April 1934, state that since AMAU made a informal statement to that effect the newspapers printed it conspicuously as a declaration of the Foreign

37663 Ministry. * The comments of various countries were very strong and the Foreign Ministry was also taken back. Actually, the Minister and Vice-Minister knew nothing of t'is. Since various countries were selling arms and doing other things in China, a strong feeling of insecurity arose, so the Foreign Ministry sent instructions to the ministers overseas. The Chief of the Information Bureau translated into English the contents of the instructions and he blabbed something to the foreign

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at Tientsin, and declared he definitely would like to have troops sent out. KONOE said he did not want to expand the issue. It might be all right to send troops according to need. He added that if they opposed at this time and did not heed the army wishes, the War Minister would be compelled to resign and the cabinet with him. Since there might be no one who could possibly check the army, there was no other way than for KONOE to assume responsibility and meet the issue. The War Minister finally stated he would definitely not expand the issue. The Emperor received the C/S twice and the C/NS once. The War Minister said he would settle the issue neatly by sending a large force to smash the opposition and withdraw quickly, but when asked if he could do it as expected he was unable to * give a definite answer.

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On the 12th, a report came that the Chinese Army would accept all demands. These demands were the withdrawal of troops, guarantee of the future, and the punishment of responsible officers. The Chinese officers were justifying themselves by saying that the troops were being influenced by communists. Even the General Staff thought this was probably a Chinese attempt to make Japan stop military preparations. The army, as long as it had decided to send troops, seemed to want more stringent demands.

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* Exhibit 3781A, excerpt from the SAIONJI-MARADA Memoirs, 13 August 1937, stated that the Foreign Minister told MARADA there were individuals in China and Japan who said that the reasons for the assassination of OYAMA and the rousing of excitement in Shanghai were the increased number of Japanese warships and the increasing of Japanese marines to 3000. The increase of personnel was only natural and he believed it was actually inevitable. Consul-gen'l OKAMOTO sent a message saying that if possible he would like to see Shanghai kept free of war. The increased warships, while not good, the Foreign Minister felt could not be helped. If they announced * a mobilization order, then situation would become troublesome. At the cabinet it was decided that the mobilization order would be issued but not announced.

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* Exhibit 3782A, excerpt from the SAIONJI-MARADA Memoirs, 24 September 1937, stated that HIROTA said it was decided at the cabinet to mobilize 4 divisions and to have another 4 in readiness.

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* Exhibit 3783A, excerpt from the SAIONJI-MARADA Memoirs, about 26 September 1937, stated that KONOE said the British Ambassador had come three times to HIROTA and said he believed Britain would try to persuade Chiang Kai-shek and asked what were Japan's demands. HIROTA replied that his personal idea was that the terms were, drawing a line in the area slightly south of Tientsin and Peiping and making it a demilitarized zone where neither side would station troops, the recognition of Manchuria, ceasing of anti-Japanese movements, defense against communism, equal diplomatic opportunity in * North China. It was said that these five conditions were given to the Ambassador.

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* Exhibit 3784A, excerpt from the SAIONJI-HARADA Memoirs, 2 November 1937, stated that HIROTA said that he told the industrialists that the anti-British movement was very embarrassing especially at present when there was no country other than Britain which could act as intermediary between Japan and China. The government would be placed in a very awkward position and in the end Japan might have to fight Britain. Japan might have to collide with Britain sometime but it was absolutely out of the question then. Diplomatically the government would be greatly inconvenienced if such things were carried out at present.

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* Exhibit 3785A, excerpt from the SAIONJI-HARADA Memoirs, 5 November 1937, stated that HARADA said that the British Ambassador repeatedly asked him which country at this time would be the best mediator. HIROTA replied England was still the best. When the Ambassador doubted this,

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HIROTA stated * that England was the most suitable and they had been holding preliminary conversations with her. It was Britain's report that it seemed as though those near Chiang wished to somehow settle matters with Japan. HIROTA told the Ambassador that even if Germany or Italy were to act as intermediary, it would not do at all.

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* Exhibit 3786A, excerpt from the SAIONJI-HARADA Memoirs, 7 December 1937, stated that KONOE said he was distressed with HIROTA. On November 2, HIROTA met the German ambassador and submitted the plan based on the assumption of circumstances when the Supreme Command had

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* decided not to advance further than the Paoting line. The German ambassador transmitted this to Chiang on November 6. Chiang however rejected it. Recently, when Nanking was in imminent danger, the German ambassador in China reported to Dirksen that Chiang accepted it. They found out about it because the army stole the telegram. It is quite impossible to accept the terms proposed at the time when they stopped at the Paoting line. HIROTA, prepared for a case like that, had carefully said that if the war situation changed, the terms would also change and to bear that in mind.

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* Exhibit 3787A, excerpt from the SAIONJI-HARADA Memoirs, 11 December 1937, stated that KONOE said he had had enough and when recognition

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was withdrawn from Chiang's * government after Nanking falls, his government would collapse. Japan would issue a statement withdrawing recognition from Chiang. That was the time for KONOE to get out.

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* Exhibit 3788A, excerpt from the SAIONJI-HARADA Memoirs, 21 December 1937, stated that HIROTA said the General Staff wanted to stop the war as soon as possible. They say they would like to have Germany as mediator ascertain China's desires. They wanted to set up their stipulations in hope of securing a concrete plan by liaison conferences. The result was presented at a cabinet meeting and it was said that if this plan was submitted and not accepted, Japan would be placed in an embarrassing position. The plan was to be changed to 4 abstract terms, anti-Comintern, economic collaboration, reparations and recognition of a special regional government. The plan was to be reported to the Emperor

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by the premier and the army and navy leaders of the Supreme Command. It was decided to close without holding an Imperial conference. The

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President of the US * asked Ambassador SAITO whether it was not one way to try to have Germany handle the matter. HIROTA said he had heard that Italy wanted to enter into the negotiations. He thought that Shantung must be included if a Chinese government was to be set up in view of firing by the Chinese of the Japanese cotton spinning factory at Tsingtao. One of the problems was what the results would be if, when the request was transmitted, Shantung was attacked. The political parties were very strong in their demands because of overseas atmosphere. The Soviets were approaching Yen Hsi-shan and the German militarists seemed to be approaching Chian Kai-Shek.

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KIDO told MARADA that the whole matter had been disorderly and he had said plenty in the cabinet. He wondered if the General Staff had not committed certain concrete stipulations through the German military attache. He felt it very dangerous for the army and navy to be so anxious to press for peace. If Japan submitted many concrete * stipulations and was turned down, it was only letting China in on what it wanted. It would be a loss with no gain. He was worried why they were in a hurry. He had said that it was necessary the terms be more abstract and cover everything. There was no need to force themselves into asking Germany. It was very strange that the General Staff was so eager. He was worried Germany might put one over on Japan.

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* Exhibit 3789A, excerpt from the SAIONJI-MARADA Memoirs, 14-17 January 1938, stated that HIROTA said that at the Imperial Council the Premier expedited the proceedings while HIROTA did the explaining. After he first described the progress of foreign policy and the future

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peace and war policies, the Chiefs * of Staff gave their approval to the government proposals. HIRANUMA also approved. All decisions passed without objection and were reported to the Emperor.

MARADA met the Lord Keeper and discussed subsequent matter. The Lord Keeper also talked about the details of the Council.

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On the 5th China was requested to give an answer by the 15th as to whether she accepted or disapproved of the terms of peace. This being the day the answer was to arrive, it was the desire of the General Staff to settle the matter on this occasion by waiting five additional days even if the proposal was rejected. A liaison * conference was convened on the 15th, lasting from 9:30 AM to 8:30 PM. According to KONOE, the army staff was out and out in favor of ending hostilities with China even if only a day sooner and of preparing against the Soviet. The Deputy C/S stated that even if there had been an Imperial Council, the Emperor did not make any comments. Since this was similar to the

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37722 Emperor Organ theory, he wanted to have the matters submitted to the Emperor's judgment before a decision was made. He thus reversed everything that had been settled up until then. It seemed it was his desire to deal with Chiang in person and come to a peaceful settlement. The reply already received from China thru the German ambassador was that the terms * were too abstract in content and too difficult to comprehend and requested that a more concrete proposal be presented. MIROTA said that the army staff had already informed China thru the German military attache and China was well aware of the concrete proposals. But she feigns ignorance and says that cannot be understood. If this was the case, there was no hope. There was no alternative but to proceed with the alternate plan to transfer the hostilities into a long-term war. It was vital that they strengthen their determination to oppose China stubbornly. The premier and his cabinet felt it was not good to be led on and on. The same arguments were being repeated but YONAI asked whether the army staff did not have confidence in the government which would mean that either the staff or the cabinet must resign. * The army staff retired to consult and returned. The Deputy C/S stated it was unwise to have a change in the government. The staff had confidence in the government and would concur with its decision. The cabinet was again convened and the premier made a complete report to the Emperor.

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Both KONEE and KIDO said the army staff was justified in its ardent desire to have out and out peace, but after matters had developed this far, to stop midway by taking an attitude very similar to that of a defeated nation and purposely showing magnanimity was not an attitude to be taken by a winning country. If such an action were taken, it would be said that Japan had weakened considerably, * and was in a precarious situation. Her cards would be revealed. Externally, it would mean a sudden fall of yen exchange and depreciation of government securities and Japan would not be able to carry on commerce. If they were going to settle matters, it should be done logically.

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37726 According to KIDO, on the 12th, Prince CHICHIBU, as though representing the army staff, questioned KIDO on the grounds on which the government refrained from concluding the hostilities. KIDO explained the circumstances at length. In the course of the conversation, CHI* CHIBU remarked that hostilities differed from the Sino-Japanese and the Russo-Japanese wars in * that they were not waging war against the people but against the regime. He wondered if it could not be done by eliminating all friction to date and clasping hands from a broad standpoint. KIDO replied that even if the situation differed, after Japanese troops had killed 7-800,000 Chinese soldier, even if they said let us shake hands, it could not be clasped sincerely. For a victorious nation to say it by all means would like to make peace as soon as possible and submit various terms and lay their cards on the table would be used as propoganda if China should refuse. If they spread such propoganda

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37727 at home and abroad, it would result in Japan being put at a great disadvantage. This would cause a slump in yen exchange and government securities and a loss of confidence in Japan's economy and finance. It would also result in the nation not being able to purchase any commodities and prices * would soar and internal administration would be thrown into confusion. Diplomacy is needed to establish peace, but unless the settlement is made very firm, and if things are immediately handled as the General Staff desire, they would have no end of worry for the nation. CHICHIBU agreed but thought the government was incompetent.

On the 18th HIROTA said as China failed to accept the proposal, the Imperial council decided on the alternative plan.

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* Exhibit 3790A, excerpt from the SAIONJI-MARADA Memoirs, 14 February 1938, stated that the Vice Foreign Minister stated that at the liaison conference of February 14, the army said it was impossible to attack Canton and Hankow in the future. They should go as far as southern Shansi and up to the Yellow River but it was impossible to advance to Suchow. The navy would like to advance its air base to Anking, but the army felt that it was impossible, because military preparations must be made against Russia. As a result the navy said it was not wise to continue as they were and extend the incident into long-term hostilities. Cessation of war should be attempted through diplomacy and the forces must advance without * yielding an inch. The navy requested the Chief of Naval Staff to inquire of the Chief of Army staff whether they were not intending to force Russia. The army denied this. The Emperor then asked the war minister whether it was possible to put into effect a simultaneous plan for long term hostilities, military preparations against Russia, and the expansion of the navy. The war minister stated he would discuss the matter with the government and take proper action.

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* Exhibit 3791A, excerpt from the SAIONJI-MARADA Memoirs, 16 June 1938, stated that KONOE said that Foreign Minister UGAKI, Finance Minister IKEDA and he held a 3 ministers meeting. ITAGAKI Persisted in recommending SHIRATORI as Vice Foreign Minister to UGAKI. When ITAGAKI was at the front and SHIRATORI was touring China, they talked and their opinions on foreign relations coincided very well. The greatest nuisance to UGAKI were the army field grade officer. If UGAKI wanted to carry out some foreign policy, he would have to hold them down and yet let it appear that he was cooperating. SHIRATORI was not considered highly by his seniors * and his reputation outside was bad. If UGAKI were to use him, he would probably handle him appropriately. Using SHIRATORI would be very good politically. The navy was wholly opposed. YAMAMOTO said that in view of SHIRATORI's personal conduct, they could not keep such a man for disciplinary reasons. KONOE would not assume any responsibility in forcibly recommending SHIRATORI. In reality, he thought SHIRATORI would be the best suited person. UGAKI stated that he had heard that SHIRATORI was very loose with his finances.

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147 *Exhibit 3792 A, excerpt from the SAIONJI-HARADA Memoirs, July 5, 1938, stated that on July 5, 1938, the Lord Keeper stated that yesterday the Emperor summoned the War Minister and the C/S and stated he thought this war should be ended as soon as possible. Both replied simply that they would continue until Chiang failed. The Emperor was quite concerned because the Chief and Vice Chief of staff had previously told him that the staff feverishly wanted to stop the war and make preparations against Russia. Since then nothing had happened. The Emperor, thinking the C/S had in mind to settle the incident as soon as possible, put the question * to them.

HARADA told this to navy vice-minister YAMAMOTO, who said that though the war minister said they would continue until Chiang failed, in reality it was the army which was most troubled. It desired most earnestly to quit. There was no doubt about this point.

155 * Exhibit 3793A, excerpt from the SAIONJI-HARADA Memoirs, July 1938, stated that MATSUDAIRA said the C/S and war minister expressed their desire to submit some matter to the throne. The Emperor, thinking that the war minister was coming to appeal the question of using real force on the Soviet-Manchukuo border and thinking that it would cast a reflection upon the C/S and the war minister if the sanction was denied had the Chief Aide tell them that if they were coming to to get his sanction to use force, he had not the slightest intention of approving it. If they were coming for that, they needn't come. The message was conveyed but they said they wanted an audience. * They kept the Emperor waiting for more than an hour. As the Emperor had thought, the war minister submitted the question of the use of force and asked sanction. The war minister said that both the foreign and navy ministers had agreed. Although both of them had previously expressed their opinion in favor of troop dispositions, they were absolutely against the use of force. The Emperor felt that he was going to be deceived again and excitedly admonished them by stating that the actions of the army were abominable. There were frequent instances when a sneaky method was used. It was quite improper for his army * to disobey orders from the central authorities and to decide on the judgment of the authorities on the spot, as in the Manchurian Incident and the actions at Marco Polo Bridge. Nothing like that must happen this time. He told the war minister that thereafter he must not remove one soldier without the Emperor's command. The war minister said he should by all means like to resign.

158 KIDO wondered why the Lord Keeper did not act in concert with the premier and do something. It was disturbing to have the Emperor take such pointed action. KIDO also said that if the army said that Japan had to fight with Russia, then he would recommend KONOE to resign.

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*Exhibit No. 3794 A, excerpt from the SAIONJI Harada MEMOIRS, 2 July 1938, stated that HARADA met with the Navy Minister and Vice Minister and had a leisurely conversation. It was brought out that OKAWA, Shumei recently brought a petition from the young officials of the Foreign Ministry to UGAKI which asked that he appoint SHIRATORI Vice Minister.

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*Exhibit 3795 A, excerpt from the SAIONJI HARADA Memoirs stated that the Lord Keeper said that the Deputy Chief of Staff said he strictly warned OSHIMA that the supreme authority of diplomacy is vested in the Emperor, and cautioned him that it was not desirable to forget one's position and always do as Germany says by agreeing. Japan has the deciding authority. The Army has no intention of infringing upon the diplomatic prerogative. The Army does not pay any attention to the present day Rightists because they are most outrageous. The civil police and Kempeitai have been instructed to take action.

Exhibit 3795 R, excerpt from the SAIONJI HARADA Memoirs stated that the army's desire reached the Emperor. The Emperor personally told the Chief Aide to go to the General Staff and say that if it was embarrassing if KONOYE resigns, as a condition for keeping KONOYE in office they should decide that question of strengthening the anti-Comintern pact as decided at the First Five Ministers' Conference. He asked about the Army eliminating those points advocated by it, in discord with the general decisions of the Five Ministers' Conference and to have this anti-Comintern pact directed strictly against the Soviet as decided. The army did not show any signs of submitting to the Imperial will and said they were not in favor of that.

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*Exhibit No. 3796 A, excerpt from the SAIONJI HARADA MEMOIRS early February 1939 stated that the Foreign Minister said he was *reluctantly assuming an extremely strong attitude. This must be done to see the situation through. If they fail in this he thought foreign policy would be a total failure. The Foreign Ministry knows nothing about the telegram between OSHIMA and the General Staff concerning the strengthening of the anti-Comintern pact. No matter how long the Army may study diplomacy, what right do they have to do such a thing without consulting the Foreign Ministry. He asked for reconsideration and the Army said they were sorry.

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Exhibit No. 3797 A, excerpt from the SAIONJI HARADA MEMOIRS, March 1, 1939, stated that the Foreign Minister said there are no problems any more of routine. It is a pending question which has already been reported to the Emperor who has sanctioned it. No matter what the ambassadors to Rome and Berlin might say, Japan cannot cancel its decision. All we have to do is to change the Ambassadors if they are going to rush to conclusions and say that decisions will not do. The transfer of Ambassadors should be carried out after the close of the present session of the Diet. They wired back instructions to both ambassadors to do as recommended.

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*Exhibit No. 3798 A,, excerpt from the SAIONJI HARADA MEMOIRS, March 1939, stated the foreign minister said on the 8th he went to the Palace with the decision of the Five Ministers and made a confidential report of the decision to the Emperor. He reported that OSHIMA and SHIRATORI made a clarification of their own opinion only, to Germany and Italy of Japan's intention to fight in the event that they should wage war with England and France. They should be made to take this back since they acted without regard to the wishes of the central authorities and their words and actions overstepped their authority.

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*Excerpt from SAIONJI HARADA Memoirs, April, 1939, Exhibit No. 3798 B, stated that * on the 12th HARADA on the 12th asked MATSUDAIRA the Lord Keeper's secretary the reason behind the war minister's visit to the Palace on the 11th. The reply was that on the 10th, the Emperor made an inquiry of the Foreign Ministry about the progress of the Five Ministers meeting. Prior to this, the Emperor had learned of the opposition to governmental instructions of both SHIRATORI and OSHIMA. He thought that for the Ambassadors to have expressed subsequently Japan's intention to participate in war although they had no authority was extremely bad. He was also aware that the War Minister was covering up such acts committed abroad at the Five Ministers' Conference. *He asked the Lord Keeper about rebuking the War Minister. The Lord Keeper replied that since the opinions of the war, Foreign and Navy ministers as well as other cabinet members were in agreement and the matter already settled, that for the Emperor to make reproach on the matter would be rather ill-advised since it would bring about an irritation. Furthermore, since present circumstances were entirely different from the Changkufeng, it would be better if the Emperor did not rebuke the War Minister. The Emperor said that if that was the case he would do so and the idea of summoning the War Minister was abandoned.

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37784 * That day the War Minister went to the Palace on some other business. The Emperor patiently informed him of matters with which he was not pleased in regards to this question but did not rebuke him. His words were that it was an infringement upon his supreme authority for the two ambassadors abroad to express Japan's intentions of participating in war and that he was extremely displeased with the War Minister's supporting them under such circumstances and was very dissatisfied with the War Minister's deviation from the subject. The War Minister was very angry.

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*Exhibit No. 3799 A, excerpt from the SAIONJI HARADA MEMOIRS, 20 April 1939, stated KIDO said he had met the Premier HIRANUMA the day before and found that since the Premier appeared to be in a dilemma between the Army and the Lord Keeper or the Emperor and since he seemed to think that the Army's actions were essentially right, he wanted to settle matters according to their whim by some means. To achieve this he felt he would like to have a little more understanding and cooperation of the Lord Keeper and the Emperor's understanding along this line. His principal object was that he wanted KIDO to intercede. HARADA could not understand KIDO's attitude.

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37790 *in regards to this. According to KIDO, the premier and others feel that although the main text of the Anti Comintern Pact had received Imperial Sanction, the Army wants to omit the secret treaty which says that Japan interprets as the principal object of the Pact the activities of the Comintern or only Soviet Russia. The Emperor will not give his permission and since the Army wishes to omit the secret treaty and avoid being involved in a war against England, France or others by applying only the text of this Pact, and since both the Army and Navy say they wish to avoid Japan's being drawn into the war it should be permissible to omit the secret treaty.

37791 *At some time KIDO expressed that he, too was of this opinion. KIDO said that the Emperor is essentially a scientist, an extreme liberal and at the same time a pacifist. Unless he would somehow change his way of thinking a serious gap would develop between the Emperor and the Army and rightists. They cannot tell what will happen; and to the Army, they must make it appear as though they understood the Army a little more. HARADA listened to this from KIDO with an extreme feeling of surprise but remained silent because he thought to argue with KIDO would do no good. He thought that KIDO's concern should be to lead the Army or the rightists to comply as much as possible with the will of the Emperor and it was his original mission to fulfill his responsibilities in this sense.

37792 He told KIDO that the two of them were ones who best know the *reasons that brought about the present situation. It was the coarse, uncultured and unrepresentable group among the rightists. They broadcast whatever they please and by creating an atmosphere in which they gave power to whomever they pleased, and against which nothing could be done, they brought about disunity of the Army. Although he believed a man in KIDO's position could eliminate this since it no longer could be helped he was thinking of beating to death five or six of the group who might be obstacles in the future although this was going to great extremes. KIDO was distressed at this.

Just before HARADA left, KIDO spoke vaguely and said since he would also think of something HARADA should not worry.

37804 Exhibit 3799-B, excerpt from the SAIONJI HARADA MEMOIRS, 22 April 1939, stated on the 22nd KIDO conferred with the Lord Keeper. According to KIDO he said that Japan was resolved to push stubbornly ahead under the terms as stood; it was still intended to make contact with Hitler through OSHIMA instead of having the Premier do it directly. If this method did not work, the cabinet would resign and it was desired that consideration be given to a change in cabinets. It meant that instead of trying to change the Emperor's mind or the attitude of the Lord Keeper of the Privy Seal,

37805 *he stated it clearly in definite terms of "A" or "B". But unless to some degree the Imperial Sanction is secured through the Lord Keeper, matters would be advanced as they stand, but in the event they do not agree the government may have to resign.

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*Exhibit No.3800 A, excerpt from the S.H. Memoirs, April 1939. On the 24th KIDO seemed to have greatly changed his attitude and said there was no alternative but to recall OSHIMA and SHIRATORI. If this influenced the internal peace and order he intended to control matters suitably and expected to suppress the Rightists himself.

37809 On the 25th after the Five Ministers' Conference, ARITA told HARADA that an urgent request had come from SHIRATORI and OSHIMA for recall. A discussion was held on counter-measures. It was decided that direct communication be made by the Premier with Hitler and Mussolini through the Ambassadors in Tokyo instead of using the Japanese Ambassadors abroad.

On the 26th he called Vice Minister YAMAMOTO and said it would be better, after doing everything possible, to assume the attitude that they were contented with whatever the result might be. The Navy Minister said the same thing. ARITA also said that through the Ambassadors in Tokyo, the Premier will approach Hitler and Mussolini generally. The Foreign Minister will present the particulars to the Foreign Ministers of Germany and Italy. They will push this matter until conclusion, but if there should be any difference to the demands of Japan, negotiations will be cut off. This is the decision of the Five Ministers' Conference.

37811 * Exhibit No.3801A, excerpt from the S H MEMOIRS, May 9, 1939, stated that on the 6th he said that yesterday, after he handed the Premier's message to the Ambassadors in Tokyo he received an official wire from USAMI in Berlin which said that USAMI was asked by Gauss, the Deputy Vice Minister of the Foreign Office * if Japan wouldn't agree to a proposal such as this, and added that it had not been shown to Ribbentrop yet. GAUSS did not know what the Foreign Minister would say but he was showing it to USAMI unofficially as his private plan. Though written indirectly emphasis was put on the German demands previously refused by Japan. ARITA said he had investigated the origin of this draft and it seemed it was submitted by the Japanese Army to the German Foreign Office through the attaches. He felt this was outrageous and declined to be responsible if this sort of conspiracy went on. ARITA did not show HARADA the actual contents.

37915 * Exhibit No.3801 B, Excerpt from the SH MEMOIRS, May 8, 1939 stated that Overseas Affairs Minister KOISO said that the solution of the China Problem, namely, the reaching of the conclusion of the war as soon as possible would be impossible without a tri-partite alliance. Since the men at the front are displeased with British and French aid to Chiang Kai-shek, an alliance with Germany and Italy would alleviate their feelings. It would then be in order to settle the China Problem through England and France. Otherwise, it will be extremely difficult to pacify the army at the front.

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*Exhibit 3801 C, excerpt from the S.H. Memoirs May 1939, stated there was a wire from Ambassador OSHIMA which said that two or three days ago Ribbentrop on his way to meet Ciano at Como questioned OSHIMA that when a contracting nation goes to war against a third nation, and even if there is no military aid from Japan, would it be permissible to recognize Japan as being in a state of war? OSHIMA had replied in the affirmative.

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ARITA said it was inexcusable for those abroad to propose, on their own authority participation in war and to make such an arbitrary reply. A five Ministers Conference was scheduled for the next day but this matter will be difficult for HIRANUMA is inclined to assume a supporting attitude rather than remain neutral. He believed that such matters had already been transmitted abroad by the Army, and he could not assume the responsibility for foreign policy. *HARADA told this to the Lord Keeper. On the 7th, ARITA reported that at the Five Ministers Conference, the Premier supported the War Minister and upheld OSHIMA's answer to Ribbentrop, that in the event of war between one of the contracting parties and a third nation, Japan will be considered to have entered a state of war, although it would not give any military support.

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Exhibit 3802 A, excerpt from S H MEMOIRS, May, 1939, stated that the Navy Vice Minister said the Navy Minister said in the conference that the Gauss draft did not come through legitimate channels. If they were to follow the proper course they had not even received an official reply from Germany to the premier's message. * He thought it odd to attach themselves to the Gauss draft without demanding a reply. No one said anything about it and they again continued discussing the Gauss draft. The Premier gave the impression that a reply to his message was unnecessary because the matter had already been solved when OSHIMA had replied "yes" to Ribbentrop's question. In other words, it was agreeable for Japan to be considered as ready to participate in the event of war between England-France and Germany-Italy.

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*Exhibit No. 3803-A, excerpt from the S H MEMOIRS, May 1939, stated that the War and Navy Ministers each saw the Premier individually and gave him the story, and a Five Ministers' Conference was hurriedly held on the 20th and the problem was settled in substance roughly as above. With regard to ARITA's proposal to make OSHIMA retract his affirmative answer to Ribbentrop's question, the Premier was evasive and would not make him retract. ARITA cautioned the Premier to report privately to the Throne, because *though it could not be said that a complete agreement in opinion had been reached between the Army and Navy the matter had actually been decided and it appeared that instructions would soon be issued.

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*The deletion of article III of the above-mentioned secret understanding concerning the participant nations, etc. and the revision of the wording of the announcement to be made to the world had finally been carried out, but the statement about "entering into a state of "war", by OSHIMA in reply to Ribbentrop was left unrescinded.

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*Exhibit 3803 B, excerpt from S H MEMOIRS, May 1939, stated that on the 23rd Vice Minister YAMAMOTO said he understood that both SHIRATORI and OSHIMA said nothing could be done about that particular draft and they kicked it back. He said that at the same time the Army claimed that there were some words missing * and that the whole business was scandalous.

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Later ARITA said they had discussed the matter at the Foreign Ministry and it fell back on Germany and Italy demands to enter the war. The army's contention that words were missing meant a clear-cut expression of participation in war and he could not agree. The Premier said it should be done as the Army wants. It appears as if he too wishes to have it read "participation in war".

The Navy Minister said it was outrageous even to mention participation in war or condition of war. In view of the fact that the Emperor often says he shall not permit it to the General Staff War Minister and the Premier, it is abominable for the Premier to support the Army and the ambassadors who take action contrary to the Emperor's will.

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Exhibit 3804 A, excerpt from the S.H. MEMOIRS, July 1939, in regard to the Tientsin problem stated that the Premier agrees with the view of the Foreign Minister. Although they wish to make firm restrictions from July the Central Government has no control. The units abroad do as they wish. The strong argument by the Consul in Tientsin and the comparatively strong attitude taken by Minister KATO is somewhat regrettable. The points in the Tientsin problem which Japan is considering are the placing of Japanese in the Industrial Bureau, the placing of Kempei within the concessions, the demand of handing over of 45,000,000 Yuan to the provisional government as a friendly gesture, cooperation to preserve peace and order, and the handing over of the criminals. The stupidity of the War Minister seems to be the cause of all the problems becoming extremely disorderly.

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*When the Emperor asked about the Incident, the War Minister said the reason the Army requested the surrender of 45,000,000 Yuan in the British Concession was to maintain the currency exchange. When the Emperor asked if that was sufficient, the War Minister said, no. The Emperor was shocked and said that was very bad thinking on his part and rebuked him. The Lord Keeper consented to the extent that the Army was going to destroy the nation.

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*Exhibit 3804B, excerpt from the SAIONJI-MARADA Memoirs, early July 1939, stated that the Lord Keeper on the 7th said the War Minister went to the palace and spoke about TERAUCHI being sent to the Nazi Party conference. Although the navy had planned to send OSUMI, there had been no formal notice from Germany, and since it was still confidential, it hadn't been reported to the Emperor. The Emperor already knew that at the Supreme War * Council the War Minister reported that ARITA favored the Military Alliance, and the Emperor thought it very distressing. The War Minister stated it was necessary to send TERAUCHI to strongly bind the anti-comintern pact spiritually. The Emperor did not think it very good and said the War Minister knew his opinions. At the Supreme War Council he had reported an actual falsity that ARITA favored the military alliance. That was very insolent.

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*Exhibit 3805A, excerpt from the SAIONJI-MARADA MEMOIRS, July 1939, stated that * ARITA said that when KONOE met the War Minister the other day, the latter asked KONOE if it wasn't possible to change the Emperor's mind on the military agreement, and KONOE replied it was very difficult.

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*Exhibit 3806A, excerpt from the SAIONJI-MARADA Memoirs, 3 August 1939 stated that Education Minister ARAKI said he was not too worried about the rightists. If the government acted resolutely they could be swayed. The important question was how the army situation would develop and how to gradually take control of it. He said he knew quite a bit about Overseas Minister Koiso. He was a man of intrigue and trickery. When the problem of legal tender arose in the Cabinet he boldly suggested that counterfeit currency be used. There were instances when he sent the Kempei to China and Manchuria dressed in work clothes. When Japan was trying to strive for the new order based on virtue, these acts were contradictory and extremely harmful. KOISO had power and enthusiasm, but he had no set opinions and dealt only in intrigues and trickery. He could easily be swayed. He spoke very ill of KOISO. Although KONOE often proposed to unite ARAKI and KOISO, MARADA felt it utterly futile.

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*Exhibit 3807A, excerpt from the SAIONJI-MARADA Memoirs, August 1939, stated that the Foreign Minister talked about the Five Ministers conference of the 8th August 1939. He stated that the Premier said that yesterday the War Minister explained the army proposal. They had been making efforts along the pre-arranged plan because they recognized the necessity of a treaty. He said that this proposal would not deviate from the plan, but the premier did not think so. He asked for questions. These introductory remarks * were followed by questions from the cabinet. The army's contention was that a change in the situation necessitated an offensive and defensive alliance. As the first step, the pre-arranged plan was to be followed. If this could not be done, the second step was the conclusion of an offensive and defensive alliance. The premier then asked the war minister what he thought. The war

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minister replied that he was both a state minister and war minister. As state minister, he had consented to the pre-arranged plan being followed, but, as a representative of the army, he consented also to the second step being taken. The Foreign Minister thought it appeared that either there was still some leeway on the unconditional alliance or that ITAGAKI would be ousted.

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*Exhibit 3808A, excerpt from the SAIONJI-MARADA Memoirs, 12 July 1940, stated that Chief Cabinet Secretary ISHIWATA said ANAMI and MUTO said the present cabinet must amicably withdraw. Since diplomatic relations are going ahead satisfactorily due to the 4 Ministers conference and other connections, they would say nothing more about foreign policy. In order to realize KONOE's new political order, they would like the cabinet to withdraw. When ISHIWATA disapproved, they said there was nothing to be done but force the resignation of the War Minister.

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*Exhibit 3687, excerpt from the SAIONJI-MARADA Memoirs, 19 August 1940, state that the following was decided at the 4 Ministers conference. In order to evolve a policy for settling the China Incident and dealing with the new world situation, the establishment and strengthening of war-time economy should be made the basis of domestic and foreign policy. The government would assume unitary leadership in all economic activities and strive to the utmost in its promotion, except where it was absolutely necessary for the existence of the military for them to assume leadership

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Corresponding to the sudden changes in the world situation and to quickly establish a new order, they planned to strengthen the axis. The East Asiatic nations must act in concert and carry out various important policies. They must decide on the most opportune time * for strengthening the axis and realizing it. A non-aggression pact would be concluded with the Soviet by Japan, Manchukuo and Mongolia for 5 to 10 years. In addition to the immediate solving of pending questions they would realize sufficient military preparedness to safeguard against defeat by the Soviet during the period of the pact. * Arrangements would be made to include the English, French, Dutch and Portuguese colonies and the orient within the new order. They would try to exclude themselves from international conferences on this. Though they would avoid unnecessary collisions with the US as long as it concerned the establishment of a new order they were firmly determined to eliminate any interference by actual force. These were discussed by KONOE MATSUOKA, YOSHIDA and TOJO, while the cabinet was being organized. These were the fundamental policies for organizing the new cabinet.

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At the liaison meeting between Imperial GHQ and the government in July, the points presented by GHQ for solving the situation were * Japan would improve its foreign situation, accelerate settling the China Incident and would seize the most opportune time to solve the southern problem. In case settlement of the China Incident could not be made, the

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- 37868 change of attitude by stressing the southern region policy would be decided upon taking into consideration domestic and foreign situations. The preparations needed to cope with these items would be given utmost acceleration.
- 37874 *Exhibit 3809A, excerpt from the SAIONJI-MARADA Memoirs, September 1940, stated that Capt. TAKAGI told MARADA of the conversation between MUTO and TAKAGI at the Preparations Committee meeting. According to MUTO, the leading element of the new organization regardless of title was actually an association of political parties. It was not therefore
- 37875 desirable that the army * participate in it. However, the arguments had changed and when practical applications were considered, it was necessary to delegate strong political powers to the nucleus of the new organization. To do this, it was necessary to appoint party members. The opinions of a great number of directors was that this new organization was one in which the military, government and people must unite in order to construct a country with powerful national defense. It was unlike former times when there were various disagreements on theoretical policies and struggles for selfish interests. This included former politics, economy, education and all other aspects of national life. The present movement was not one which arose from the masses. The situation was such the the military and government must do the leading and spread the movement. The nucleus of the new organization was therefore appropriate. The fact that the army and navy would withdraw did not signify that this new movement would succeed. On the contrary, there
- 37876 was fear that * the movement would be rendered impotent thereby. In this manner, the other directors all agreed with his proposal. These were all superficial reasons and the inner purpose of the army's contention must be clarified. The army had been exerting all its efforts to induce dissolution of existing political parties. The Promotion Association, which had been dissolved, did not have much voice in the Preparations committee. They had become very fidgety and uneasy. On the other hand, the army planned to unite the political parties into 1 unit and create a so-called pro-army party, and to lead them according to their own wishes. Their plan received a blow when KONOE's proclamation was published. KONOE got the jump on the army, whereas it had planned to use him as a robot.
- 37880 *Exhibit 3810, excerpt from the SAIONJI-MARADA Memoirs, 20 October 1940, stated that MARADA explained the circumstances under which the Tripartite pact was concluded. He had doubts as to how the Lord Keeper and premier explained the matter to the Emperor. SAIONJI was greatly doubtful as to how they explained the matter and obtained imperial sanction for the Emperor had said he would never give his consent. According to KIDO and KONOE, the navy agreed to it and both the foreign minister and premier also explained to the Emperor along the line that there was no other step to take towards the US and the only measure to keep the
- 37881 US out of war was the conclusion of Amilitary alliance. When they thought of the Emperor's innermost feelings, they were filled with

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with trepidation. Imperial Household minister MATSUDAIRA said that every time he went to the Emperor, the latter showed indefinable regret.

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SAIONJI was kept in complete ignorance and the pact came as a complete surprise. MARADA heard from naval sources that there was going to be a September liaison conference on the day it was held. He telephoned KONOE and KONDE answered that he had just returned from the conference. The navy had finally consented and the agreement could be concluded. The following day KONOE told him the general circumstances, but the most important point of how they were able * to obtain Imperial sanction was not mentioned. He asked KIDO why he had not told SAIONJI beforehand. There was nothing wrong with the Genro and it was regrettable that not a word was said to him on such an important problem which directly concerned the fate of the country. KIDO replied he felt too sorry for SAIONJI so he did not tell him. MARADA told KIDO that however opposed SAIONJI might be, or however sorry KIDO might feel, he must report all he had. That was KIDO's duty to the Emperor. KIDO promised henceforth he would report all he could.

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*Exhibit 3811, memorandum of Wiehl, December 21, 1938, stated that *on orders of Ribbentrop, he informed OSHIMA that the former in the Pro-Memoria on German-Japanese economic cooperation was holding out for a written statement of preferential status with respect to third powers, and was asking OSHIMA to intercede for a prompt favorable ruling. He handed to OSHIMA the last proposal given to TOGO on 6 October. He said they had definite news from Tokyo that Japan was ready to grant a written statement on preferential treatment. Even TOGO had originally held out hopes for this but later said that Japan could not grant it. The new ambassador to Rome, SHIRATORI, on 26 October, also spoke of preferential treatment for German technology, industry and trade. Wiehl emphasized that on the grounds of German support of Japan in China, not only for political but for economic and moral * reasons they were entitled to preference particularly as to Americans and British who had again demonstrated a reverse attitude by granting credits to China. He brought to OSHIMA's attention the unsatisfactory settlement of protests on practical restraints on German economic activity in China by Japan and delivered a new memorandum.

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OSHIMA was completely sympathetic. He stated he had always worked for preference but opinion was divided in Japan. The army and part of the foreign service, like SHIRATORI, were for it. Opposition was to be found principally among domestic economic circles. He emphasized that often military considerations worked inevitably in favor of practical restrictions. The ill-humor of front line troops over the fact that at the beginning the Chinese almost always had only German weapons might still be in evidence here and there. He had about 9 December * sent a telegram that preference should be granted in writing and that practical German difficulties in China should be removed or German officials be informed in detail by Japan on what grounds this was presently not yet possible. He had also sent by a general letters in favor of

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37902 this to leading figures of the army. He promised to report again both by telegram and in writing.

37905 *Exhibit 3812A, telegram from Wiehl January 15, 1942, stated that
37906 *on January 2 in a conversation with Ribbentrop, Oshima stated he had been commissioned to concentrate in himself the handling of all questions concerning general principles of cooperation in the whole field of the common prosecution of the war, and to speak at the proper time with Ribbentrop, and, in so far as Italy was interested, with the Italian Ambassador. Nothing except purely military and economic questions of detail were to be handled by the military and economic members of the Tripartite subcommissions. He delivered a memo setting forth that parallel with the conversations on military cooperation, concrete negotiations would soon be begun on reciprocal use of German and Japanese economic power. While Japan was doing the utmost to facilitate delivery of East Asia products Germany, Germany should do everything to deliver machines, munitions material and plants to Japan. To avoid * payment difficulties, Germany must grant Japan a total credit of $\text{¥}1,000,000,000$ for 3 years. Until this was available a temporary credit of 30 million for most urgent German deliveries should be immediately placed at disposal. Japan was ready, with the development and use of the raw materials rich South Seas regions, which went with the progress of military operations to look out for Germany's interest in every possible way.

37910 *Exhibit 3813A, memorandum on Hitler's conference with OSHIMA,
37911 January 3, 1942, stated that * Hitler again asked OSHIMA not to mention his statements to Italy. If anything were let out, all efforts would be in vain. He added he would discuss military affairs only with OSHIMA. Hitler explained to OSHIMA on the map the prospective naval situation in the Atlantic, emphasizing it was his most important task to get the submarine war going full blast. After making further explanations he pointed out that no matter how many ships the US built, one of their chief problems was personnel shortage. For this reason merchant vessels were being sunk without warning so that as large a part as possible of the crew would perish. If word should get about that most seamen were lost in torpedoings, the * US would have difficulties in recruiting. The training of sea personnel took a long time. They were fighting for their existence and could not permit any humanitarian points of view to govern. For this reason he had to order that in case foreign seamen could not be taken prisoner, submarines were to surface after torpedoing and shoot up the lifeboats.

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OSHIMA sincerely concurred in these statements and said that Japan was forced to follow these methods. OSHIMA was empowered to discuss the prosecution of the war with Ribbentrop. Even though individual questions could be discussed directly between the army, the air force and the navy, it was of the greatest importance that main policy should be laid down exclusively by Ribbentrop and him. The same was true of economic and political questions.

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*Exhibit 3814, telegram to the Vice Chief from the Military Attache to the German embassy, May 5, 1941, stated that as reported MATSUOKA's visit to the US would produce a bad effect upon the Tripartite Alliance. The statement by ISHII, Chief of the Publicity Bureau, and the report in the Japan Times implicitly confirmed the visit which would greatly shock not only Germany, but also the axis countries creating a very unfavorable situation that would nullify the results of MATSUOKA's having visited Germany and Italy. ISHII could not be excused when he boldly stated that Germany and Italy should be asked about the visit to the US. If the situation be left alone the problem regarding the resignation of OSHIMA might arise causing a fiasco in the basic problems of foreign diplomacy.

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*Exhibit 3815, memorandum by Wieszacker, July 12, 1941, stated that OSHIMA * mentioned he had had an exchange of telegrams with his foreign minister. He had tried to induce him to determine the center of gravity of further Japanese policy and to decide between south and north since a dispersal of forces was impossible. In principle MATSUOKA had agreed with OSHIMA without expressing himself concretely.

When asked how things stood with FIC, OSHIMA replied that the occupation of certain positions in Southern FIC, an aircraft and warship base was an urgent Japanese need. Whether they should previously inform France or merely sound it out was another question. OSHIMA did not consider the move toward south FIC imminent, and thought that Tokyo would probably wait for a good opportunity.

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OSHIMA gave a few opinions on the further development of American relations. He was evidently poorly or not at all informed. He sought to gather some news from Wieszacker. The latter said that there was * only a partially decoded report from Ott indicating that Tokyo had received news from Washington. He could not explain further. It had struck him with what naive and impudence, the US had established itself in Iceland. He asked OSHIMA if he thought the US considered its rear in the Pacific as the Iceland case would really lead one to believe. OSHIMA answered that his own view on how America was to be handled was known. He had again advised MATSUOKA simply to break off the conversations.

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*Exhibit 3816A, Notes on the conversation between Ribbentrop and OSHIMA, July 9, 1942, stated that Ribbentrop said Vladivostok was the biggest threat for Tokyo for the air, particularly if US bombers should be stationed there. Sooner or later this would take place anyway, if the Soviet were not eliminated promptly. With regard to the 60 or 80 Russian submarines there, the Russians little knew how to use them. In the Baltic, there were on hand a like number, which never had been able to do the slightest harm. He thought it best to make the decision and attack the Russians if Japan felt strong enough and was ready with deployment in Manchuria. Hitler held the opinion that Japan, after its big

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37924 successes, should first consolidate its new territories, and that the German offensive in Russia should first be farther advanced. He had thought it best that Japan should not undertake too much, so as not to
37925 endanger its own* situation. After the favorable military developments in Russia, he was of the opinion that the moment had come for Japan to enter the common fight against Russia, providing she felt strong enough. Should Japan rapidly occupy Vladivostok and the territory up to Lake Baikal, the Russians on both sides would be in an extremely difficult position. The war would then be practically decided, and the Tripartite powers could exert all their power against Britain and the US, who would have no hope.

OSHIMA replied that he was overjoyed at the developments in Russia and North Africa. He was convince of the imperativeness of a Japanese attack on Russia and of the blocking of English supplies to Egypt and would immediately report.

37927 *Exhibit 3817, Minutes on the discussion of Ribbentrop with OSMIMA
37932 *March 6, 1943, stated that Ribbentrop questioned OSMIMA about the telegram sent from Tokyo during the last discussions, whether he had new reports from Japan concerning the submarine question and what actually it intended to do in this direction. OSMIMA replied Japan intended to accentuate the submarine warfare and would like to make necessary preparations for this. Present submarines were not suitable for this warfare, which Doenitz had confirmed after examination. Japan's navy would have to arrange its building program and would be thankful if they could obtain two U-boats as specimens from Germany.

37933 Ribbentrop later informed OSMIMA that Germany was prepared to put 1 or 2 U-boats at Japan's disposal. He suggested that Admiral NOMURA discuss the details with Admiral Meissel. Germany did this on condition that Japan * would start as fast as possible the U*boat building program on a large scale in mass production. OSMIMA stated that Japan was prepared to do this. The training of crews would not offer any special difficulty as the training of a crew for use against merchant shipping was easier than for use in large submarine cruisers for naval operations. OSMIMA thought the mass production would be solved as the smaller boats could be built faster and did not require so many complicated installations. Ribbentrop pointed ou that the U-boat could be built rather quickly, the main difficulty lying in machine construction. To assist Japan in carrying out the program it would be possible to lend German engineers for machine construction and officers who had sufficient experience in the tactical use of the boats against merchant shipping. OSMIMA stated Japan would be very grateful for every assistance and he
37934 would ask NCMURA to discuss the details with the German navy. *Ribbentrop stated that Japan within a short time would be able from her far advanced bases to make an effective assault at enemy supply lines. OSMIMA for his government expressed his thanks for German willingness.

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37938 *Exhibit 3818A, telegram from Wohltat, January 23, 1942, stated that OSMIMA's proposal on granting of 1000 million credit, which was on his own initiative, only enlarge the order of magnitude of the objects under negotiation. The content of the treaty text was not fundamentally affected, because contrary to OSMIMA's assumption, an agreement to take effect right now had been negotiated with Japan. Japan and Germany, in advance of OSMIMA's action, had already agreed that the treaty being printed should be put into use as soon as possible. In view of the fact that OSMIMA had not been able to put across his personal views in the economic-political field, it must be doubted whether Japan would empower him to commit in the above sense and to the extent * necessary to cover German demand for raw materials.

37939 Exhibit 3818B, Memorandum of Wiehl, January 24, 1942, stated that MATSUSHIMA * stated he had reported to OSMIMA on yesterday's conversation. The latter felt it would delay concluding the credit treaty too long if first the position of Japan regarding the treaty proposal advanced by Wiehl were obtained. OSMIMA had ordered him to deliver his proposal for an economic alliance treaty with a secret protocol, although the assent of Japan already requested some time ago had not yet come in. OSMIMA had on his own altered the secret protocol to this economic alliance so that it corresponded with Item 1 of the German credit proposal. He believed he would get approval to the adjustments proposed by him just as soon as he could report that Germany was in accord. The adjustments could then be signed in Berlin immediately. If the treaty were concluded in this way, subsequent negotiations in Tokyo on the further details contained in the German proposal would swiftly lead to a result.

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37943 *Exhibit 3819, telegram from Ribbentrop to Ott, March 26, 1942, stated that in conversations with OSMIMA on March 23, he gave him more details on the present situation. He started with the very bad prospect facing Russia, the air of deep depression among the leading politicians in England, and the gigantic confusion in the US with its blustering armament propaganda. If allied propaganda tried to keep the axis from profiting from its victory, it was all the more necessary that they counter it with full use of allied weakness and bring to fruition this year the boldest * conceivable strategic plans. Germany this year would maneuver Russia into a position which would eliminate it as a decisive factor. They then proposed to push forward into the Near East to shake hands with Japan. Japan was confronted with a situation where in safeguarding of its conquests could only be assured by the final annihilation of the allies. The axis powers should undertake this year bold military offensive operations and in view of the enemy current weakness, they could undertake them to end the war as soon as possible with the smallest possible sacrifices. Japan should obtain security

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for herself, so that Australia could no longer become a base for attack against Japan. Japan's fleet should advance into the Indian Ocean, occupy Ceylon and establish bases on Madagascar, and Burma should be completely occupied. Japan's advance against Vladivostok in the direction of Lake Baikal would be of especial significance. Germany did not expect anything of Japan which would overstep its power for Japan's strength was also hers. If Japan should be strong enough this year to attack Russia, this would * materially contribute to Russia's rapid, final elimination as an opponent. Even now food and economic situation in Russia was dreadful and the Russians were literally devouring each other in many districts. Russia had already lost 10 million of its best soldiers while Germany's total loss since the war had only been about 237,000 dead and 750,000 wounded. Of the latter at least 5-600,000 could again be used. The German Army was much stronger today than last year and ready for the new offensive to be directed against the decimated Russian army. There was no doubt that Germany would attain her goal in Russia. Together with the common push this blow would decide the war. If things went this way, the British Empire would collapse in the foreseeable future, and the US would then be unable to do anything serious.

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OSFIMA agreed fully and completely. He had received no official communications on Japan's intentions, but would do * everything on his own to persuade his government to undertake the advance against Vladivostok and East Siberia this year. He felt that such a good opportunity would never return.

RIBBENTROP spoke to OSFIMA about future economic cooperation between the Europe-Africa sphere under axis leadership and the Greater East Asia under Japan's leadership. He designated as the goal a large-scale economic agreement with preference for the partners, and third parties, the US in particular, excluded as far as possible. A firm alliance between the Tripartite powers must form the basis. The main outlines for economic cooperation should as soon as possible be laid down in a skeleton agreement. OSFIMA emphasized the special significance which such an agreement would have as a substitute for the former economic ties between Japan and the US. They would again discuss this question in the very near future.

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*Exhibit 3820A, Memorandum on the conversation of Ribbentrop with OSFIMA, May 9, 1942, stated that Ribbentrop emphasized that it was absolutely necessary while the war was on to lay down clearly a definite basis for economic relations between Germany and Japan. A starting point for all discussions and plans was the tripartite pact, which would prove effective for all international settlements even after the war and for an enormous length of time to come. The two political major areas created by it, i.e., the East Asiatic Area with China, Siam, Burma, the NEI, and the European Area with the European countries, North and Central Africa, the Near East etc., * must in advance so fix their economic relations that they would in no way adversely affect political re-

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37951 lations. Government policy was primary and economy need not, as it had under the old liberal principal, serve for the enrichment of a few, who did not bother about political necessities, but existed for the economic well being of the whole people to raise through proper organization their standard of living.

OSPIFA enthusiastically concurred. The conclusion of an economic treaty was particularly important because it would be very difficult to bring the US to its knees in the present war unless there was an internal outbreak of unrest. Even after the war, a battle would have to be waged with the US in the field of economy through economic boycott by Japan and the Axis.

37952 Ribbentrop proposed to draw up a basic accord to be published and a secret protocol which would include all important details. * He went over the points to be settled by treaty, emphasizing that at the moment they were only dealing with a proposal which he had not yet examined in all detail and which for the time being should only be an exchange of ideas between them.

37953 Ribbentrop said that economic cooperation between the two areas would be considerably facilitated by strict central control of economy. There would remain other independent states in both economic areas. These would be forced completely to carry out a far reaching control of their economy, and the guiding powers would immediately from their natural economic predominance be in a position to exert influence on their economy. In time the two areas would more and more grow in the direction of 1 unit, which would have effect on customs and currency. * The two areas would have to give mutual preference in all economic fields. Preferential tariffs would have to be granted in the exchange of goods. Care should be taken that the products of one should not be forced from the market thru an outsider offering its goods more cheaply. The sale of important goods to third powers should only occur after the partner had been supplied. They should think over whether they shouldn't now provide that after the war resumption and later continuation of economic relations with the enemy should only take place after mutual agreement between the partners. This applied particularly to the US and the Central and South American countries which had shown themselves under the sway of the US. Where economically independent forces remained within the two areas opposed to all this regulating and so acting, such as MITSUI, measures would have to be taken to eliminate them.

37954 *OSMIMA fundamentally agreed with these * statements and emphasized that the two areas must determine a uniform economic policy for a long time, covering not only their internal policy, and mutual economic relations between each other, but also those with outside areas.

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*Ribbentrop mentioned that Japan might conclude a similar treaty with Italy. He considered this necessary politically, because the conclusion of the treaty would nip in the bud all rumors and lies which would arise if a treaty were concluded solely between Germany and Japan. OSMIMA recognized this as correct and necessary. Nevertheless he pointed out a difficulty that Japan so far had had almost no economic relations with Italy. Despite this he also felt that Japan for the reasons given by Ribbentrop should conclude a treaty with Italy.

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*Exhibit 3821, Memorandum of Wieszacker, April 21, 1942, stated that he had informed OSMIMA how great Iran estimated Russian fear of Japan to be. OSMIMA stated how matter of course it seemed to him that Japan should attack Russia in East Asia. A certain dispersal of naval forces would of course be involved and for this reason Japan seemed still undecided when it should take up the battle against Russia. Wieszacker told OSMIMA how little the Russian submarines at Vladivostok were to be feared. OSMIMA assured that he was * working hard to end the wholly unnatural situation in which Japan was living in peace with the Russian enemy.

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*Exhibit 3822A, Memorandum of conference between Ribbentrop and OSMIMA in field quarters, July 30, 1942 stated that * OSMIMA explained that his wish to receive from Japan a positive reply on participating in war against Russia had not yet been fulfilled. He had cabled details of his last talk with Ribbentrop and had added his own view that an early intervention against Russia and intensive action to paralyze English shipping in the Indian Ocean was proper. He had a telegram on July 27 which stated that since the beginning of war Japan's operations in the Pacific and Indian Oceans exercised an ever increasing pressure on the US and Britain and made a substantial contribution to the conduct of the joint war. Japan would have to occupy herself vigorously with the elimination of Chungking. Despite the success of the armed forces, the resistance of the US remained so obstinate that Japan must more and more harness her strength for future operations. Japan's efforts to deny the resources of the South Seas to the enemy and to hold them for herself were only the beginning. In these circumstances, action by Japan *against the Soviet would bring about too great a dispersion of strength. An increase in the war strength of the US and Britain in Europe might be brought about through lessening Japanese pressure. The US might be provided with a favorable base for an attack on Japan. Japan could not enter upon such a policy even though she should be ready for all eventualities. For that reason Japan wanted to keep quiet in the North but make utmost efforts to intensify her operations in the Pacific and Indian Oceans.

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OSMIMA continued that the problem had been earnestly studied anew in Tokyo. Personally he shared the view that it was uniquely favorable for Japan to deal a blow to the Russians. The army had always advocated that such action against Russia was necessary. He could only hazard a

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guess as to the reasons. He assumed that Japan considered the taking of Vladivostok a protracted undertaking and feared that while it was going on the US would get air bases in Eastern Siberia from which they could bomb Tokyo. The Japanese army certainly would have * difficulties especially with the air force. This could be seen from the requests for supplies from Germany. Japan carried out its operations only after thorough preparation and the stage did not seem to be set for an action against Russia. There were various opinions in Japan on this matter and he did not consider the answer the last word. An action against Russia might be possible before October, or if not, probably not before next spring.

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OSHIMA stated that he had repeatedly proposed to use the opportune moment and this would be borne in mind in Japan. He believed that operations in the Southern theater had already been initiated and that these could not now be easily broken off in order to go North instead, since great results had already been obtained. To be secure, Japan must beat the US and for this purpose the operations towards Australia and Midway must have first priority. Only in that way could the establishment of US bases in Australia be forestalled. * Despite this, he was for conducting a thrust against Russia too. Apparently the air force was engaged in the south and it lacked experienced officers since about 20 officers were recently recalled from Germany, a measure which could not be understood if operations in the south only were considered. OSHIMA summed up by saying that Japan first must build up her position in the south and occupy Midway and other islands. He did not know what further action against India was in view, but the essential thing was the weakening of England and the US which called for all Japan's strength. Japan could only move towards Russia, when it became practicable. * OSHIMA assured that the advance to the North was the question Japan's fate hung on.

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Ribbentrop stated he shared OSHIMA's view completely and hoped that Japan might soon feel strong enough to risk the advance into the North. The final result of such action must not be in doubt from the outset.

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*Exhibit 3823A, telegram from Erdsmannsdorf, October 18, 1941, stated that he had questioned OSHIMA in detail on the cabinet change. In OSHIMA's view Japan must have been certain in its mind at the time the Tripartite pact was concluded that the Greater East Asia Sphere could only be achieved thru a push to the south and by force. The only question was when things should start perhaps in conjunction with possible German operations against Britain. * OSHIMA averred again that it would be good if Japan by a push into East Siberia contributed to the restoration of a land connection between Germany and Japan. He had often submitted proposals to this effect to his government.

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*Exhibit 3824, excerpt from the KONOE Memoirs, stated that the representations stated that Germany was obliged to express its desire for total participation in the American negotiations and for an immediate report regarding the US reply. It was an infringement upon the Tripartite pact for Japan to listen to US representations and determine Japan's future policy without entering * into a previous understanding with Germany regarding all important problems. At the same time OSHIMA repeatedly sent cables reporting that German leaders were extremely antipathetic toward the US proposal. He declared his own opposition in strong language.

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In Tokyo joint conferences were held on May 15th and 22nd, but they did not go beyond an exchange of information and opinion. It was evident that due to the influence of German representations and the objections of OSHIMA, the originally vague attitude of the Foreign Minister had become more and more vague. It was obvious that he was standing alone in his opposition.

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*Exhibits 3825A, 3825B, 3825C and 3825D were received in evidence but not read.

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*Exhibit 3826, telegram from Ott, November 1, 1938, stated that KONOE at two meetings during the crisis vigorously expressed his high esteem for German policy but noticeably avoided going deeper into conversations which would fix clearly the Japanese attitude. * Ott had tried thru SHIRATORI who was especially active in favor of the anti-comintern policy to influence KONOE toward a stronger expression. His congratulatory telegram to Hitler might have been based upon such influence.

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*Exhibit 3827, telegram from Vieszacker, September 4, 1939, stated that they should inform SHIRATORI that Ribbentrop would see him in Berlin.

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Exhibit 3827A, telegram from Mackensen, September 9, 1939, stated that SHIRATORI had dropped the idea of returning via Siberia. He regretted not being able to see Ribbentrop again, but planned to ask OSHIMA to transmit to Ribbentrop what he wanted to state personally.

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*Exhibit 3828, telegram from Ott, January 27, 1941, stated that at his farewell breakfast for OSHIMA, he and SHIRATORI directed the conversation to the recognition of Wang-Ching-wei. Both advocated that Japan's request to Germany for recognition was not advisable at that time so as not to decrease the possibility of a later German influence on Chiang Kai-shek. Both found understanding for this from the foreign minister. OSHIMA said he would inquire from Ribbentrop whether a special representative of the German government could be sent to influence Chiang.

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*Exhibit 3829, telegram from Ribbentrop to Ott, July 3, 1941, stated that SHIRATORI was having to leave political discussions because of serious illness. When Ribbentrop asked how SHIRATORI was getting along, Japan's ambassador to Rome was astonished to hear of it and claimed to know that SHIRATORI was as well as ever. He had only recently had good news from him. Ribbentrop requested a report on SHIRATORI's true state.

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*Exhibit 3830, Report of the Metropolitan Police Board on the Meeting of the Parliamentary Members' League for the Consummation of the Sacred War, June 18, 1940, stated that the conference was held * under the joint sponsorship of the League and the National League for the establishment of the Far East. SHIRATORI gave a speech in which he stated that being a government servant, he had to refrain from language insinuating the overthrow of the cabinet, but on the reorientation of Japan's foreign policy, he would say that it appeared that they had already missed the opportunity when they considered the present advance of Germany. This did not mean that they could see no prospect at all. It was absolutely impossible to entertain any hope as long as the persons who opposed a tripartite alliance held the cabinet posts.

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*Exhibit 3831A, excerpts from the interrogation of YONAI, Mitsumasa, May 15, 1946, stated that YONAI's cabinet resigned because of war minister Hata's resignation. Military circles did not put forward a successor for the post, and that forced the cabinet resignation. The reason for HATA's resignation was that YONAI's cabinet was deemed a weak one and HATA was unable to exercise control over the army. There were mis-

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understandings between HATA and YONAI and they all boiled * down to the point that the cabinet, being weak, could not carry out the active war policy on which military circles insisted. Differences mainly concerned the alliance between Japan and Germany. Military circles demanded the alliance, and YONAI was opposed to it. HATA thought that a treaty with Germany at that time would be advantageous. YONAI's cabinet was considered a weak one because at that time the main question of Japan's international policy was the question of creation of the IRAA, and the main ques-

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tion of foreign policy was the building * up an alliance with Germany. Any cabinet that would not support these two measures would be considered a weak one, just as any cabinet that would bring about their materialization would be considered a strong one. YONAI was in opposition to both measures and this was why his cabinet was considered weak.

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He opposed the IRAA because it aimed to establish a fascist regime on the same lines as in Germany. It meant the establishment of a dictatorship in the country where the Parliament instead of being the organ of deliberation would become an organ where the members would simply vote for and * applaud any measure demanded by dictatorship. The navy opposed both measures but the leading military circles insisted on it. He could not name any of the military leaders who insisted on realizing the ideas put forward by middle officers. Among influential persons

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- 38003 in military circles at that time were war minister HATA, Chief of Military Affairs Section MUTO and C/S SUGIYAMA. These were the people who thought it necessary to create a political organization of the IRAA and
- 38004 the conclusion of an alliance with Germany. * HATA, being of the opinion that the cabinet was weak, never disclosed his views on the subject. MUTO was known to him by sight only and he could not say anything about his views. At that time YONAI was first navy minister and then premier, and was not in direct contact with the army. All he could say was that army leaders were dissatisfied with his cabinet, considering it as a weak one. Dissatisfaction with his policy were expressed by HATA, MUTO and SUGIYAMA.
- 38016 *Exhibit 3832, excerpts from the minutes of the Budget Committee
38017 of the 75th Diet stated * that HATA said it was a matter of course for the army to follow the government policy in dealing with the 9
38018 Power Treaty, but he would like to give his personal opinion. The insulting anti-Japanese * policy of the Chiang regime induced the present incident. To correct this misguidance and bring about everlasting peace in East Asia, Japan was then fighting a holy war. Therefore he believed the present incident was beyond the scope of the 9 Power Treaty. The treaty still existed but he did not think that the carrying out of their military operations ought to be restricted by it. The foreign minister knew that the general circumstances of East Asia then were radically different from when the treaty was concluded.
- 38021 HATA stated that the object of the incident was to establish a new order in East Asia by thoroughly crushing Chiang's pro-communist and anti-Japanese policies. They firmly believed that the establishment of the Wang Regime was only a stage in the incident, and when it was established, Japan's army would give every possible assistance, especially military help. The policy would be firm and unchangeable until Chiang surrendered. Since the soldiers at the front and at home understood this idea thoroughly he was sure that there was no fear of demoralization even if a change in the war purpose might arise through its establishment. It was a great mistake to take the establishment of the new regime as the accomplishment of the incident. It would be a very serious problem if demoralization and change in the resolution of the people should be brought about thru establishing the new government,
38022 and if that should arise, they would demand * demand the first-line troops to raise their morale and do their best in the operations until the ultimate aim of the incident was attained. They must unite and cooperate with each other, and it was necessary to impress deeply in the mind of the nation that the establishment of the new regime was only a stage in the incident, and they must undergo many more difficulties in the future to accomplish the object.

He stated that their diplomatic policy was the so-called non-participation policy which the army understood as an unfettered and independent

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- 38022 policy. There were various blocs, such as Anglo-American bloc or German-Italian bloc. In order to settle the incident, there would be
- 38023 no change in policy which was to concentrate all * ability to exclude any third power which would persistently interfere with the establishment of the new order.
- 38025 *Exhibit 3833, Proceedings of Budget Committee, 75th Diet stated that HATA said they should follow the government's policy on the Nine Power Pact.
- 38030 *Exhibit 3834A, Testimony of Lt. Nelson and Captain Barr at the SAWADA trial in Shanghai, May 1946, stated that Charles J. Nielsen testified on direct examination that the injuries of Lts. Hallmark and Meder were so bad that they couldn't walk well. They were crippled.
- 38031 *Nielsen was captured by the Japs on April 21st. They were loaded in coolie chairs and taken to the Japanese garrison, and were transferred from there by boat to Shanghai. On the trip by boat 3 of them were kept in one small room. They were handcuffed and tied by the elbows tight enough to cut off circulation. They were kept this way while being transferred from one place to another but while on the boat their arms weren't tied although they were handcuffed. At night the 3 of them
- 38032 had their legs cuffed together. * They were about 4 days coming up the coast until they came to Shanghai. At Shanghai they were taken to the airport.
- 38033 Lts. Hallmark and Meder's injuries had not been treated up to that time. At the airfield, during the questioning, when he wouldn't answer questions, he was slapped and kicked around. He was slapped around the face and head very severely by four Japanese guards who took him from the prison into the building. * He was kicked on the shins by these Japanese guards. He was kicked hard enough that he still had the scars today.
- 38034 * In the questioning they more or less wanted to find out where they came from. They asked where he came from, if he was army personnel and what he was doing in China. He was slapped on the head at least 20 or 30 times. His hands were behind the chair and his legs were tied to the chair legs. He was slapped hard enough to make his head ring severely. He was given several different types of torture. The questioners said that the POWS were captured and no one in US would know where they were, and if anything happened to them, they would be listed as missing in action. * During this treatment all he gave them was his name, rank
- 38035 and serial number.

He was given the water cure. He was put on his back on the floor with his arms and legs stretched out, one guard holding each limb. A towel was wrapped around his face and water poured on. They poured water until he was almost unconscious from strangulation, and they would let up until he'd get his breath, and then start over again. When he re-

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38035 gained consciousness they kept asking questions. This treatment continued about 20 minutes. It felt more or less like he was drowning, just gasping between life and death. * During the administration of this treatment he did not answer their questions.

38037 The guards then brought in a large bamboo pole about 3 inches in diameter which was placed directly behind his knees. He was made to squat on the floor like a kneel. One guard had hold of each arm. Another guard then placed his foot on his thigh and would jump up and down, causing severe pains in the knees. It felt like his joints were coming apart but after about 5 minutes of that his knees were so numb he couldn't feel anything else. During that time the Japanese kept on questioning. * He told them he had given them all the information he had. This treatment lasted about 15 or 20 minutes.

38038 From talking to the others later, he found out they were given similar treatment. Hallmark said they put him on a stretcher and stretched him until he felt like his limbs were coming apart. At that time it was almost sundown and they said if he wouldn't talk, they would take him and execute him. He was then blindfolded and taken out. He could hardly walk so guards took hold of him under each arm and they marched about 3-400 feet down a gravel path. He could hear different groups of Jap soldiers marching around in the area. They were drilling. After marching about 400 feet, they stopped and as one of the squads marched up, it also stopped. He could hear the rifle butts hit the ground and he thought that was the execution. After a short conference between the officers the interpreter came back and said they were Knights of the Bushido of the Order of the Rising Sun and didn't execute at sundown but at sunrise. He was taken back to his cell and the interpreter said unless he had decided to talk by morning he would be executed by sunrise.

38039 *In the cell the blindfold was taken off, but he still kept the handcuffs. He was given several vegetable sandwiches and a cup of coffee. One of the guards that had been in the room administering punishment came back. There was a peg in the wall and the witness was suspended by his handcuffs from that peg so his toes would just barely touch the floor. It was about 7:00 PM when he was suspended. After about 3 hours he lost consciousness. The next thing he remembered the sun was coming up and the guards were taking him down from the wall. At that time he was not asked any questions. * His legs were still in great pain from the treatment the night before and when he let his arms down he thought they were both going to drop off. * From hanging up all night his arms and shoulders were numb. He was numb clear to the waist. He was able to stand.

In the cell there were 2 old dirty ragged blankets that were infested with vermin. Latrine facilities was an open hole in the corner without lid, and the stench that came out of it was enough to put one to sleep.

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He had three open sores from the kneeling. No medical attention was given them. He didn't think the others were molested during the night although they did receive about the same punishment in the afternoon. * The stretcher treatment was some sort of a mechanism where they put ropes around wrists and ankles. It was operated with some sort of a lever and every time they moved the lever this thing would stretch out.

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They arrived in Tokyo about 7:00PM April 25, 1942. They had not been permitted to shave or change clothing or wash since the time of capture. Clothing wasn't in very good condition. Some was torn in the plane wreck. After the swim in the ocean they were all muddy and dirty. They had picked up vermin and lice while being held by the Japanese.

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*They were blindfolded before they left Shanghai and wore handcuffs and were tied and continued to wear the blindfold until inside MP hqs in Tokyo. They were there put in solitary, and after 15 minutes were taken out and questioned again. He was mistreated the first night in Tokyo. He was slapped about the head and face and kicked on the legs. His hands were kept behind the chair and his feet were tied to the legs. In his questioning there were 3 guards, 1 interpreter and 2 reporters present. * They slapped him about the face and head and kicked him on the shins. They slapped him hard enough to start his head aching and they kicked his shins drawing blood and reopening the wounds received in Shanghai the day before. They asked him where he had come from, if he had bombed Tokyo the previous week, if he had been stationed in China or the Philippines, and if he was US army personnel. This continued until 4:00 AM. He was slapped and kicked around nearly all the time. * He found out later te others received the same sort of treatment.

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During the 18 days of questioning he was not allowed to take a bath or shave. At the conclusion of the 18 days he signed papers which were written in Japanese but interpreted to him. According to the interpreter the papers said that about 3 weeks after they had bombed Tokyo he had been shown maps and charts that the Japs had picked up from one of the abandoned planes. After the Japs picked up those maps and charts, the Americans confessed to bombing Tokyo, told them the areas they had bombed, and confessed leaving an aircraft carrier. There was a small sketch of their life's history. * When these statements were read back, they did not state they had admitted bombing schools and churches. The way the statement was interpreted he had bombed steel mills in the northeast of Tokyo at the edge of a bay. At first he refused to sign, but after being threatened he signed it. From previous treatment they knew what would happen if they did not sign. He was not given a copy of the statement. All the men signed after being put under the same threat. From what they said later their statements contained almost the same thing as his, other than * Farrow's crew which had bombed Nagoya. They were kept in solitary until the last 2 weeks, when Farrow and he were placed in the same cell and the others were doubled up in cells. They were in Tokyo from April 25 to June 17, 1942.

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*When he left Tokyo his wounds were all infected and he had many bites from lice and bed bugs which were also infected. He was not afforded any medical treatment. They were not allowed to bathe or shave or clean their clothing during this time. All the while they were in cells they wore leg cuffs and couldn't get their clothing off. They were not given medical treatment.

38049 After they left Tokyo they went by train to Nagoya and from there to Shanghai by boat. As soon as they arrived at Shanghai, they * were loaded on a truck and taken to Bridge House. Eight of them were put in a cell with 15 other Chinese, Japanese, Jews, Dutch, French, every nationality there was in Shanghai. All were quite weak. They had lost quite a bit of weight but were able to get around on their own power. The cell was approximately 12 by 15 feet. There were already 15, making 23 in total. Latrine facilities were an open box in the corner. There was no furniture. They were forced to sleep on the wood floor without blankets. They were held there for 70 days. During this period they
38050 were not allowed to bathe * or shave. They got about a pint of conji, watery rice, for breakfast, 4 ounces of bread each at lunch and at night. They were given as much as 2 quarts of water for 8 in an entire day. At the end of their stay, 7 were able to move around and that was about all. Lt. Hallmark was sick and had to be helped continuously and had been that way for 10 days.

38051 Lt. Hallmark was taken before the court on a stretcher. The rest were on their feet but were in a pretty weak condition. After they had made their statements as to education and air corps training, one of the court * read a manuscript in Japanese. He asked the interpreter to interpret. The latter asked permission from the court but it was denied. No other statements were made except as stated. The names of the other fliers were Lts. Farrow, Hite, Barr, Hallmark, Meder and Sgts. Spatz, DeShazer. They were not afforded defense counsel at the hearing. There were no witnesses. They were never served any charges nor advised of
38052 the charges. * At that trial no one was advised. Nothing was interpreted into English. Lt. Hallmark was not able to sit up in the courtroom. He was lying on a stretcher. Witness doubted if Hallmark ever knew what was going on. Lt. Barr was so weak they finally had to get a chair for him. He never did see the statements he signed. They were not given an opportunity to plead. They didn't even know it was a
38053 court martial. They were not bound but there were about 20 * armed guards in the building or right outside. At this hearing no one admitted he had bombed schools, churches or civilians in the raid on Japan. Nothing was said about the bombing of Japan. The hearing lasted from 20 to 30 minutes.

38054 Capt. George Barr deposed that they all went to Nanking on the same plane. He was tortured during questioning. He was brought out for questioning about 8:30 PM on April 20, 1942. He was handcuffed and blindfolded, but they took the blindfolds off for a while. He was mistreated

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- 38054 downstairs when he refused to answer questions. He was assaulted by fists while handcuffed and blindfolded. Later they laid him on the floor, and a fellow came in with water and rags and suffocated him. He laid him on the floor and his mouth was gagged with the rags but his nostrils were left open for water to be poured down them. This continued until he decided he had enough and would answer questions. This lasted about 20 minutes. They stopped from time to time long enough to ask him if he would talk. Then they would continue. The water was going down his lungs. It just stopped his breathing. * This was administered by soldiers and the officer looked on. He could not describe the soldiers. The command to administer was given by the officer in charge. The assault with fists was from enlisted soldiers but he couldn't describe any of them. While they did it, the officer hadn't entered the room yet. When he entered, he gave the signal to stop. 3 or 4 beat him, in the face and body. The blows did not break the skin or blacken his eyes. After they gave him the water treatment, they wanted to know where he came from and after they found that out, they let him go.
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- 38056 * He told they took off from an aircraft carrier.

The others were questioned and mistreated as well. Lt. Nielsen was beaten and hung up by his thumbs. Lt. Meier was given the water treatment. He did not witness this. They were not at the Nanking prison at the same time but came a few days later. He was gone when they arrived, but received this information from them at Shanghai, when he was in a cell with members of the crew of It. Hallmark. When he was brought into a room after the meeting of the board of inquiry, he passed an open door and fellows were standing around Cpl. DeShazer. He told him later they were using pencils between his fingers and squeezing his knuckles.

- 38059 *Exhibit 3834B, testimony of MIYANO at the SAWADA trial, stated that HATA ordered the 13th army to set up a military tribunal and that the Realittle fliers he tried by it. He did not remember whether Nanking issued any orders to the 13th army in regard to the treatment of the fliers. The trial was ordered by HATA to be tried at Shanghai. HATA requested the 13th army prosecutor to ask for the death penalty.
- 38060 *He meant that General HATA requested the death sentence.
- 38065 *Exhibit 3835, talk between TOGO and Ott, October 27, 1941, stated that Ott said he had come under instructions to ask the view of Japan on the prolongation of the anti-comintern pact, which lapsed on November 25. * He had told Bureau Chief SAKAMOTO that Germany wanted a joint protocol to be signed by the original and later signatory powers. In case Japan agreed with this, Germany wanted a joint proposal from Japan, Germany and Italy to be made to Manchukuo, Spain and Hungary.
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TOGO stated that he had heard of the suggestion. He had been taking part in connection with this pact since its conclusion, and personally had a serious concern with it. As it was one of the fundamental

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38066 national policies of Japan to prevent propagation of communism, he did not wish the pact to terminate but desired to prolong it. He favored abolition of the secret agreement. Since a resolution of the cabinet was required before they decided Japan's views would be communicated after a cabinet decision. It had to be referred to the Privy Council for deliberation, and for this purpose, some document drawn up jointly
38067 by * Japan, Germany and Italy was needed. He asked for a draft.

Ott said since there was little time before November 27, he wanted to know Japan's decisions as soon as possible.

TOGO said that he agreed that the US attitude was not only extremely questionable legally, but also in fact German-American relations had become acute and crises had greatly increased. He thought Germany very wise in taking an attitude till the end of September of never being taken in by Roosevelt's provocation. He wanted to know if Germany still held the same attitude.

Ott said from the fact that Hitler had been so tolerant with US actions and in his speech in October he did not refer to the US, he judged that Hitler had to do his best to avert actual conflict with the
38068 US. It was hard to say if Hitler could maintain * this patient attitude when US transports penetrate war areas. He believed Germany thought that whoever came into war areas should take its own responsibility for the result. Whether Germany actually fought with the US or not, a Japanese warning to the US might prevent the US from taking more hostile action against Germany and might result in prevention of war. The US feared operations on 2 fronts and Japan's attitude should influence Roosevelt.

TOGO stated that the fundamental reason which made a Japanese warning effective to check US actions was the existence of the navy by which they were restraining the US and preventing Roosevelt from achieving his big movements on the Atlantic and from participating in the war. He could presume that Germany fully understood this point, and appreciated
38069 it. As to relations between Japan, Germany and the US, * he would consider these points. When Ott asked if the mission of KURUSU was also resolute, TOGO replied not only the mission of KURUSU but also the attitude of Japan was firm. There was a limit to the concessions to be made, and TOGO could not assent to exceeding this limit. He could not tell the details.

38070 *Exhibit 3836, telegram from TOGO to the ambassadors at Peiping, Nanking, Manchukuo and Special Envoys at Shanghai, Hongkong, Hanoi, Batavia, Thailand, San Francisco, November 12, 1941, stated that * they
38071 had been holding liaison conferences every day and had been discussing the principal national policies to meet the grave situation as well as the principal policies as to the adjustment of diplomatic relations with the US. These were decided at the Imperial council on the 5th.

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38071. It was decided to continue the negotiations and the government had already opened them. There existed a considerable gap, and it was doubtful whether a conclusion could be reached. Although they were making a final effort, the situation did not permit any further concessions. It did not allow them to take an optimistic view, and Japan's situation was
- 38072 expected to take a sudden turn in the event of maladjustment of * the negotiations.
- 38074 *Exhibit 3837, telegram from TOGO to the Ambassadors in Britain, US, Fanoi, Thailand, Soviet, Germany, Italy, Batavia and Australia, North China, Nanking, Shanghai and Hongkong, November 25, 1941, stated that NOMURA had made a new proposal to Hull and Roosevelt which was worked out after the new cabinet by revising part of the former one. Negotiations had been carried on since the beginning of the month between Roosevelt, Hull and NOMURA, and by KURUSU since the 17th. TOGO had been pressing upon the US and British ambassadors in Tokyo the necessity of the earliest solution, but the US was assuming the attitude of insisting upon requesting Japan to affirm its peaceful intentions and at the same time to affirmatively promise in advance concerning other fundamental problems, before clarifying her own answer * to the proposal. It still held fast to theoretical fundamentals and its attitude did not conform to the situation which was daily becoming more serious. On the 20th Japan presented its final proposal to ease the situation in the southwest Pacific and avoid an imminent crisis in the Pacific. The US seems to have consulted with Britain, Australia, Holland, China and other interested countries about it, and the answer was expected shortly. Judging from the US attitude until then, there was little probability the US would accept the final proposal. It was very difficult to save the situation and there existed danger that they would be confronted with the worst in the near future.

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- 38086 *Exhibit 3569, newspaper article entitled "Make Manifest the Reality of National Total Warfare! Says Admiral SHIMADA upon Return", September 15, 1941, stated that SHIMADA returned to Tokyo on the 15th, and after reporting on the war situation to the Emperor and visiting the navy ministry, held a press interview. SHIMADA remarked that he had reported on the war situation. 1 year and 4 months had elapsed since he
- 38087 received * command on May 1, 1940 to serve as Commander of the China Area Fleet. During that time he had dealt a serious blow to the Chungking regime by further intensifying the blockade and air operations against it. All officers and men under his command were doing their utmost towards the attainment of the object of the holy war. The Chungking regime was practically on its last legs as the result of the close combined attack of the navy and army, and the steady development and strengthening of the Nanking government. The settlement of the Incident had been making steady progress. The confrontation between the

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38087 Chiang supporting powers and Japan had come to assume serious propor-
38088 tions suggestive of an aggravated tension inter- * nationally. To at-
tain the final goal of the holy war, the determination to save this grave
situation with a united national front and colossal efforts were re-
quired. The morale of the men of the China Area Fleet was very high and
they were determined to annihilate the remnants of the foe.

38098 *Exhibits 3838, 3838A and 3838B were received in evidence but not
38099 read. *Exhibit 3838 showed on December 7, 1941, the US had 6 aircraft
carriers while Japan had 10. Exhibit 3838B showing comparative strength
38100 in the pacific, showed Japan had 10 carrier, *US, 3. Exhibit 3838 showed
the US had 15 battleships, 142 destroyers, 176 miscellaneous types. Ex-
hibit 3838B showed the US had under construction 10 aircraft carriers,
18 light cruisers, 88 destroyers, 38 submarines, 349 miscellaneous.

38108 *Exhibits 3838C, 3838D, and 3838E were received in evidence but not
read.

38110 *Exhibit 3839 was received to show that all 10 of Japan's aircraft
carriers were used offensively.

38115 *Exhibit 3840, affidavit of Captain Edwin T. Leyton stated that
witness YOSHIDA distinguished between a "konkyochi" and "kichi" but
admitted the air bases were there. Almost every Japanese base, except
the very major ones, were called kichi. Moreover the Japanese-English
Dictionary of Sea Terms showed that the word "kichi" was defined as
38116 "base" and gave 10 examples of detailed use of the word, * with various
kinds of bases. YOSHIDA intimated that the US navy used "available spot"
to apply in some way to a kind of base. The US navy has never used the
term for "base" whether temporary, advanced or permanent.

Documents 1 and 2 show that Wotje, Roi and Taroa were fortified well
before Pearl Harbor. No. 3 confirmed that these 3 were well fortified
with coastal defense guns, anti-aircraft, storage houses and other fa-
cilities, which by Japanese definition constituted a naval base. 1 and
2 show that the first Japanese move to bring large amounts of naval
38117 personnel, * materiel, engineers and ordnance experts to the Marshalls
was actually observed in mid December 1940. YOSHIDA denied their exis-
tence until a decision made in November 1941. US intelligence indicated
the movement in 1940 and was correct. YOSHIDA suffered from a year's
lapse of memory. From information on hand at the time, he was positive
that it all took place not on November 5, 1941, but probably November
5, 1940, as they picked up the indications of such a movement in Decem-
ber 1940.

Annex 1 showed that for many years Japan had effectively prevented
observation of activities in the Mandate. It was known as a result of
extensive hydrographic and meteorological surveys that considerable ex-
pansion and improvements had been completed in harbor development, "con-

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38117 mercial air facilities, communications and meteorological establish-
38118 ments in the principal * islands. Since late 1940 Orange Naval and
air operations in the are had increased and some 40 to 45 naval auxil-
iarries made continuous shuttle trips to the Mandates with personnel,
material, equipment and supplies.

38119 Orange's decision to speed up militarization was reached concu-
rently with signing of the tripartite pact, as movement of naval reserve
auxiliaries to the Mandate became apparent thereafter. Since late 1940
this movement had progressively increased until in July 1941, there
were 40 to 45 constantly engaged in round trips between the mainland
and the Mandates. Analysis showed that * 65% of this shipping was
destined for the East Carolines and Marshalls. During early 1941 evi-
dence showed that an administrative organization had been set up for
control and expansion of the military development. This mandate organ
was taking the line parallel to but separate from the parent organ,
Yokosuka administration chain. While Palao had been always the Mandate
administrative center, the focus of supply, civil engineering and
munitions was centered at Truk.

38120 *Annex 2 stated in October 30, 1941, that the principal change con-
sisted of a further increase in number of fleet commands, arising from
regrouping of aircraft carriers and plane tenders into separate forces,
and from the creation of special task forces for the southward advance.
The regrouping had resulted in notable specialization within the vari-
ous commands. Japan's navy included more vessels in active service than
ever before. More merchant ships had been taken by the navy, and the
line between merchant ship and naval auxiliary grew fainter. The base
forces and guard divisions in the Mandate had greatly increased naval
strength which was on full wartime footing.

38121 *Until the present the entire Mandate had been lightly garrisoned,
the majority of the units being naval defense forces corresponding to
US marine corps, but some army troops were believed to be on Saipan,
Palao, Ponape, Truk and Jaluit. The total garrison force was 15000.
Civil engineering units were engaged on various islands. Working in
conjunction with them were naval engineering units, ordnance special-
ists, yard units with civilian workers and technicians. The network
of naval radio stations had been greatly expanded, meteorological sta-
tions and high frequency direction finders installed at strategic loc-
38122 cations, aviation facilities increased in scope and number, and shore
batteries placed on strategic islands of key atolls. * The naval move-
ment began in December 1940 and had increased in scope and number until
70 odd vessels were engaged in this traffic. The average present in
the Mandate at any one time was 40 odd vessels. In addition to the in-
stallations listed in Table A there were a number of potential bases,
principally in the lagoons of the naturally protected atolls, which
might be used as emergency bases or earmarked for priority 2 devel-
38123 opment. * Combined Fleet Top Secret Operation Order indicated there

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38123 were bases on Saipan, Kwajalein, Wotje, Jaluit, Taroa, Truk, Ionape and Palau.

38124 Annex 3, Admiral Halsey's report, February 9, 1942, stated that enclosures provided details of the action of the Enterprise Air Group and squadron in the objective areas. * On Wotje the entire installation was apparently destroyed, including two hangars, fuel oil tanks, gasoline storage, warehouses, shops and barrack. Two AA batteries and all coastal defense guns were silenced or abandoned. On Taroa, two hangars were destroyed, several buildings fired in industrial area. Poth fuel tanks were ablaze. The radio station on Ollet was destroyed. On Roi two hangars were destroyed, the ammunition dump blown up and fuel fire left burning, radio building demolished. All store and warehouses were demolished by explosion from bombing. Both Roi and Taroa had complete
38125 air bases of recent construction. Wotje had also a new * installation. Pilots reported Taroa better equipped than Ford Island. AA batteries present on the islands had guns of 3", .50 and .30 caliber. Kwajalein was apparently used as a submarine base.

38128 *Exhibit 3841, Top Secret Communication No. 18 from 8th Submarine Squadron Commander to the navy ministry, July 30, 1944, stated that
38129 from the last month on, the squadron stayed at Penang base as the southwest Area Submarine Squadron. With the submarines * the squadron prevented enemy reinforcement for counter-attack from Indian Ocean and crushed its tactical attempt to attack vessels, cooperated with and supported the army in preventing reinforcement towards the India-Burma border, cooperated in transporting spies and men on special missions to feel out the situation in India, reconnoitered and ravaged transportation routes from Australia and the east coast of Africa to Aden Bay, Arabian coast, India and the Bay of Bengal, greatly contributed to judgment of enemy's conditions in the western area by carrying out reconnaissance and patrol on all strategic points under joint operations with No group.

38130 *Part of the submarines were sent to the Atlantic and European waters on special duty to engage in joint operation for a long period to keep liaison with Germany. Sub "I" No. 8 having accomplished on December 20 the special duty returned from Europe. It was operating in his area. The German submarines hastily sent for joint submarine operations in the Indian Ocean gave sufficient cooperation in liaison as well as in preparation, such as maintenance and supply. German submarines were able to show efficiency in the joint operation, resulting in the
38131 success of the strategic * plan for the destruction of transportation in the Indian Ocean. Material battle results during this period show there were sunk, merchant ships 20 of 190,000 tons, and sailing vessels 8 of 1,200 tons. There was damaged one large merchant ship. 9 enemy crew, besides an English Captain, were taken as prisoners.

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Direct Examination of NAKAMARA, Jiro
by Captain Robinson

38132 *The witness identified Exhibit 3842 as his affidavit and verified
38136 it. *The affidavit stated that the witness was born in Hawaii and came
to Japan in 1938. The Naval Staff in November 1942 called him to work
as a civilian radio monitor at the naval foreign broadcast listening post.
In February 1943 he was ordered to Truk. He returned to Japan in Octo-
38137 ber 1943, and * worked at the listening post in naval hqs until February
1944. In February, Cmdr ARIIZUMI of the submarine I-8 asked for a civil-
ian radio monitor and the witness was assigned to that duty on written
order of the Vice C/S. They left Japan in February and headed for Pe-
nang. They stayed there for a week and then went to the Indian Ocean
on a patrol south of Ceylon from March to May 1944.

In March, the I-8 sank the Dutch ship Tjisalak. About a half hour
after the torpedoes hit, the submarine surfaced. ARIIZUMI ordered the
witness to call by megaphone to the lifeboats to come to the submarine.
He was told to tell those in lifeboats to board the sub one by one, go
to the foredeck and sit there, and that they would be shot if they look-
ed back. As they boarded, they were stripped of life-belts, watches
and all possessions except clothes. There were about 100, passengers
and crew. The captain, radio man, engineer, about 4 other and a woman
38138 *were taken below. As they boarded their hands were tied behind their
backs. After most had been seated on the forward deck, 4 of the crew
brought the POWs back, 1 by 1, and they were killed. On learning this
the witness went below to the officer's mess. He was told by the Seni-
or Officer to tell the POWs that they would be shot if they looked
back. He did not actually witness the killings, but according to the
crew, survivors were clubbed, slashed with swords and shot to death.
This continued for 1 hour. The Senior officer told him to stay on the
foredeck and to tell the POWs to face front otherwise they would be
shot.

He had returned to the mess when the sub submerged. ARIIZUMI
ordered him to act as interpreter in questioning the POWs below. He
first questioned the woman who was then taken to the forward crew's
quarters. About an hour later he went to that room and asked the woman
if there was anything she wanted. * She told him she was in Japan for
38139 some time before the war, was an American Red Cross worker and was on
her way to Bombay. While they talked the senior officer and 4 sailors
came in with 2 rifles. The senior officer said in Japanese she would
have to be shot. He did not tell her but she knew. It was night. The
sailors took the POWs up on deck and shot them. Some of the crew after-
wards told him that they were shot. She told him she knew what was go-
ing to happen. The senior officer asked her if she wanted to be blind-
folded and her hands tied but she didn't. He did not remember whether
they completed the interrogations of the men POWs before the woman was

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38139 executed. The master of the ship told ARIIZUMI it was contrary to Inter-
38140 national law to have his hands tied. When the witness * interpreted to
ARIIZUMI, he said this was war. The master asked ARIIZUMI to be kind and
lenient with the crew. After they finished interrogating him, they took
him to the forward crew's quarters.

When ARIIZUMI finished interrogating him, the radio officer was in-
terrogated by the sub communications officer. Then the engineering of-
ficer was interrogated by the 1st officer. He never saw any of the POWS
after he left the forward crew's quarters. He heard ARIIZUMI tell MONDA
and the medical officer and another on the day after the sinking that
the navy staff had ordered all survivors of sunken ships killed. MONDA
passed this order to the crew. All obeyed orders from ARIIZUMI because
they knew he was ruthless. His nickname among the crew was gyangu, gang-
ster. ARIIZUMI had told him during the master's interrogation that
38141 *naval hqs had issued an order that everyone on enemy vessels was to be
slain. He also told them not to tell anybody about the slaying of POWS.

38142 *When the first patrol was finished they came back to Penang. The
witness told ARIIZUMI he couldn't go on another trip because he was ill
and had to wear a cast. ARIIZUMI told him if he didn't go, he would be
courtmartialed. He knew this was false.

They left Penang after 3 weeks making repairs. The second patrol
continued from early June to early August in the same area as the 1st.
In July the I-8 sunk the SS Nicolet. It was exactly the same story as
3 months earlier. As soon as the sub fired, it surfaced. On orders of
ARIIZUMI the witness called for the survivors to come aboard. Again
they were stripped of all belongings except clothes, bound and sent
forward under guard to sit on the foredeck. There were about 80 sur-
vivors who came aboard. After the master and others had been taken be-
38143 low the rest, according to the crew, were brought * back 1 by 1 and
shot, bayoneted, clubbed or slashed with swords. The master, radio
man, engineer, a state department man and maybe others were interroga-
ted. The master was questioned by ARIIZUMI, the radio man by the commu-
nication officer and the engineer by the sub engineer. He heard that
all POWS were executed, except the master and the state department man.
The only POW he later saw leaving the sub was the state department man.
He was thin and had a beard. He asked for a razor but the captain told
the witness he could not give him one, but a petty officer gave it to
him. The witness told the state department man he would get along bet-
ter if he would cooperate more with personnel. This was while they were
anchored at Penang. They brought him back to Japan and the witness later
38144 saw him at Yokosuka. He did not see any of the executions but * was told
by others that some of the POWS were beheaded and that ARIIZUMI did some
himself. He saw the engine room divisional officer wiping blood off his
sword after the executions. Since he was a civilian and a nisei, he was
not trusted by many of the crew and they did not tell him everything.

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38145 He returned to Japan on the I-8 in September 1944 and resumed his work at the naval staff, where he worked until August 1945. Soon after he reported to the staff he was told by the Chief of 3rd section not to relate his experience overseas. He later heard that ARIIZUMI killed himself in August 1945. ARIIZUMI was promoted to captain in October 1944. He had never been questioned at the naval staff, or elsewhere by naval or foreign office personnel in regard to the events described. He never *heard that any member of the crew was questioned by Japanese personnel. He was first interrogated by Lt. W. Salter, Legal Section, GHQ, SCAP on June 13, 1947 and at later dates by Thomas C. Fisher of that section.

Cross-examination by Mr. Brannon

38146 He was sure about 200 were killed on both ship. This was not exact but it was a rough estimate. He did not personally see * any of them killed. He wasn't trusted by the Jap member of the crew because he was a nisei. Some of them told him what went on but they didn't tell him everything. When asked whether it wasn't possible that these people were not all killed, he said he saw only one POW brought back to

38147 Penang. He did not see all officers and crew leave the sub. * He was about 24, Japanese count at the time. He was not trusted with secret information or assignments. He was prepared to tell with certainty that he knew of a naval order commanding the killing of survivors of ships. ARIIZUMI had orders from the navy staff to execute all survivors. He had never seen the written order issued by the staff. He was not sure whether ARIIZUMI would have received his orders from his squadron commander or the navy staff. All he was testifying to was that he

38148 heard the commander tell some other officers and him that there were such orders. When asked why he was told to tell about the killings (not) if it was in compliance with orders, he said it might have been that it might be troublesome. He was a civilian at the time and didn't

38149 know about that because he wasn't an officer. * When he went back to Tokyo he did not relate his experience or activities to any of the officers. He did not know whether ARIIZUMI reported the killings. As far as he knew, no one reported these acts to anyone in Tokyo. When asked why he made point of the fact that he was never questioned by the navy staff regarding the events, he said they went to Truk once, and when he came back, the Chief of the 3rd section told him not to relate his experience. He didn't think the instruction was given to prevent revealing the commission of atrocities. Some of the people on the

38150 Dutch ship spoke English. * They were the master and the radio man. He didn't remember how long the submarine stayed surfaced during the Dutch ship incident. It may have been 1 or 2 hours but he was not sure.

38153 *Exhibit 3843, letter from POW Information Bureau to C/S 13th army, April 10, 1942, stated that although permission had been asked by the Swiss Consul-general in Shanghai and the Red Cross to inspect Shanghai POW camps and report on its condition to the nations concerned after

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- 38153 personal talks with POWS, in view of the fact that preparation and equip-
ment of the camp had not been completed then so soon after the fighting,
they had kept it postponed until then. It was presumed that they had
completed arrangements in accordance with international provisions in-
- 38154 tended to permit the tour of * inspection of the Shanghai camp in the
near future.
- 38155 *Exhibit 3843A, reply to the previous exhibit, April 13, 1942,
stated that as to the inspection by the Swiss Consul in Shanghai and the
RedCross, it should be postponed for a while because the arrangement of
the camps, such as dispensary, sick room, kitchen, bath were not com-
pleted, and also a part of the POW room was being renovated. Besides,
the present mental attitude of the POWS was not reasonable.
- 38156 Exhibit 3843B, reply from Pow Information Bureau to C/S 13th army,
*April 16, 1942, stated that the various installations of the Shanghai
POW camp should be improved quickly as possible so that there might be
no trouble at the inspection by the foreigners. When they considered
the proper time for inspection had arrived, they were to let him know
immediately. The inspection of the Hongkong POW camp by the Red Cross
was to be permitted in early May.
- 38165 *Exhibit 3844, affidavit of Cecil Raymond Farley, stated that
38167 *another incident happened about November 15 1943 when a Red Cross rep-
resentative visited Jinsen Camp. They had some knowledge of the pro-
posed visit from information gained from various sources and also from
the hasty effort to make the camp look a little more presentable than
usual. The representative arrived and was shown around the camp. The
38168 commandant called Major Polohan, Capt. MacGillivray and WC Clapp * to
interview the representative in the Jap lines. These officers had a
long list of complaints which they intended to place before the Red Cross
if possible but after being taken to the interview they were prevented
by those in charge from saying anything more than a few words. The in-
terview closed very abruptly. While the interview lasted they were able
to impress upon the representative their poor condition. 2 days later
the 3 were summoned to appear before commandant OKAZAKI. He charged
them with making untrue statements and then sentenced the major to
solitary for 10 days and the others for 2.
- 38174 *Exhibit 3845, Matter relating to Establishment of an office for
enemy nationals residing in Japan, November 14, 1942, stated that the
foreign ministry found it necessary to ensure the protection of Japan-
ese interned in enemy countries and to make the world aware of Japan's
moral principles by treating enemy nationals fair and justly. Since
the treatment of Japanese interned in enemy countries and the treatment
accorded enemy nationals by Japan had an inseparable relationship, it
was necessary that matters relating to it, be unified and dealt with
38175 in a comprehensive manner. It was requested that * a new office be
established under the Vice minister compose mainly of repatriated dip-

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- 38175 diplomats to deal with the matter. They are to look after matters relating to enemy nationals who are internees, pows or interned in concentration camps under Japan's jurisdiction; look after business related to the treatment and appointment of and calls on the nation representing their interests and the delegation of the Red Cross, communications of enemy nationals, including replying to proposals from enemy countries and other sources. In dealing with this business, they should handle negotiations with and guidance * of the protecting power, Red Cross, or Vatican, and to give guidance to relief bodies at home and abroad. The foreign ministry had SUZUKI as chief arrange to have several diplomats and consulate members who had returned to Japan from enemy countries, engage in duties regarding investigations and improvement of the conditions of Japanese held as internees, concentration camp internees or POWs in enemy countries; business relative to FCWS, internees or enemy nationals now in concentration camps within Japan's influence. Business
- 38176 would be handled pertaining to the * treatment of enemy nationals, the visit by representatives of protecting powers or the Red Cross, shipments from enemy countries of relief supplies and remittance of money, inquiry and information of status of persons affected. This business included dealing with protests or other representations submitted by enemies and others.
- 38177
- 38181 *Exhibit 3846, excerpt from interrogation of MASHIMOTO, Kingoro, stated that MASHIMOTO believed these orders were issued 2 days before the fall of Nanking, about December 10, 1937. They were received about 0200 when he was about 5 or 6 kms from Wuhu. He returned to Wuhu and prepared his guns. The next morning the river was heavily fog bound and when the fog lifted about 1000 he noticed 4 ships, 3 of which were gray and 1 white. He immediately started shelling and the 3 gray ships fled. The white ship came forward and turned out to be the Ladybird. The other 3 were Chinese ships landing troops on the shore.
- 38184 *Exhibit 3847, telegram from Hencke, German Armistice Commissioner, August 8, 1940, stated that General Huntziger made an oral report to General von Stuelpnagel on August 7. He said on August 1 or 2 Japan sent a note to the Governor-general of FIC demanding that France grant Japanese in Tongking all requisite facilities for waging war against China. The Japanese wished to have the Paiphong-Yunnan Railway placed
- 38185 at their disposal for troop transport to southwest China * to be able to carry out shutting off of Chungking from the southwest. The demand was in ultimative form but without time limit. In case of rejection Japan reserved further measures. Vichy on August 3 ordered the governor to reply that the demand meant a violation of French sovereignty. Vichy had given no grounds for this, since it had already stopped the arms traffic through Tonking some 8 or 9 months earlier. Vichy could in no case meet the demand in this form. Eventual concessions could only be made on the basis of free agreement. The sovereignty of the French colonial empire must in no manner be infringed.

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- 38185 Muntzinger stated that Vichy had informed the US of these events. He further requested that Germany communicated the French point of view to Japan, since neither Vichy nor the Japanese embassy had an unobjectionable connection to Tokyo. Vichy felt that on the basis of the armistice Germany must have an interest in having * no new warlike complications in the French colonial empire. They would be unavoidable in case of a Japanese move by force against Tonking. Muntzinger remarked that it must surely be in general European interest to prevent a further push-back of the influence of the white race in East Asia. No position was taken by Stuelpnagel. He promised to transmit them to Germany.
- 38186
- 38188 *Exhibit 3848, telegram from Rintelin, February 23, 1941, stated that Ribbentrop requested them to get in touch with de Brinon or Darlan and to transmit that Japan had communicated to Germany * its offer of mediation in the conflict between Thailand and FIC with the request to use its influence with Vichy to accept. Germany pointed out the dangers threatening France in the event of the non-renewal of the armistice expiring February 25. He considered it as being in the French interest to accept the offer of mediation.
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- 38193 *Exhibit 3849, telegram from Dr. Schwarzmann in Paris, March 1, 1941 stated that de Brinon delivered at 1800 a communication received from Darlan concerning the Japanese offer of mediation in the FIC dispute, with a request to appeal * to the influence Germany had in Tokyo so that the slight alleviations which Vichy asked might not be denied. The communication stated that Vichy did not find itself in a position to accept the offer of mediation delivered on February 25 by Japan as go-between in the conflict with Thailand. MATSUOKA had taken up a new attitude by appearing no longer as go-between but as an arbitrator. He had given his claim the character of a formal demand and had added that in case of refusal Japan would abandon mediation and depart from the position laid down in the agreement of August 30 to guarantee the settling of the affair by other means. Since France could not withstand this threat, nothing remained but to yield to the peremptory demands presented. Appropriate instructions were transmitted to the ambassador in Tokyo. * Japan's offer had accordingly been accepted as a whole.
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- 38196 Exhibit 3850, teletype from Rintelen to the Minister Bureau, Berlin, March 2, 1941, * stated that Ribbentrop had directed that the French request contained in the telegram not be acceded to. In view of the new state of affairs OSFIMA should be informed by Stahmer that Ribbentrop did not intend to support the French request, but intended to leave the position to be taken entirely with Japan.

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*Exhibit 3851A, The Assizes of the Military Collegium of the Supreme Court of the USSR stated that in 1935 the white guards Kobylkin and Pereladov, secretly penetrated into the Soviet thru Manchuria to carry out espionage, sabotage and terrorist acts. They were apprehended in East Siberia, having arms, incendiary cartridges and counter-revolutionary literature. At the end of May 1935, Oleinikov was apprehended in the Zabaikalye while crossing the frontier. He had secretly penetrated

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into Soviet with two others, M. Oleinikov and Kustov who * were shot when attacking a border post. Revolvers, poisons, and counter-revolutionary litterer were found on them and on Oleinikov.

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It was established by documents and confessions that Kobylkin and Pereladov who were a white guard colonel and sub-lieutenant, living in North Manchuria since 1922, and being members of various whiteguard counter-revolutionary organizations took an active part in preparing an armed attack on the Soviet to overthrow soviet power, and restore capitalism with foreign help. Kobylkin also received and obeyed instructions of the secret service of a certain foreign power. He helped and personally organized the smuggling of armed bands, weapons and individual agents from * Manchuria to the Soviet to carry out espionage, sabotage etc. While he was a police supervisor at Djalainor, 5 armed bands were smuggled from Manchuria to the Soviet. In January 1935, Kobylkin, following instructions of a certain military mission in Kharbin, with the knowledge of that power, smuggled to the Soviet Pereladov to carry out espionage etc. Following his instructions, he with the help of the head of the military mission crossed the frontier with weapons in March 1935, but was held up. There were on him 3 pistols, a large quantity of literature and incendiary cartridges.

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In organizing the transfer of * secret agents of a certain power and of representatives of counter-revolution, and in transporting weapons and receiving information, Kobylkin was assisted by V. Oleinikov, who since 1933 maintained thru General Shilnikov close contact with the military mission. When Shilnikov died in 1934 the direction of whiteguard activities of the Russian General Military Union passed to Kobylkin and Oleinikov received his instructions from Kobylkin and from the secretary of the military mission in Kharbin and from the heads of the missions in Manchuria and Hailar. With the help of Oleinikov, who had smuggled in Pereladov, Kustov, M. Oleinikov and Kobylkin, the latter transferred to Soviet 12 pistols with a large supply of rounds for terrorism, 10 incendiary cartridges * for sabotage, a camera with film for espionage and strychnine and atropine for terrorism. Kobylkin got all these things from official representative of the military mission of a certain power in Kharbin and Manchuria directly or thru the head of the editorial office of a certain paper. The same persons gave him money for carrying on sabotage work,

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*The record shows that Japan was the certain power mentioned.

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Direct Examination of KANDA, Masatane
by General Vasiliev

- 38233 *The witness identified Exhibit 3852 as his affidavit and verified
38238 it. * The affidavit stated that from April 1924 to April 1925, the wit-
ness served in the 4th division, 2nd section, General staff. In April
1925 he was transferred to the Kwantung Army on the recommendation of
38239 his chief to aid in * collecting material at the Harbin Intelligence
office on the military topography of North Manchuria and the Soviet.
At the same time he was to investigate drawing up an anti-Soviet sub-
versive plan. He was in the Harbin Intelligence from April 1925 to
December 1927 and studied the problems of strategic activity against
the Soviet. He wrote a report on the study of methods of strategy
against Russia at the end of 1927. He sent the report to Col. KAWAMOTO,
incharge of intelligence, Kwantung Army. The full text of the same doc-
ument was sent direct to KASAHARA, Chief Russian Department, 2nd section,
General staff, who handled Russian problems. He wished to inform the
Kwantung army and the staff of all the problems stated in it. He here-
by affirmed that the document entitled Research Materials for a Strategic
38240 *Plan Toward Russia presented to him was a photographic copy of the whole
text of the secret document drawn up in 1927 and sent to KAWAMOTO and
to KASAHARA.

- The document presented the outline of a strategic plan towards Rus-
sia, summary of an espionage plan to be carried out in Siberia and points
east, agencies to be established to carry out the plan, that part of the
plan relating to means of communications in North China, that part of
the plan on the collection of resources in North China, a collection of
reference materials, and an appendix on peace-time establishments neces-
sary in the Far East for the plan covering Russia. * He identified
38241 Exhibit 698 as his report.

- 38250 *Exhibit 3651, Memorandum on the basic principles of the purchase
38251 of the Chinese Eastern Railway by Manchoukuo * submitted by the Soviet
delegation July 3, 1933, stated that in defining the purchase price of
the railway, they should adhere to the Mukden Agreement that the con-
tracting parties would define the real value and that that the rail-
way should be purchased at a fair price. In conformity with this, tak-
ing into consideration the basic articles of the balance precisely estab-
lishing the real expenditures, the Soviet being guided by the principle
of justice carefully considered all circumstances enabling it to consid-
erably cut down the price. The sum for the construction and for the
completion of work undone, for acquisition of rolling stock, losses in
38252 course of use of capital for construction and for payment of * interest
as well as improvement amounted to 411, 691,976 roubles. This did not
include 178,579,610 roubles lent by the Tsar to the railway to make up
deficits and to maintain it during its first years. The great indebted-
ness of the railway to the soviet due to interest on capital invested had

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38252 likewise not been taken into consideration. Taking into consideration the wear of technical equipment and changes in economic importance of the railway from new railways, and trying to cut down the price, the Soviet agreed to reduce the purchase price to 210 million roubles. This

38253 sum did not include the cost of various properties of great * economic importance and the original cost of which had considerably increased.

It was common knowledge that the railway owned much land. In conformity with the Peiping and Mukden agreements the Soviet agreed to transfer the land not needed by the railway to China. In 1925, the joint Soviet-Chinese commission for the delimitation of land was established. The Mukden authorities evaded convoking the commission, preferring to unlawfully seize the land piecemeal. The Soviet agreed to estimate all this property as amounting only to 40 million roubles. The total purchase price of the railways and all its property was fixed at 250 million

38254 *roubles.

38272 Exhibit 3853, excerpts from the Great Manchurian Empire stated that in connection with events of July 7, 4th year, central hqs of the Concordia Society sent to all provincial and district hqs instructions as to rousing national spirit in masses of the people, propagation of economy, unselfish service, renovation of life. These were strictly carried out in conformity with local conditions and contributed to quieting the people and to conducting general mobilization of spirit. One of the measures was having on the 1st of each month a day of service devoted to Greater Asia for which purpose all members of Concordia assembled in shrines. All provincial and district hqs conducted organizational meetings * at which were explained the reasons for the China

38273 Incident.

In 1938 the Society headed the movement for collecting donations for building aircraft for military purposes. Manchukuo, on the initiative of the Society, sent to friendly countries official missions for strengthening friendship and economic relations and to establish a common powerful anti-communist bloc. At the end of August the society had 123 districts, 3000 branches and 1,000,000 active members.

38274 Japan and Manchukuo joined forces and came * forward to protect the frontiers of the state at Nomonhan. The society from the beginning took an active part and established close relations with the government and its local organs. The society took measures to maintain peace in the country, to fight and prevent provocation and sabotage, and was especially active in the field of mobilization of the spirit, mainly in Hailar close to the scene. A special committee was formed by Hailar authorities. The society undertook propaganda and information activity. Volunteer detachments were organized by the society, which were of great help in defense, in consolidating the rear and in assisting the army.

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The enlarged society consisted of 3,569 branches with 2,050,000 members. On December 8, 1941, the Holy War for East Asia broke out. Following the rescript * of Japan, the Emperor promulgated a rescript in support of Japan's righteous cause. Director TAKEBE issued a declaration that the people must render every possible spiritual and physical help to Japan which consisted of strengthening spirit, inseparable ties with Japan, strengthening joint defense, helping with resources, personnel, manpower, materials and products, a unified effort of sacrificial work of all, keeping secrecy, suppressing rumors and provocations, economizing staple products and control of supply. The statement supporting the government was issued by the society * the same day.

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In 1942 the carrying out of defensive maneuvers and strengthening of defense were the principal items of the society activities. To strengthen the ties with the administration, the governors were appointed chiefs of provincial hqs of the society. The vice-governors were appointed deputy chiefs. Similar measures were had in districts and towns. The part played by chiefs of administrative bodies became more important. It increased their responsibility for the work of the society. It was necessary for them to do their work actively and be guided by the spirit of the society. * The chief of the society and UEDA of the Kwantung army repeatedly instructed new governors. It was pointed out in UEDA's directive that the society set itself the task of being a leading organ in carrying out state policy. Besides, the society considered it its duty to maintain order in the country while it carried out state policy.

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On July 25, 1936 in Maining a review and ceremony were held * for the creation of central hqs of the society. Members of all branches, representatives of the army, and government, more than 30,000 people participated. UEDA and ITAGAKI, Admiral HANADA, the premier, Marshal Chang, MATSUOKA took the review.

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At present youth along with adults must overcome all obstacles confronting the nation and other East Asia nations. * Bringing the war with the Anglo-Saxons to a victorious end and the creation of mutual co-prosperity require all strength be concentrated in the cause. The government conducted a policy to solve these vital problems. It was trying to increase agriculture and the extraction of natural resources by developing local industry and to strengthen the northern defense. They decided to introduce general labor conscription throughout the emergency. TANABE in his report at the Congress of the society pointed out that in the government's opinion the successful solution of the 3 tasks must be based on sacrificial work for the state of all young required to work under labor conscription.

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*A conference of military, government and the society was held on April 23, 1938 to establish mobilization organizations which were to include youths and adults. A plan was fully worked out for the creation of Public Volunteer Detachments. On July 14, 1938, the state issued an

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38280 order on the formation of detachments under which they were connected with the youth movement of the society and included in the general plan of education of the people. At a conference of the government and society December 26, 1940, it was decided that the preparatory period was over and the Volunteer Detachments could become a basic defense organization. The best age for rank and file * was 20 to 40. This completed the plan for general mobilization.

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Since 1932 numbers of Russian emigrant organizations cropped up everywhere there were Russians, especially in Kharbin. Manchukuo issued a decree December 28, 1935, creating a special organ for these, called the Russian Emigrant Bureau in the Manchurian Empire. It had the task of contributing to strengthening of the material and legal status of Russian emigrants, relations with the authorities of the Empire with regard to emigrants, rendering assistance to competent authorities * on emigrants. The Chief Russian Emigrant Bureau contributed to the cause of building the empire and realized the idea of cooperation of all nations inhabiting the country. The outward expression of the aims of the emigrants was in close connection with the society. The Chief of the special department of the society was concurrently advisor of the chief bureau. The president of the bureau was a direction of the society. The bureau worked in close contact with the society. The attitude of YAMAGITA, Chief of the Japanese Military Mission in Kharbin, * was especially valuable for the bureau and for the emigrants since he had shown himself a real friend and patron of the emigrants.

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Direct Examination of Kuzma Y. Grebennik
by General Vasiliev.

38285 *The witness identified exhibit 3854 as his affidavit and verified
38290 it. * The affidavit stated that from 1937 to 1942 the witness was at the Maritime border of the Far Eastern Region as commander of the 59th Khas-san border guard detachment, which guarded 236 km of land border facing west and 400 km of sea boarder facing east. The land border started in the north from border mark P 2 kms southwest of point Shufang and ran south to the Sea of Japan, ending at Chikashimi. The sea sector started north at Peschanaya Bay and ran south to Chikashimi. The 59th detachment comprised outposts Podgornaya and Pakshikori which had direct responsibility to guard the sector west of Lake Khassan. Lt. Col. Tereshkin and Majors Patarshin and Chernopyatko were his subordinates when the events in the are occurred.

38291 The eastern slopes of Zaozernaya * and Bezymyannaya hills had always been guarded by soviet border guards. Before July 1938, there were no Japanese border guards on the western slopes of Zaozernaya. He knew this sector, going there often and attaching great importance to it since there the 3 borders of the Soviet, Manchuria and Korea met.

0 162 0002 17024

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38292 Early in July 1938, Japan started massing infantry and artillery in the Zaozernaya area. The troops kept arriving at Khamoku and Digasheli. Prior to July 29 there were no armed clashes in the hill area. There was no clash on July 11, 1938. On July 15, Japanese gendarmes violated the border and MATSUSHIMA was killed. That day, commander of outpost Podgornaya Tereshkin reported * by phone that Japanese soldiers had crossed the border on Zaozernaya. The patrol there spotted the trespassers, who, on challenge, started to run back to their territory. One of the men was shot and killed. A pistol with 8 cartridges, a camera, a notebook with results of the observation and a visiting card of MATSUSHIMA were taken from the body. The witness conducted a detailed investigation. An examination of footprints of Japanese soldiers at the spot of trespass was made. The film was developed. The examination of the footprints showed 5 persons had come into Soviet territory and only 4 went back. The film showed 6 pictures, part of which were pictures of Soviet territory, particularly Zaozernaya.

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Soon after the Japanese sent 2 Chinese disguised as * truce bearers to outpost sector Krainov. They held poles with white flags, and had an envelope addressed to the commander of the detachment. They were detained. The envelope contained a Japanese letter and was a demand to withdraw Russian guards from the sector west of Lake Khassan. It was addressed to the commander at Kraskino from the commander of the Japanese Hanchun detachment. 5 days later a white flag and letter in Korean were found on the ground near Novoya-Derevnya, about 100-150 m from the border. Its text corresponded to the text of Exhibit 753. It was anonymous, undated and bore no signature. The Soviet then began to prepare against an attack in the area.

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On July 26, the witness with a group of officers went to Zaozernaya to * to observe. From the 26 or 27th he personally saw Japanese troops crossing on boats to the east bank of the Tunen-Ula River and massing west of Zaozernaya. It was estimated from observation that more than 3800 had crossed in 3 days during daylight. They were unable to see what the Japanese were doing, as they hid behind natural rises. The Soviets tried to avoid giving even the smallest cause for dispute. No fortifications were erected by the Soviets on the west slopes of Zaozernaya. On the hill, there was only an observation post and there was no red flag. They secretly watched the Japanese.

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On July 29 at 1600 from Zaozernaya he heard machine gun, rifle and mortar fire and grenade explosions near Bezymyanaya. It was reported that a Japanese unit, company size, had deployed in 2 groups and launched an attack on Bezymyanaya, where there was a patrol of 11 under Makhalin. At first, the witness could not personally observe * because although the distance was not more than 1-1½ km, a fog considerably reduced visibility. After the fog had partly lifted, he saw a platoon of Japanese infantry which had crossed to Soviet territory between the 2 hills. He

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- 38295 He ordered Ratnikov with a group of guards, including Batarshin, to support Makhalin from the south. At the same time he ordered Bykhovtsev, commander of the Pakshikori outpost to alert his outposts and use his entire personnel in support from the north. He then sent a message to the regular army since he felt, knowing the Japanese strength, his own forces would not be able to hold out. As a result, 5 guards including Makhalin were killed and 6 wounded. * Due to the support given the Japs were repulsed and the Soviet unit consolidated.
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Crossing and concentration of Jap troops on the east bank of the Tumen went on on July 30. On the night of July 30-31, the Japs launched a vigorous attack on the hills with artillery support, bringing into action the whole 19th Infantry Division. By that time field troop reinforcement was only reaching the field and the hills were defended only by guard outfits which had been somewhat reinforced by reserves. There were 92 on the 2 hills including 60 on Zaozernaya.

- 38297 On July 31 at 0625 the Japs occupied the hills. Almost the whole guard garrison fell on the battlefield. Tereshkin was wounded. Later Soviet troops arrived and subsequent operations were conducted by the regular army. * In 10 days fighting the regulars wiped out the 19th Infantry and repelled the Japs from Soviet territory. The remnants of the Jap troops withdrew to the far bank of the Tumen. While on Zaozernaya, the witness commanded his unit from the outbreak. None of his guards ever crossed the border. The Japs were the first to start the attack with the slightest provocation. After the defeat of the 19th Infantry, the Japs made no claims as to Soviet withdrawal from Zaozernaya.

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- 38299 *The border was restored and was now being guarded as it was prior to hostilities. It ran as provided by the Munchun Protocol of 1886 along the watershed, along the hill tops which form a mountain range
- 38300 on the west bank of Lake Khassan. The east slope of * Zaozernaya belonged to the Soviet while the west was Manchurian. To determine the border on the terrain was no problem and the Soviet guards knew precisely where it ran. Both before and after fighting the border was in full conformity with the data on the map attached to the Munchun Protocol.
- 38302 *On being shown Exhibit 2642B, he stated that this sketch map was drawn up in a very premature way and didn't correspond to elementary rules of topography. It didn't correspond to the actual state of affairs because prior to July 28 there were no clashes, and prior to * the morning
- 38303 of July 31 there were no clashes on Zaozernaya. The clash shown on the map for July 11 didn't correspond to actual occurrences.

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No fortifications were erected on Zaozernaya because it was categorically forbidden by the Chief of the Border Guard Corps and would have shown contempt to the neighboring state. The trenches shown west of the border didn't correspond to the actual state of affairs because the Soviet guards never crossed the border. Such action would have violated the sovereignty of the neighboring state, which they always respected. The tank shown east of the hill was a pure invention because before July 31 there were no tanks within 60-70 km. Any man with elementary knowledge of military questions, who could read a map, would * conclude that a tank couldn't approach the place because the east slope of Zaozernaya was very steep, more than 45 degrees and was not accessible to tanks.

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* The border guard post was established on Zaozernaya from the time the Border Guard Corps was established. According to the instruction of the Chief of the Corps the border was guarded by border guard troops constantly, day and night, the whole length of the border. Each meter was constantly guarded. In 1937 when he took over the sector guarded by the 59th detachment, he was on Zaozernaya and personally saw the guard posts and inspected how well they knew their task.

Cross-examination by Mr. Furness

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*The witness stated that during the battle of July 31, 92 guards, 1 infantry company and 1 tank platoon of the Soviet armed forces were under his command. Between July 1 to 31 the number of guards increased. The increase was considerable. Usually, the patrols consisted of 3, 5, or 10 men. The increase took place from July 29, from the beginning of

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hostilities on Bezymyanaya * They increased gradually in accord with the situation. At first they had only OP's 3 men on Zaozernaya, and

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then gradually the number was increased. * As to the strength of the border guards on the entire sector, he was unable to testify because it was a matter of state security. Prior to July 1 this section was guarded in a normal way by the usual posts consisting of 3-5 men. From July 1, when the Japs began to cross the Tumen, the garrison was increased

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gradually depending on circumstances. * He could not state the details but on July 30 there were 92 guards. On July 30 to 31, 92 border guards 1 infantry company and 1 tank platoon participated in battle. Guards increased from 3 to 92 from July 1 to 31.

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When he referred to Zaozernaya, he included the entire sector starting from Bezymyanaya, Zaozernaya and then further to the south where fighting broke out on the morning of July 31. The rifle company arrived on the night of July 30-31, *at 2400 or 0030 from the field troops from the direction of Zarechie about 10 or 12 km away. They might have come from Novo-Kievskoye but he didn't know. The actual point at which they came under his command was Zarechie, which was 10 or 12 km from the

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hostilities. * They hadn't been stationed there before. When he called

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38314 for them they were stationed at Zarechie. The tank platoon came under his command at the same time. There was 3 tanks. There was only the
38315 tank platoon on July 31. Tank forces * appeared later on August 6. They took up their initial position near Hill 68.8 northeast of Bezymyannaya. They went into action at dawn that morning, but only 1 tank participated because 2 couldn't cross the bog. They did not cross the border. The tank was not in the area of Zaozernaya but northeast of Bezymyannaya,
38316 * at all times. There was no steep slope there. It was quite accessible for tanks.

The Podgornaya outpost was under his command. The distance between there and Bezymyannaya was 4 to 5 km. This outpost was stationed at its
38317 billet at the uninhabited point called Podgornaya. *This outpost was a regular military unit billeted near Podgornaya. There was a guard patrol
38318 on Zaozernaya but these were 2 different territories. *There were no hqs on Zaozernaya and no shelter. Podgornaya was regular military unit billeted 150 m from Podgornaya 4 1/4 km from Zaozernaya, which sent out a patrol. The border patrol was not a guard outpost. It was just a border
38319 guard patrol. *Bezymyanaya was somewhat to the east of the border. The western slopes did not go down into Manchukuo. The entire hill was on the Soviet side.

38320 *On the killed Jap gendarme they found a notebook, a camera, a pistol and 8 cartridges. His notebook contained the results of his observations. The witness was unable to outline it accurately in detail then, but the observations set down referred to a sector of the area. From the developed film pictures of Zaozernaya east slopes, Bezymyannaya, Lake
38321 Khassan and other parts of the terrain showed up. * MATSUSHIMA was not killed because he took pictures of the area. He was killed for violating the border south of Zaozernaya near Dygasheli and didn't obey the demand of the guard.

The witness had received 2 letters. The first was delivered by 2 trespassers. He didn't remember the exact date of delivery but it was after July 15. The second was left by an armed Jap detachment which had violated the border, fired the patrol, felled a telephone line, severed
38322 the line 150 m deep in * Soviet territory, set up a pole and fixed the letter to it. The contents of both letters were approximately the same.
38323 *Novokievsk was about 30 to 35 km from Zaozernaya and there were units of the regular Red army there at that time. He did not personally call on the commander of those units for help but called thru his hqs. Those
38324 who brought the 1st letter were detained. * The armed detachment which brought the 2nd letter was not detained. Neither the 1st nor 2nd letter was returned. The bearers of the 1st letter were turned over by the witness on July 24 to the Japs near Border Monument 8, which was not near
30325 Zaozernaya but about 50-60 km away. * He didn't remember exactly the Jap names, but a special reciprocal protocol was signed by both parties in Russian and Japanese. They belonged to the Jap army and held the

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- 38325 rank of major. The Jap consul in Hanchun was present. The two persons detained were either Chinese or Koreans. The witness did not reply to either of the letters. * That was beyond the scope of his functions and duties. The reply had been already given by the Soviet government. Matters of such kind in his country were not decided by a single man and he was not authorized to answer the letters. They were answered by the Commissar for Foreign Affairs, Litvinov. The witness knew about that from the papers.
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- 38327 *As soon as he received the letters, after the trespassers had been turned over, he with a group of officers went to Zaozernaya. He sent as many guards as he could there. There were 29 there. He also observed
- 38328 the conduct of Jap troops and instructed his officers to do so. * Subsequent to July 16, no special measures were taken. Observation of Manchukuo was intensified. He was awaiting instructions from higher hqs. They constructed no trenches and no forts because previous instructions of the Chief of the Corps categorically forbade that. Prior to July 31, prior to arrival of field troops, no trench works were carried out. Subsequently, when the field troops arrive, they undertook some trench works, but they were no more than lying in or sitting in trenches. They
- 38329 were dug to reduce the number of casualties * from bullets and fragments, and served as resistance centers to repel the Jap attack and to launch counter attacks when the Japs broke into Soviet territory. It was impossible to undertake trench work on Zaozernaya which was a stone cliff with an earth crust of only 12 to 20 cm. The western slopes of Zaozernaya were even steeper and somewhat reminded one of ravines. This can be seen on the map. The water-shed ridge of Zaozernaya along the border amounted to about 200 meters. The breadth was from 2 to no more than 15
- 38330 ms. The ridge was very distinctly shown, and * passes from north to south. The state border was in accord with the Hunchun Protocol and map and passes along that ridge.
- July 26 was the first time he went to the outpost. Jap troops had been observed there in the early part of July. He was at Zaozernaya
- 38331 several times * , and during his 5 years of service there he frequently went there because of the junction of the 3 borders. He had seen the Jap troops at the very beginning of July when he saw about a platoon of infantry establishing wire communication from Rumenula toward Zaozernaya. The beginning of the wire was very hard to see because it was hidden behind natural rises. Beginning on the 26th he saw the Japs crossing the
- 38332 Tumen from the west bank and they didn't return. * The number of Jap troops were about 3800. Infantry and small calibre artillery crossed to the east bank of the river, to Manchurian territory. The guns were about 37 or 40 mm.
- 38334 *Neither Soviet field troops nor border guards ever crossed the frontier during fighting because they were forbidden to do so. Since the field troops were not very familiar with the country, special border

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- 38334 Officers were detailed to assist as guides. Of course, it was possible that during the fighting some wounded man trying to get to the rear and unfamiliar with the sector and hiding behind natural rises, could have violated the border, but he knew of no such case. The direction for non-violation came from higher hqs, so as not to expand hostilities in the Lake area and not to give any pretexts to the Jap aggressors to develop or expand hostilities. This order also applied to firing across
- 38335 the border. *Neither troops nor guards ever crossed the border, but in the course of fighting there might have been cases when shells or bullets exploded where the Jap troops were located. Where the Japs were directly near the border and in front of the Soviet and firing at the Soviet troops, the Soviet opened fire in reply and the bullets and shells exploded on territory occupied by Japs. Soviet artillery arrived on August 1st. On July 31 there was no artillery action by Soviet troops and
- 38336 guards * because there was no artillery in the area at that time. Without crossing the border and without intentionally firing across it, the Soviet wiped out the part of the Jap division which participated in the action. The gun positions aiding the attackers were also wiped out. The whole Jap division took part in the fighting. He was at the scene of of fighting from July 26 until August 10. When hostilities ceased he was not at the scene because he left on August 10.
- 38337 *Fighting actually stopped at 1205 August 11 because according to agreement the Japs were supposed to stop at 1200 but didn't. They stopped five minutes late. According to agreement the troops of both were to continue the line they then held. The Soviet were along the border and the Japs were on their territory. Subsequent to August 11, the Japs were withdrawn completely to the west bank of the Tumen. After the attack and after Soviet troops had repelled the Japs, the border remained as defined by the Munchun protocol. The line at the end of fighting was
- 38338 exactly the border claimed by the Soviets. * After hostilities ceased the regular field units were withdrawn and only guards remained in the
- 38340 area. * No mechanized troops participated on the part of the Japs.
- 38345 *Exhibit 2855, Certificate of the Military Topographic Department of the USSR General Staff, stated that in 1933 the 7th sheet of the map of the Asiatic part of The Soviet was republished. The border between the Monglian Peoples Republic and Manchuria in the Lake Buir-Noir area was erroneously marked as not to the east of the Khalgin-gol River as it should have been done but on the river itself. After the 7th sheet had
- 38346 been republished * the error was discovered and measures taken to study cartographic materials available in archives, geographical atlases of various contries and documentary maters of the Mongolian government. These materials corroborated that the border between the Mongolian Peoples Republic and Manchuria as shown on the 7th sheet was wrong. Afterwards when maps of any scale were published, the border was marked to the east of the Khalkin-gol River where it actually passed in the area. This was corroborated from 14 maps of different sources.

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*Exhibit 3856A, The Latest Great Map of China, published in Japan, 1932 was received in evidence.

Direct Examination of A. E. Bykov
by General Vasiliev

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*The witness identified Exhibit 3857 as his affidavit and verified it. *The witness stated that in 1939 he served in the territory of the Mongolian Peoples Republic (MPR) as a senior lieutenant in command of a mechanized rifle battalion of the 11th tank brigade stationed in Under-han. On March 1, 1939, General Yakovlev, brigade commander, put him in command of a mixed detachment and ordered him to march to the area of Tamsak-Bulak, 120 to 130 km west of the Malhin-gol. As Yakovlev explained, the purpose of sending the detachment was that in the river area, on the sector guarded by the 7th Mongolian frontier guards there were increased cases of the boundary being crossed by Jap troops, and there were cases when the Japs kidnapped Mongolian soldiers and took them to Manchuria. The detachment was to prevent the Japs from similar unlawful actions against the Mongolian border guards.* His mechanized rifle battalion reinforced with an armoured-car company, with a battery of 4 76 mm self-propelled guns and a battery of 4 122mm. howitzers was part of the mixed detachment.

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On May 28 this detachment was the first unit of Soviet regulars which engaged with the Jap Manchurian troops which crossed the border of MPR east of the Malhin-gol and seized part of the Mongolian territory on the east bank of the river. On March 5 the detachment arrived in Tamsak-Bulak, where there was also stationed the 6th Mongolian cavalry division. East of the town were neither Mongolian nor Soviet regulars, but only Mongolian border guards. He went to the 7th Mongolian border outpost in March 1939 to investigate the situation. This outpost guarded the * sector of the border east of the river beginning from Eris-Ulin-Obo and to the north in a straight line to Mulat-Ulin-Obo and from there in a straight line to Nomonhan-Burd-Obo. The territory guarded was on the east bank of the river 20-22 km in depth toward Nomonhan east of the river. The sector guarded by his outpost ended a few kms north of Nomonhan. The bulk of the outpost was on the west bank of the river in the Sumburin-Tsagan-Nur Lake area. The outpost daily sent patrols to the east bank of the river. This bank was very carefully guarded by Mongolian guards especially in connection with systematic violations of the border by the Jap Manchurian troops from January 1939.

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* On the night of May 14-15, hqs of the 6th Mongolian cavalry received a report from the 7th outpost that on May 11 a Jap Manchurian cavalry unit of more than 200 crossed the border at Nomonhan and advanced 15-18 km. into Mongolia. In the clash several Mongolian guards were killed. On May 12 the guard reserves drove the violations into Manchuria. On May 14, up to 2 squadrons of Japs and Manchurians again crossed the

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38364 border and advanced into Mongolia on the east bank of the river driving
back the guards. The commander of the 6th Mongolian and the witness de-
38365 cided to go to the * site to investigate. About 35-40 km from the 7th
outpost they came across 2 mounted soldiers riding at top speed to the
west. They stopped them. The soldiers carried a message from the chief
of the outpost that 5 Jap single-engined dive-bombers raided the outpost
and made 4 bombing runs. During the 1st 2 runs the outpost was bombed
and during the last 2 it was machine-gunned. They went to the outpost
and saw the damage. Three soldiers were killed, 25 injured. He saw
the traces of machine gunning. The same day they returned to Tantsak
and he reported to corps hqs in Ulan Bator.

38366 On May 18 the Mongolian division went to the Mamardaba mountain area
on the west bank of the river. By order of corps his reconnaissance pla-
toon went with the Mongolian cavalry. The first minor clash with Jap
Manchurian troops took place on * May 22 or 23 when in accord with in-
structions he ordered his platoon to cross the river to its east bank and
conduct reconnaissance in force on Mongolian territory seized by the Japs.
He gave strict orders to the platoon commander under no circumstances
to cross the border. The platoon went 7-8 km to the east without hind-
rance and then being 12-13 km from the border was fired on by the enemy
and surrounded. They broke thru the encirclement and withdrew to the
west bank of the river. On May 25, the 6th Mongolian crossed the river
to its east bank and took up a defensive position 8-10 km from the bor-
der. His detachment arrived at the Malhin-gol on May 24. On the 26 he
put across the river to its east bank 2 mechanized rifle companies, a
battery of 45 mm guns and a few armored cars. On the 27 he transferred
the command post to the east bank, about 9-10 km from the border. On
38367 May 26 and 27 the Soviet-Mongolian units had no * battle contact with
the Japs. They though the incident was closed.

38368 On the night of May 27-28 the Japs took up the offensive about
3:00 AM. It was conducted by a group, part of the 23rd infantry divi-
sion and Bargut cavalry, under the command of Col. YAMAGATA, commander
of the 64th infantry regiment of the 23rd division. The group contained
part of the 64th, a reconnaissance detachment of the 23rd under Lt. Col.
AZUMA, a motorized company under Capt. KAWANO, the 8th cavalry rgmt. and
units of the 1st and 7th Bargut cavalry. The Japs tried to outflank the
Soviet troops from the left to appear in their rear and get to the river
crossing and cut off the way of retreat. Regular fighting took place
during which his detachment lost 65-70 men. At the end of May 28 a reg-
iment of the 36th rifles under Major Remizov arrived at the river. * It
was thrown into action. That day might be considered as the date of
opening of large-scale hostilities on the river between the Japs and
units of the Soviet army. Prior to May 28 major clashes did not take
place.

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He participated in further battles and stayed in the area till the cessation of hostilities and the conclusion of the truce. In all the operations he had strict orders not to cross the border and those orders were never broken by him. The commanders of other units had similar strict orders. He knew that during hostilities there was not a single case of a border violation by Soviet or Mongolian units. After the Japs had been defeated, the Soviet did not follow them across the border though they had a chance of going up to Mailar without encountering resistance. After hostilities ceased they took up the defensive along the border which was exactly as it had run prior to May 11."

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*The witness stated that the total Jap losses in the conflict amounted to 52-55 thousand. This data came from the analysis of fighting operations made by Commander Zhukov of the corps in that area after the end of hostilities. The analysis was made at a conference of unit commanders when they were informed of the number of Jap losses. He knew Exhibit 766. This was a map captured on May 28 from AZUMA, commanding

38371 * the Jap reconnaissance detachment. The map was captured by Lt. Seminov of the witness's outfit. It was found in the car belonging to AZUMA, which had been put out of action., as had been two armored cars which guarded AZUMA's hqs. The border shown on that map was in accord with the Soviet Mongolian contentions.

Cross-examination by Mr. Blakeney

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*The witness stated that Soviet Mongolian losses amounted to 9-9 $\frac{1}{2}$ thousand. When he arrived at the river there were no Soviet or Mongolian troops in the area. He came there on May 24. When he arrived there were only his platoon and the 6th Mongolian cavalry in the area of Harar-jaba. * The 6th Mongolian Cavalry had 250 sabers. His unit consisted of

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3 motorized infantry companies, 1 battery of 45mm guns, 1 battery of 76 mm self-propelled guns, 1 battery of 120 mm guns, a reconnaissance platoon of 5 armored cars and 1 armored company of 16 armored cars.

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There were 1200 in his unit. * There were no other units in that area.

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He was in the area guarded by the 7th Mongolian outpost for the first time on March 12 or 13, and for the second time on May 15. At neither time were there any Mongolian or Soviet troops in that area except for the border guards, * which consisted of 150-200 men. This outpost like any other outpost had no hqs. It had only its commander,

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who was with the main force of his outpost on the west bank of the river, near a small lake not far from Mt. Khamar-Daba. The posts and patrols of the 7th outpost were on the west bank of the river in Mongolia. They

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were along the border and were about 20 or 22 km from the river. * The main force of the outpost was on the west bank and patrols and posts sent out by these outposts were on the east bank 20 to 22 km. This was both in March and May. The Mongolian border was from 20 to 22 km east of the river.

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*In March he together with the commander of the 7th border guard outpost, Lt. Chogdon, was on the east bank of the river and went along the border. At that time they went along the border where posts and patrols were located. He was unable to and not entitled to inspect the outpost since he was a Soviet officer. * He did not inspect the posts and was not authorized to do that. *They went along the border and saw where the posts and patrols were situated. He was not interested in the number of posts and did not know whether he saw all of them or not.
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38381 The front was from 55 to 70 km long. * The first night fighting, or dawn fighting, occurred on May 28. There was some night fighting after May 28 from time to time.

The soviet troops used aircraft but he could not tell the number participating. They were fighters and bombers used only against the Jap and Manchurian forces. * The aircraft bombed artillery positions and divisional dumps. He didn't know if they bombed Jap airfields. Hailar is about 120 to 150 km from Nomonhan. There were neither land nor air attacks on Hailar by Soviet and Mongolian troops
38382

*His unit was the first engaged in the fighting and they were in the area till the truce was signed, and he and all others had strict instructions not to trespass or violate the border of the MPR. * He and his unit belonged to the north group of troops and they were outflanking the Japs on the west. They followed the north border. The south group of forces which outflanked the Japs from the south did not violate the border either. Neither the north nor the south groups ever trespassed the border.
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*The 7th Mongolian Border outpost was 120-150 strong. What he called the border was the territory between the bank of the Falha River and 20-22 km east of the river up to the border of the MPR. The terrain features of this territory were very rough. There were hills 50-60 m high, ravines 35-40 m deep. The territory was covered by small bushes.
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38389 *The border did not run along the river, it ran 20-25 km east of it. There were no mountain ranges on the border east of the river. The border was marked by obos approximately from 8 to 12 km apart. Between obos the border was marked by border monuments, which were wooden posts with plates bearing inscription in Mongolian on the Mongolia side.
38390 *He couldn't either read or speak Mongolian. It was not his duty to get informations as to who put the monuments on the border or when. He did
38391 not know * who erected the monuments.

*When he first visited in March the sector, he personally saw those border monuments. They were set up the entire length of the border about 1 to 1½ km apart. Their size was from 2½ to 3 m in height. On the side of Mongolia, their inscriptions were in Mongolian. On the other side he

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38393 he did not know. * From obo to obo the border ran in a straight line. Since he couldn't read or speak Mongolian he had no knowledge of what the inscriptions meant. He did not know that during the Nomonhan Incident Russian or Mongolian aircraft bombed Tsitsihar in Manchuria. This area was uninhabited.

DIRECT EXAMINATION OF FRITZ VON PETERSDORF
By General Vasiliev

38414 *The witness identified Exhibit 3858 as his affidavit and verified
38420 it. *The affidavit stated that the witness' predecessor as German assis-
tant military attache was Lt. Col. Schol, and his successor was Col. Nie-
moler. His chief was Col. Mazki before December 1940 and General Kret-
38421 chmer after that date. He was personally acquainted with * Prince KANIN
and SUGIYAMA, chiefs of army staff, General OKAMOTO, chief of a division
of the staff, Lt. Cols. SAIGO and YAMAGATA, chiefs of the German divis-
ion of the staff, and Major KANDORI and Lt. Col. AKITA of the German
division. He was personally acquainted with TOJO. He met TOJO in Novem-
ber 1938 during an outing for foreign military attaches and their assis-
tants on the celebration of the conclusion of the anti-comintern pact.
38422 He believed that TOJO was then commander of the army air force. * He met
TOJO several times at official receptions. He last saw him on January
1, 1943, when he paid him a farewell visit.

38423 He had not read any official Jap documents on Japan's military plans
against the Soviet but he heard about it during a confidential conversa-
tion between Ott and Tojo. In June or July 1942, TOJO asked Ott to re-
ceive him for a confidential talk, Ott, Kretchmer and the witness as
interpreter were present for Germany. TOJO, two generals whom he did not
remember, and Capt. YAMAZAKI as interpreter were present for Japan. At
that time German troops * were very successful in North Africa and Japan
supposed Germany would reach Suez. At the same time German troops were
successfully advancing in the Caucasus. TOJO said Germany should advance
as far as Aden and Basra and Japan to India and Ceylon via Burman and
the border of their spheres would lie along 70 degrees east. TOJO said
the Anglo-Saxons should be driven out of East Asia and that all the
sources of raw material there would provide Germany with the raw materi-
als needed for her industry.

38424 The conversation turned on the Soviet Far East. He did not remember
whether Ott asked TOJO or TOJO spoke about it himself. TOJO said that
Japan was a mortal enemy of Russia and that Vladivostok was a permanent
threat to Japan from the flank, and in the course of that war there was
an opportunity of removing that danger. He said it was not so difficult
to do as there was an excellent Kwantung army which included the best
troops. TOJO made it understood that Japan intended to make a surprise
attack on Vladivostok by land sea and air, carrying on a diversive opera-
tion against Blagoveshensk. He heard confirmation of that plan of attack

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at different times and under different circumstances from the interpreter KOGURE and KANDORI and YAMAGATA. When he visited YAMAGATA, in reply to his question how the Japs intended to attack the Soviet, YAMAGATA pointed out the Vladivostok and Blagoveshensk directions on the map. During the conversation TOJO said it was not sufficient to occupy Vladivostok and Blagoveshensk and it was necessary to extend the Jap sphere up to Lake Baikal. The conference lasted about 2 hours. Ott and Kretchmer kept silent during the conference. TOJO talked almost exclusively. He knew from subsequent conversations with Kretchmer that he was pessimistic. He thought the * Japs were dispersing their forces. He hoped that a concentrated blow would be strak in the Far East but not at India.

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He thought TOJO wanted to know from Ott and Kretschmer whether Germany would reach Aden and Basra at that time. Before launching the offensive TOJO wanted to know if Germany was sufficiently sure of her success.

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He received information of a military nature pertaining to the Soviet from the Jap staff in 1941 and 1942, from Major KANDORI and other officers of the German division. He received all military information about the Russian Far Eastern army, disposition of troops, strength, military transportation, details about reserves, movements of troops at the * European front as well as dat concerning Soviet war industry. Prior to his leaving his post, he daily visited the general staff to furnish them with information about the Germany position, and if they had information from the Russian division it was furnished to him. At first the information was not received so often, but later he received it 2 or 3 times a week. This information by cipher was transmitted to the attache department of the OKW in Berlin. It was transmitted as soon as received, first rarely and later oftener. Especially important pieces of information passed through the ciphering bureau of the Embassy. KANDORI told him that the * grenade presented by Hitler to the general staff was to be mainly used on the Manchurian place d'armes. This was a hollow grenade of great piercing capacity to pierce the armor up to 8 cm thick. In spring of 1942 Lt. Col. Niemeler and Capt. Merkel brought with them a specimen of hollow shell with drawings and designs. The shell was turned over to the C/S as Hitler's present to the Emperor. After that Niemeler and Merkel worked in a special bureau with Jap officers from the armament department to arrange the serial production of the shell in Japan. He learned about that from conversations of the military attache with Niemeler at which he was present. He personally received for decoding some telegrams addressed to Niemeler from which his * mission was clear.

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He saw TOJO in his office on invitation to all attaches and their assistants to attend the New Years of 1943. TOJO said nothing on that visit about Japan's plans to attack the Soviet. He only said that Japan would support Germany with different raw materials at her disposal from the occupied areas. Germany had to provide the transport for exporting

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38428 those raw materials. Many raw materials were exported on German ships breaking the blockade. He knew about that from Admiral Wenneker, German naval attache and because in January 1943 he went to Germany on one of the ships breaking the blockade. It was the Italian ship Pietro Crseolo, 38429 *which carried over 1000 tons of rubber, 1000 tons of tin and 100-200 tons of tea all taken on board at Singapore.

38430 * In 1942 they received accurate information as to Russian transport movements out of Khabarovsk on the German Russian front. It was accurate information regarding the Russian air corps and also military strength. In June 1942 accurate information was received as to troop movements west of the Tambov area in Stalingrad. In October they received information of Russian reserve troop movements in the Caucasus. In August information was received regarding the monthly production of armored equipment in Russia.

Cross-Examination by Mr. Cunningham

38444 *The witness stated that while ass't military attache he did not have access to all the report made by Ott between 1934 and 1938. He 38445 received only direct orders from the attache in Tokyo. * When he left Berlin he was not sent as an ass't to the attache but as a language officer. He received no special instructions.. He became ass't military attache in December 1938. His orders were to interpret as a language officer and to take care of telecon correspondence with the Japanese General staff. He did not collect material on his own initiative but 38446 carried out the orders of his superior. * He was under the orders of 38447 the attache and carried out his orders. * He made his reports directly to the attache. He at no time many and direct reports to the ambassador. Usually his reports were worked in together with the attache's. Sometimes they were sent separately. The attache determined which were to be sent directly and which were not to be so sent. There was no special regulation.

38448 *He was at all times in the presence of Jap high officials only with the attache as his assistant. He was associated directly with the officers of the staff of the German section. The principal mission of the military attache was the normal one of exchange of information between two countries. Due to the alliance, they at times received additional 38449 information. * Reports on the movements in Soviet and Mongolia were naturally only a part of his reports. They did not as a whole revolve around the problem of Mongolia or of the Soviet. Collection of information about movements and dispersal of Soviet troops was not only a routine matter, but was a very important part of the cooperation between 38450 the * Germans and Japs.

38452 *His investigations and the reports of his chief did not as far as he knew cover activities other than military operations.

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- 38455 *He did not discuss the information he gathered with others in the German embassy other than the military attache. Since 1940 there was a specific command that no one would discuss his work with any other person.
- 38460 *The witness received his information from the general staff and he did not know the source of Ott's information.
- 38463 *He admitted stating previously that he was aware of the strength of the Kwantung army at different periods and that he knew that partly from the Jap staff, Richard Zorge from whom they received exact data as to the number of Kwantung army divisions, and some of their numbers, and
- 38464 from the German Mission in Manchuria. *Zorge was a correspondent on a
- 38466 German newspaper and had no special post in the German embassy.* Zorge was never employed the German embassy.
- 38471 *The military attache reported directly to Berlin. That was the method used in Tokyo. As far as he recalled, he visited with the military attache only Jap military organizations. He had no access to information along political lines. They never took * Zorge to the general
- 38472 staff when they went for information. He knew Crome personally. He was
- 38473 a German correspondent in Tokyo. * Reports were kept in the safe of the military attache. He did not recall in detail, but the attache determined which reports would be sent directly thru the cypher system of the embassy.

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- 38488 *There were no other methods of exchange of commodities between Japan and Germany after 1941 than the blockade runner. He had no definite information as to ship sinkings because Admiral Wenneker, the naval attache, kept this matter strictly secret. He had no definite information but he heard on his return to Germany that in the fall of 1942 7 German blockade runners were sunk by British action.

Cross-Examination by Mr. Blewett

- 38490 *He did not believe that the outing or celebration on the occasion of the conclusion of the anti-comintern pact in 1938 was very significant. The attache's personnel were simply invited for a recreational excursion
- 38491 of the Tokyo area. The pact was concluded in 1936.* He believed TOJO was then commander of the Jap army air force. If he were told that TOJO was not appointed to the air force until December, that would only be proof that over ten years he had committed an error in judgment of about 6 or 7 weeks. At that time he was the language officer and had not yet assumed his duties as ass't to the attache, but since his arrival in Tokyo, he had been working in the office of the military attache.
- 38493 *He knew that TOJO asked Ott to receive him from Kretschmer. The meeting took place in the afternoon. As interpreter for TOJO Captain

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- 38493 YAMAZAKI and 2 other Japanese officers were present. He knew SUGIYAMA but didn't know his position at that time. No other accused in the dock was present at the conference. He could not say whether SUGIYAMA was present. *He believed Tojo was War Minister at the time this conference took place. He did not know that after June 1941 Ribbentrop directed Ott to urge the Japs to enter the war against Russia. He was not familiar with the secret cipher report sent by Ott to Ribbentrop on October 4, 1941, since he had no access to the cipher bureau. This was the first time he had heard of this telegram. During the conference TOJO spoke * mostly alone and he did not recall that the subject was mentioned by Ott. TOJO spoke and Ott listened. He did not recall having heard that Ott ever made a request of that type. After the conference he only talked for a short period with Kretschmer and he told him that he had talked to Ott regarding this matter and that the reports had been sent to Berlin. *He had never heard directly of any Japanese refusal to attack Russia but he felt that the Japs would logically not let themselves be dictated to by another power. Kretschmer was very pessimistic for the reason that he considered an attack upon India as splitting up Japs striking forces. When asked whether he was pessimistic because of the information received that Japan might go south, the witness said at that time Japan had made quite a progress in a southerly direction and he would not know just where further south they could have gone.
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- 38497 *It often occurred that invitations were issued to higher officers of the Jap staff, and meetings took place in the embassy. At many of these affairs he was personally present but did not recall one for TOJO, SUGIYAMA and MUTO. He could not definitely recall what TOJO was at the time, but in any case he was one of the highest ranking officers of the Jap army. The fact that in 1942 TOJO was premier and went to an ambassador's office for a consultation was exactly what emphasized the meaning of this conference. This conference did not take place in September 1941 because at that time the witness was on vacation in Kawana. He was away from Tokyo about 10 or 14 days. He did not believe that TOJO would utter an answer to an important statement of attacking the Soviet in the presence of servants at a dinner party. * He heard no comments of that nature from TOJO. He believed that Kretschmer and Ott were under the impression that Japan was capable of making the undertaking. Only Kretschmer was still pessimistic despite this. He knew that Ott informed Berlin as to the contents of these conversations, but Kretschmer never consulted the witness or talked to him about the matter. * It was impossible that he made a mistake as to the date of this conference since the Jap War Minister as well as a Japanese Minister were present at this conference. Counsel was talking of another conference which took place in 1941. He was referring to a conference of 1942. He had forgotten the names of the other two generals. Other officers present were Capt. YAMAZAKI and no others. *The witness was a German POW in the Soviet. He had not been charged with any crime. He spent 8 years at the cadet school in Germany and entered the German army in June 1918.
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Page Redirect Examination by General Vasiliev

38503 He was at the Jap general staff more than 300 times, and on the information received there he sent information to the German general staff.

38504 When he returned in 1943 Chief of the Attache Section Schuhardt * told him that the information sent had been of considerable importance to the German staff, and that due to this information proper precautions and actions could be taken in regard to the Russian army.

38505 *Exhibit 3859A, The Report of the Frontier Corps Department Home Ministry Mongolian Peoples Republic, was received in evidence but not read.

38514 *Exhibit 3860, telegram from Stahmer to Ribbentrop, February 1943, stated that from recent conversations with the premier, minister of the navy, chief of the navy staff and chief of the army staff and with Ministers AOKI and SUZUKI he was impressed that all parties stressed their firm conviction in victory and expressed the desire for closest possible cooperation with Germany, as well as complete * confidence in the accomplishments of German armed forces and people. The necessity and importance of direct contact between Japan and Germany in every manner possible was stressed. This should be given special prominence in view of the propaganda effect.

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TOJO stated he was not concerned with the situation in Russia. He was convince of Germany's ultimate victory. He was particularly interested in the situation in North Africa, Turkey and Spain. He would be grateful for bulletins on all important events and would be prepared to give any information freely. The present war was one of weapons and nerves, particularly in view of enemy propaganda which sought to use all possible means to weaken Jap German friendship. In this connection he mentioned neutral diplomats who were spreading false and damaging rumors.

38516 *TOJO who as Minister of war played an important role in concluding the tripartite pact, was the strongest personality in Japan's cabinet. Despite these characteristics and his popularity he has been attacked several times. Previous centuries of vague representations of the Emperor as a purely spiritual figure led to the belief since Meiji in comparatively frequent government changes so no outstanding predominating character could in any wise assume the aspect of emperor. It was not inconceivable that TOJO even if his policies were approved might have to withdraw after a given time. Such a withdrawal would be regrettable for the German view, since TOJO was a dynamic personality and an outspoken friend of Germany. The change in government would not affect the Jap policy under the tripartite agreement since it was universally recognized that Japan's fate was bound up with the axis.

38519 *Exhibit 3861, telegram from Ribbentrop, September 6, 1940, stated that OSHIMA declared that Japan would take no steps in this direction

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38519 without German concurrence. On the question whether Germany had changed her war aim toward the Soviet, Hitler answered that when a state fell apart everything fell apart. The Soviet Infantry was bad and when once the entire Soviet structure began to totter, everything would fall apart as happened again and again among the Slavs. Stalin did not capitulate when they stood at the Don, the same held true for Germany. The Carthaginians stood before Rome once but the Romans did not capitulate and finally beat Carthage. When again they went on the offensive against the Red army could not be said. They could not be on the defensive on all
38520 *fronts at the same time. OSHIMA declared once more that Japan would fight with Germany until final victory and it would use its last troops to realize this, as there was only one road for Japan. Hitler closed the conversation then with assurance that the same will for fight and victory remained with the Germans and with such determination victory must be theirs.

DIRECT EXAMINATION OF PUNTSUGIN CPOGDAN
By General Vasiliev

38528 *The witness, a major in the Mongolian army, identified Exhibit
38532 3862 as his affidavit and verified it. * The affidavit stated that the witness served in the frontier guard detachment from October 1938 to October 1940 and occupied various positions becoming commander of the frontier guard detachment, in 1939. In 1939 he was commander near Lake Samburin. The guard outpost of the Khalkin-gol River detachment was 1 km west of Samburin which was 30 km west of the border. By order his outpost was transferred to a point 1 km southwest of Khulat-Ulan-obo.
38533 The border ran from Eris in a straight line to Khulat, and from there straight northwest to Nomonhan.

During his service the outpost was subjected to repeated attacks from Jap detachments (Bargut) and units of Jap forces. On the night of May 11 a temporary patrol of 20 men under the command of Tsedjipa was sent to the area 6 km southwest of Nomonhan. At about 8 AM a Japanese cavalry detachment of 300 armed with machine guns and sub-machine guns, rifles and grenades, accompanied by 4 trucks, crossed the frontier at Nomonhan and attacked the outpost. During the fighting 2 soldiers were killed, 1 wounded and 3 horses were killed. Under pressure of superior forces the patrol was forced to retreat into Mongolian territory. The Jap unit advanced 20 km into Mongolia but was stopped at Nuren-obo, 18 km south of Nomonhan by the reserve guards that arrived, and toward the evening of May 12 were driven back on their territory.
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On May 14 he received a report stating that at 5 AM a Jap cavalry unit of 600 armed like the previous one and accompanied by 10 trucks, had crossed at Nomonhan and was moving into Mongolia along the right bank of the river. He with * 40 men went to the Dunggu-obo area, 15 km southwest of Nomonhan, leaving part of his personnel under Tsedjip's command. At Dunggu they were engaged with the Jap vanguard. He succeeded in slowing
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38535 down the enemy advance. The enemy was stopped by the reserves on the border of Dungar-obo-Nuran-obo, and was forced to take to the defensive. On May 15 at 10 AM there appeared 5 Jap bombers from the east which crossed the frontier and for 30 km raided the outpost near Lake Samburin by dropping 65 bombs. After that the planes machined the outpost at a low flight. As a result 3 men were killed and 25 wounded.

38536 On May 15 at 1700 the patrols reported that at Khulat 2 cavalry regiments and a tank and 7 armored cars crossed the frontier. Following these * 90 trucks with infantry crossed. The units advanced into Mongolia toward Nuren, where they joined the unit which had crossed on May 14 and was occupying defensive position at the border of Dungur and Nuren. The Mongolian reserves were forced to retreat to the west bank of the river but later units of the Mongolian army came to assist and the Japs cavalry units were thrown back into adjacent territory.

38537 From May 15 to 28 his outpost was subjected several times a day to air raids by Jap aircraft. On May 22 his deputy Tsedjip was killed and 6 guards wounded. After the deputy was killed his post was filled * by Nanzat. On June 5 the witness received an order to transfer his post to an area 1 km southwest of Khalat. On June 7 he moved.

38538 On June 28 at 8 AM he sent a patrol of 5 under Nanzat to take positions 4 km southwest of Khulat and guard the frontier. About noon the man on duty heard firing in the area where the patrol had been sent. When the witness arrived Nanzat reported that a group of 8 Jap cavalry had violated the frontier and made a surprise attack against the patrol. During the engagement the patrol killed 6 Jap soldiers, 1 officer was taken prisoner and one escaped. The dead were all Japs and were wearing Jap army uniforms. The officer * stated that his detachment had been sent out for reconnaissance and that it was part of the Jap troop unit.

38539 *On June 29 at 10 AM the guard notice a cavalry group of 30 crossing the frontier in the area 2 km south of Mt. Khylat and moving towards the outpost. The alarm having been sounded, the outpost personnel took positions of defense. The cavalry group at about 700 m from outpost dismounted and attacked. During the engagement, 1 Jap was killed and 1 taken prisoner. The others hurriedly retreated. His personnel pursued the retreating Japs to the border and in strict obedience to the order of their command that under no circumstance should there be any violation of the border, stopped. Both the dead man and the prisoner were Japs and wore the Jap uniform

38540 Together with attacks by land forces, from June 29 air raids by Jap aircraft*became more frequent. On June 30 at 10 AM there was a report from a patrol 3 km northwest of Khulat that a column of troops was moving along the road leading from Djindjim towards the frontier. It was preceded by 8 tanks and 4 armored cars, which were followed by an

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38540 infantry regiment behind which horse-drawn artillery was moving. He prepared his outpost for defense. The witness and Nanzat occupied an observation point and proceeded to observe the advance. He noticed that the column was moving towards his outpost. From 1 km he saw the marching order of the Jap infantry wearing summer uniforms. At Khulat the tanks were the first to cross the frontier, and at a distance of about 8-900 m they opened machine gun fire. The witness decided to retreat south.

38541 Having gone in that direction * he observed the movement of the column. The personnel under Nanzat retreated and occupied defensive positions 12 km south of Khulat. He saw that following the tanks the infantry with artillery crossed the frontier, occupied the outpost and continued moving into Mongolia to the southwest. Having gone 15-16 km into Mongolia the column took up a position on the east bank of the river. That evening he received an order from his superior and proceeded to carry out another task.

38542 *Exhibit 3862A was a sketch map which correctly showed the border of the MPR. It also correctly showed the places at which clashes occurred at the beginning of fighting. *The east bank of the river was 15, 20

38544 or 22 km in the direction of the border monuments, Ers Ulya, Huld Ulyn and Nomonhan. They had sent out daily more than 10 patrols to guard

38545 the border line. *The distance between the border and the east bank of the river was rather long, and Jap trespassers could not penetrate for a long distance because the guards would have detained them near the border and not on the east bank of the river. In October 1938 when the patrol was 6 km from Taliymanhan, which was 6 km from the border, 30

38546 Japs in cars violated the border and were driven back into their territory. The testimony of MITSUI was not trustworthy. He did not know whether this MITSUI was in the group of 30 mentioned, but if he was not, the witness did not know of any other case of border violation.

Cross-Examination by Mr. Blakeney

38547 The witness stated he did not know Russian. He served in his sector for a long time and therefore knew the area well. Even without knowing Russian, he could read the map very well. Being an officer * he understood maps and could read them. This map was drawn by another person under his direct instructions. He didn't know the name of the person who made the map. The map was drawn in Ulan Bator in 1946 and after his affidavit was drawn. As he didn't see the man personally he did not

38548 know his nationality, whether he was a Mongol * or not. After his affidavit had been administered he was shown this map.

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*The witness could read classical Mongolian and modern Mongolian and also write it. As to Russian, he was not very fluent but could read a little, especially military terms, but didn't speak it. *He read the affidavit himself, and it was also read to him. That is what he said in his affidavit.

38552 Nomonhan is located on the bank of the Khalkin-gol river. It is an obo, called Nomonhan-Burd obo. There are two obos and the border line runs between them. The area around Nomonhan was covered with small hills called barkhans, and there were also plains in the area. The obo itself was situated on top of a hill near the river. He couldn't tell the elevation of the hills from sea level but the height * of the hills was 40-50 m and near Nomonhan the height was 45 m. Near the river it was low country but the Nomonhan area had small swamps and ravines. * His tenure at Samburin began in June 1938 and from that time he became familiar with that part of the country. He did not know it before. From June 1938 to June 30, 1939, he served in units in this area, and after that he was transferred to another place and did not participate in the last phase of the fighting. At the beginning he was there and participated. * He still served in that sector but in July-August 1939 he was transferred inland and received another mission. After August he returned to that sector and was still working there. He had last seen that area in September 1947.

38555 Before the fighting this sector was marked by bordermarks--Nomonhan Ulyn and Ers Ulyn. In the area of Nomonhan there were two obos between which the border ran. These were made of earth and on the top of them were poles. *Huld and Ers were also made of stones and there were poles on top of them. This was prior to hostilities. Between the 3 obos there were certain places by the border could be determined. Between Eris and Huld there were small hills on top of which the border ran. Starting from Huld they were Harulinogo, Nogantolgy, Mahurinmanhan and they ran from Huld to Nomonhan. From Eris to Nomonhan there were Gunzalgan, Oboto, Huruntulge and Otorinmanlan. In addition, in certain places where orientation was difficult, there were poles which facilitated orientation. There were no poles the whole length of the border. There were only separate places where it was difficult to determine where the border passed, and there were poles on top of obos. Those poles were over 2 m. He would say they were more than 20 cm thick. The poles between obos bore numbers in numerical succession and those on top of obos had the * inscription The Mongolian Peoples Republic. On markers between obos there were no inscriptions except numbers in numerical succession. The markers were not placed in any strict order, and it would be pretty hard to say whether they ran from south to north or otherwise. They were placed in some places between the obos. There were more than 10. * In June 1938 the markers were all there, but in the course of hostilities there were cases when the Japs destroyed them or carried them away. After hostilities stopped, from 1940, in accord with the agreement on redemarcation of the border, special markers were established. As to the markers

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- 38558 atop obos, they had been there a very long time, but when they were first set up and under what agreement and by whom he had no knowledge. The markers between obos served for orientation and were set up when necessary. * The markers were there in March 1939. He had stated previously between obos there were markers which were at a distance sometimes of 1½ km, and sometimes even more. *Upon these markers there were numbers in succession written in old Mongolian figures. The poles on top of obos bore the inscription Mongolian Peoples Republic.
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- 38561 *The border between the MPR and Manchuria remained the same as it was prior to hostilities in the Nomonhan area. In accordance with the agreement redemarcation of the border took place. There were no changes whatsoever.
- 38562 The eastern bank of the Halha River was * always guarded by Mongolian border guards, and the outpost of the detachment was on the west bank and the patrols sent out were on the east bank. After June 5, 1939 when the cases of violations by Japs and Manchurians became more frequent, in accord with his instructions the outpost was transferred to Huld.
- 38563 The east bank * of the river was guarded by Mongolian guards from olden times. They did not appear on the east bank when the cases of violation became frequent.
- 38565 * In his affidavit there was not a word that on May 11 there were regular Mongolian forces on the east bank. On May 11 there were only border guard units and reserves on the east bank to block the Jap advance. The unit sent on May 11 was a border guard patrol and it was sent to guard the border. *Patrols were sent there not only on May 11 but before and after that date. That was a usual procedure and they were sent to other places as well. The date May 11 was pointed out in connection with violation of the border. *A large force of Japs attacked Mongolia specifically on that date. Violations by Japs took place even earlier. Since December 1938 small Jap groups frequently violated the border, invaded Mongolia, and there were small-scale incidents. But the first violation by a large force occurred on May 11. * The Jap forces which invaded and were repelled were unable to cross the river. It was only on May 14 and 15 when the guards under pressure of overwhelming forces were forced to withdraw to the west bank, that the Jap troops seized territory up to the east bank. During the fighting of May 14 and 15 the outpost had 200 in the fighting, and also a reserve unit sent out by the detachment of 100. That made their strength 300 and this force blocked the way of the Jap invaders. *They had no reinforcements that day from the regular army. They received reinforcements from the regular army on May 20. He couldn't tell the exact number of them but it was approximately 2 squadrons. * He believed a squadron had over 100 men. The first Soviet units arrived at the scene on May 23-24. He didn't know their strength. These first units didn't have tanks but had armored cars. Subsequently there were tanks, artillery and infantry. At the beginning
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38570 there were no soviet aircraft. When large-scale operations began there were Soviet aircraft. The first blow was dealt to the Japs on May 28-29
38571 and finally they were repulsed * at the end of July and in August. *The Soviet air force took part in operations on May 28-29, and were engaged in fighting Jap aircraft. They did not bomb the Jap installations.

38572 His rank at the time was Junior Lieutenant. * He had under his command at the time about 200 men. The Mongolian military units were in their own territory in the course of fighting and he could state that not a single time did they cross the border. They were on their own territory during the fighting as well as before.

38573 Redirect Examination by General Vasiliev

38574 *He stated that when he testified as to the map attached to his affidavit he was apparently misunderstood. In December 1946 when he gave his testimony there was a large map and he marked on the map when, where and in what direction the Jap and Manchurian forces violated the border. He marked all events on that map and marked the position of the Mongolian troops. When giving his testimony he asked to have this map traced in order to facilitate the use of his affidavit and that the * tracing be made as a sketch map. One of the personnel was authorized to make the tracing on a separate sketch map. That was done, and the sketch map was shown to him so he could see that it fully corresponded to what he marked.

38575 *He understood defense counsel's question on post hostility changes to refer only the witness's sector, that is the 3 obos and he replied that there were no changes. In the neighboring sector to the west, the border was changed and it was established closer to the river.

38576 *Exhibit 3863 showed that KUMAGAI, Toshio was a 3rd class secretary in the Police Bureau of the Home Ministry when SATO's speeches, Exhibit 2235 were delivered.

38577 *Exhibit 3864, affidavit of KUMAGAI, Toshio, offered by the defense,
38578 state that * when conferences of Chiefs of Prefectural police were held at the Home Office, people from various circles were often requested to give lectures on current questions. SATO, then Chief of Press Section War Ministry was invited by the Bureau to give a lecture at the police chiefs conference on the actual state of the China affair so that the chiefs might be able to dispel rumors by use of the information given.

38579 *Two lectures were given. After the lectures, the witness jotted down roughly about 100 pages which he arranged in about 50-60 pages. SATO spoke very fast and he remembered finding it extremely hard to take notes of what he said. Exhibit 2235 was not reviewed by SATO. The responsibility for the wording of the document rested with the witness.

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38583 *Exhibit 3865, Report of General Martin, September 1940, gave a de-
 to tailed account of the events that transpired in French Indo China from
 38585 September 22, 1940 to September 25, 1940.

DEFENSE SURREBUTTAL

38600 *Exhibit 3866, excerpt from the SAIONJI-HARADA Memoirs, October 24,
 1933 stated that in general outline of the 5 Ministers conference held on
 October 25 was given by the premier for transmittal to SAIONJI. In inter-
 national relations, measures were to be taken for consummating Japan's
 plans peacefully by diplomacy. They must endeavor as much as possible to
 avoid collison. On national defense expenditures, they must be adjusted
 to national resources so that Japan might not suffer from threats of
 others or be held in contempt by others. On domestic problems with each
 ministry devoting its efforts to solving difficult issues, they would
 encourage deliberations among the ministers, plan for national stabili-
 ty and prepare for adequate national defense.

38616 *Exhibit 3867, Affidavit of General SHIMOMURA stated that on October
 8, 1942, orders were issued for a change in command of the 13th army.
 SAWADA was in Shanghai at the time while SHIMOMURA, commandant of the
 38617 army general staff college, was in Saitama engaged in maneuvers. The
 latter was immediately recalled to Tokyo and assigned as army commander.
 On October 9, 1942 the affiant made a courtesy call on Imperial hqs. He
 was told by the C/S that the Doolittle affair had been thoroughly inves-
 tigated and final decision had been made in Tokyo. As a result, there
 was nothing that Shanghai or Nanking could do about the decision except
 carry it out. As to the details and procedures of the trial he could
 get a report from the one responsible when he reached Shanghai.

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38621 *Exhibit 3868, excerpt from the SAWADA trial, showed that OKADA,
 Ruhuhei, testified he was a member of the 13th army in China, and in Aug-
 ust 1942 was serving as a member of the staff. He was appointed in Aug-
 ust to a military tribunal for the trial of the Doolittle fliers. He
 did not know the exact words Major HATA said but he first mentioned the
 names of the 8 fliers, the named the evidence and questioning of the
 38622 fliers. He said it was evident that they were * guilty under military
 law. He requested the death sentence.

38639 Exhibit 3869, excerpt from the SAIONJI-HARADA Memoirs, October 24,
 1933 stat that HIROTA said he desired to conduct matters so as not to
 arouse deiplomatic difficulties. He wondered if the time wasn't coming
 when US would recognize Russia and, with China would subject Japan to an
 ordeal like the Washington Conference. To prevent Japan from being con-
 fronted with such a situation, they must act now on Japan's relations

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- 38659 with US, China and Russia. To bring the Manchurian problem to a solution Russia must be handled harmoniously and existing issues settled. These were the Chinese Eastern Railway and armaments. There was no other recourse than to settle the Simla conference and improve relations with Britain.
- 38644 *Exhibit 3870A, excerpt from the SAIONJI-HARADA Memoirs, August 29, 1934, stated the premier stated that HIROTA strongly asserted that in Anglo relations it would be unreasonable to have Britain possess only the same amount as Japan. Even if there were a difference of 60 or 70,000 tons, or several more, it would be well if there were no protest. He didn't want to irritate Britain but desired to be on friendly terms. He said the first problem was abrogation. Japan was abrogating the Washington treaty because she wanted to go her own way. He suggested a mutual abrogation instead of having just one country do it. If the other parties did not agree, Japan would be forced to do it alone. In Anglo-Japanese relations he wanted to handle matters so there was room for compromise.
- 38645 *He thought the navy minister would agree. HIROTA said he told the premier that he could not accept future responsibilities if he were told to carry out strait-laced diplomacy. The only solution would be to resign. If he were allowed a small leeway he would cooperate as much as possible. These were grave times and he favored conferences in the Imperial presence. The premier replied that such conferences were very dangerous. The cabinet wanted to handle this on its own responsibility.
- 38646 *Exhibit 3871, excerpt from the SAIONJI-HARADA Memoirs, August 20, 1934, stated that HIROTA said the navy minister seemed to have calmed down the young officers, saying they might feel assured for the government was firm in determination. HIROTA's plan for naval disarmament was to realize the demand for parity. Some people claimed of necessity a prolonged term and suggested a 10 or 12 year term to be first proposed and then to be cut to 6 years. If they wished to reach an agreement at all, HIROTA hoped they would go about it fully ready to make concessions if necessary.
- 38649 *Exhibit 3872 A, excerpt from the SAIONJI-HARADA Memoirs, Chapter 155, stated that HIROTA said the railroad negotiations were being carried on very slowly. As to the conference in London, the disarmament plan had been drafted, but the US and Britain could not openly oppose Japan's plan. They were changing their course toward a political standpoint. Apart from this problem, the ministry was trying to bring about a rapprochement with Britain. It would not come right out and make an alliance but it was going to form something like a 4 Power pact. At the present time MATSUDAIRA was making approaches to Britain. Those invested with full powers had been given instructions to suppress gradually the question of disarmament, and to take a calm attitude. * They were carrying out their instruction. The plans of rapprochement with England were of the utmost secrecy and were not even discussed in the cabinet.
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- 38651 Exhibit 3873A, excerpt from the SAIONJI-HARADA Memoirs, Chapter 161, stated that HIROTA said he was going to give a statement explaining Japan's abrogation of the Washington treaty and her intrinsic desire for naval disarmament so the world would understand Japan's true intentions. Around March next year various questions would crop up. They must first of all keep a sharp and careful watch on China's attitude. At the same time they must note that the powers were apprehensive lest Japan should on her abrogation of the Naval Disarmament * treaty, deal with China in her own free way. To dispel their misgivings, he would like to have a treaty concluded with China directly, thereby evincing forcibly the security of China's territorial integrity and clarifying Japan's true attitude.
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- 38655 *Exhibit 3874A, excerpt from the SAIONJI-HARADA Memoirs, chapter 246, stated that HIROTA said for the time being he would like to carry out a non-expanding settlement of this incident, but since any direct negotiations with the army have been unfavorable, he had been negotiating thru the navy minister. He would like to act without taking the army's feelings into too much consideration, but this was a very delicate problem.
- 38656 The fact that the interior * of the army was unsettled was very disadvantageous. Just after the incident occurred WACHI of the staff of the Tientsin army gave a report and objected very strongly to government actions. When the incident first arose, the Tientsin army believe that it could settle it by themselves. The government became greatly alarmed and tried to pass a bill to send 3 divisions. The Tientsin army became very indignant over it and strongly denounced the fact that the cabinet should become alarmed over the situation.
- Around the 24th to 26th, another trouble broke out in North China, and Japan's army was beaten by the Chinese. Angered by losses, the air corps had bombed the military installations around Peiping. This made the situation so difficult that greatest anxiety was felt about the future.
- 38658 *Exhibit 3875A, excerpt from Chapter 247 of the SAIONJI-Harada Memoirs, stated that on August 3, MATSUDAIRA, Chief secretary to the Lord Keeper said that on August 2 the C/S said to the Emperor that the
- 38659 army would send the troops as far as the Paoting line but would * not extend the battlefield further.
- 38671 *Exhibit 3876, excerpt from Chapter 257 of the SAIONJI-HARADA Memoirs, stated that HIROTA said they had an understanding with the other side that the terms would vary with the change of the war situation, but the junior army officers, ignorant of the circumstances, said the fault was with HIROTA, who had too early confided Japan's intention to the other side. He was annoyed to have the members of the staff, including KAGAWA, threatening that HIROTA should be killed or apprehended.
- 38672 *When KONOE told it to the war minister, the latter said that he would tell the chief of the second section beforehand to keep it secret, for

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38672 it would be troublesome if the middle-class officers should hear about it. Already, the junior officers, including KAGESA, were exceedingly angry to learn it.

38673 The minister and vice-minister of the navy said the fault was with the army. Both the army and navy once wanted to stop war as soon as possible, when the staff was so intent on a peace move thru Ctt that it pressed the foreign ministry for negotiation. Since then negotiations had been continued by HIRCTA. The three ministers, army navy and foreign, once a week dined together to talk about diplomacy and had arrived at a mutual understanding. Nothing would happen so long as the army was well controlled. They would argue for * HIROTA that the hitch had taken place because the army failed to inform the foreign ministry thru the premier of the change of operations plans according to the change of situation. They ought not to reproach HIRCTA only. HIRCTA had previously sought an understanding with the other side that Japan might present new terms, so there was no objection to submitting new stronger terms. Those who wanted to attack and exclude HIRCTA took the opportunity to cause trouble because they had an understanding with the other side that former terms corresponded to the then situation and would vary according to the change of the latter.

38675 *Exhibit 3877, excerpt from Chapter 260 of the SAICNJI-HARADA Memoirs, stated that HIROTA said as China failed to accept the proposal the Imperial Council arrived at a decision to launch into the alternative plan. This was told to the German Ambassador and he replied that there was nothing more to be done under the circumstances.

38677 *Exhibit 3878, excerpt from Chapter 338, of the SAIONJI-HARADA Memoirs, stated that KIDO, KCNCE and the Lord Keeper agreed that HIROTA was the number one candidate. HARADA was asked to sound out HIROTA's personal opinion. * On the 24th, HARADA visited SAIONJI and gave him a complete report that HIRCTA was number 1 candidate and UGAKI was number 2. HARADA met HIROTA and felt that HIROTA was undependable. There was an indication that he wanted to receive more concrete instructions from the Lord Keeper about forming the cabinet. They knew that HIROTA from a character and experience view was a very righteous man but he was a diplomat and very ignorant about internal affairs. He promised Hirota he would give the * matter careful consideration. On the 24th HARADA learned that feelings of ostracism against HIROTA were high at the staff. The army was starting an expulsion movement against him. HARADA told HIROTA the army was very clamorous and it would be advantageous in every respect if he would give a definite answer. HIROTA replied he was declining definitely and to so inform the Lord Keeper.

38683 Exhibit 3879, excerpt from KIDO's Diary, February 27, 1937, stated that HARADA called and KIDO was greatly surprised to learn that he was suffering from nervous prostration and the the left half of his body was semi-paralyzed.

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*Exhibit 3880, the affidavit of Dr. SASSA, Rempel, stated that he specialized in internal medicine only and was not a specialist in arteriosclerosis or diseases of the brain. He knew HARADA as a friend for many years but never treated him professionally until March 15, 1941. In reviewing his records he found that on March 15, 1941, HARADA told him that about two or 3 years before he experienced being suddenly reduced to a condition incurring difficulty in speaking. Dr. SASAKI came to examine him, as a result of which he was forbidden to take meat and to smoke. On March 8 he consulted Dr. KATSUNUMA of Nagoya University. The *diagnosis was cardiac weakness as a result of high blood pressure with fat heart. Prognosis was good continuous attention for 1 or 2 weeks necessary.

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During 1941 he treated HARADA on March 15, 1941, March 27, 1941, April 26 and May 31. The next time he saw him professionally was August 1942. On May 31, 1945, his condition changed for the worse. He sent for Dr. MURAYAMA and left for Oiso with him. He was seen yawning in the train. Half of his body was in bad condition and his tongue rather thick. When he got off at Oiso, he was unable to speak but could walk quite well. *Diagnosis was paresis of the right half part of body and there was fear of aphasia. Thrombosis of * the brain. From 1942 on Dr. SCNEDA was the doctor in charge of HARADA's case and MURAYAMA also treated him and each knew that the other was treating him.

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*Exhibit 3881, excerpt from the SAICNJI-HARADA Memoirs, December 27, 1937, stated that on the 23rd HARADA submitted to SAICNJI his reports. SAICNJI asked whether this German mediation was to be carried on by Germany or by some individuals. It seemed they should definitely punish the responsables for the bombardment of the British ship as it would likely open up a favorable way for subsequent diplomatic negotiations. SAICNJI was also greatly concerned about the reasons for and the manner of hurrying through these peace negotiations.

38703

*IPS document No. 3150-3360, excerpt from the SAICNJI-HARADA Memoirs, August 12, 1939, offered by the prosecution and received in evidence, stated that KIDO said that when he met KONO the latter said that although he believed that ARAKI would suffice for the succeeding cabinet, would it not be better to have HIROTA. When KIDO met HIROTA his opinions were very similar to those of the army and since HIROTA was optimistic and acted intelligently, he should do. It was beside the point whether HIROTA in the end would accept or not.

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*Exhibit 3882, deposition of ABO, Kiyotane, stated that in 1931 he was the navy minister in the 2nd WAKATSUKI cabinet and attended all the cabinet meeting until the cabinet resigned on December 10, 1931. Neither at the cabinet or elsewhere did he hear MINAMI say it was better for Japan to withdraw from the League, or there was no need of paying deference to the League or that should Japan be determined to wage war against

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- 38707 the whole world this could be done. If there was any discrepancy between the words of SHIDEHARA and the Memoirs of HARADA, he would believe implicitly in * SHIDEHARA.
- 38708
- 38710 *Exhibit 3883, affidavit of ISHIWATA, Sotaro, stated that he was chief secretary of the YONAI cabinet from January to July 1940. The resignations of the cabinet were tendered on July 16. On the 17th war vice minister ANAMI conveyed the view of the army as to filling the vacancies in the House of Peers. The witness refused saying that a decision had already been made by the cabinet. This was his first and last interview with ANAMI in those days. He was sure that on his visit MUTO was alone and was not accompanied by ANAMI. He often did not tell HARADA all the precise details of matters, as he believed that YONAI was not pleased to see him because of fear of HARADA's thoughtlessness and frivolity in speaking. MUTO, being a soldier and type of man who was always
- 38711 very careful about his choice of words, never said any- * thing to the effect that HATA would be asked or made to resign. He remembered that he said that HATA might be forced by circumstances to resign.
- 38714 *Exhibit 3884, affidavit of NAKAMURA, Masao, stated that he was a member of the Military Affairs Bureau from April 1940 to March 1943 and was under MUTO. In those days his duty was liaison with and reception of foreign attaches. With reference to an American officer calling on MUTO in early October, he recalled that a certain US officer attached to a regiment at Hirosaki, Captain Merrill, called to say farewell to MUTO as he was being transferred to the Philippines. The witness was present. This officer being quite a joyful and merry fellow, they had a very good
- 38715 impression * of him. MUTO was very busy and his interviews usually ended in about 5 minutes. This interview lasted an hour or so, and they both made straightforward remarks. He talked a good deal about his happy experiences in official and private life in Japan. His chat with MUTO was prolonged. During the talk, MUTO laid stress on the need of good will between Japan and the US under the prevailing taut circumstances. He repeatedly explained how he had been trying his best to bring about a peaceful conclusion of the negotiations. MUTO then referred to the issue of infringement on US rights in China by Japan's army during the hostilities as being one of the important reasons which interfered with
- 38716 the negotiations. *He mentioned that it was difficult to have the whole case understood through the explanations given by diplomats, but that such military personnel as Merrill could well understand the whole case. He asked him to explain to his superiors the situation. He said from such a mutual understanding of the military circles, the crisis of a collision could be averted. He further stated that in case this understanding could not be reached there were possibilities that it might expand into war and that was worrying him. He added half in jest that in case they arrived at that, since Merrill was going to Manila, they might meet again there. During this interview there was absolutely no state-

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38717 ment by MUTO that they would be fighting Japan in 6 weeks in Manila. In
38718 those days the whole staff, including MUTO, * had been trying their utmost
by order of TOJO to bring about a satisfactory conclusion of the negotia-
tions. This was still in the period in which no decisions whatsoever
had as yet been made. MUTO was the type of man whose utterances and be-
havior were based on common sense. It was impossible he should have
stated such an unscrupulous matter.

February 3, 1948

38722 *Exhibit 3885, the affidavit of HASPIMOTO, Gun stated that he was
38723 chief of the operational division * of the general staff from January
1938 to September 1939. He saw all telegrams sent or received by the
staff, or exchanged between the staff and military attaches or others in
foreign countries. The Foreign, war, and navy ministries used different
telegraphic codes. It was impossible to directly exchange telegrams be-
tween the staff and the ambassador in Germany, keeping such exchange
secret from the foreign office. In January or February 1939 no telegram
was sent from the staff to OSHIMA stating that the prerogative of diplo-
macy belonged to the Emperor. At that time the staff did not send any
telegram to OSHIMA concerning the question of strengthening the anti-
comintern pact, nor was any telegram received by the staff from OSHIMA.
38724 *Military attaches in foreign countries belonged directly to the staff.
In the negotiations for a treaty with Germany and Italy the staff never
sent in 1939 a draft of such a treaty by telegram to the attache in
Germany.

38725 *Exhibit 3886, affidavit of KAWABE, Torashiro, stated that he was in
Berlin From December 1, 1938 to February 1940 as military attache. OSHIMA
was the ambassador from October 1938 until October 1939. In Japan, since
telegraph codes of the three ministries were completely different, it
was technically impossible for the staff to send directly a telegram to
ambassadors in foreign countries. If telegrams were exchanged between
the staff and the ambassador, it must have taken place thru him as mili-
tary attache. In January or February 1939 no telegram was sent from the
Deputy C/S to OSHIMA stating that the supreme authority of diplomacy was
38726 rested in the Emperor...*At that time no telegrams were exchanged between
OSHIMA and the staff, secretly from the foreign office, concerning the
question of strengthening the anti-comintern pact. With respect to nego-
tiations for a Japan Germany Italy treaty, he as military attache never
submitted a draft of a treat to the German foreign office. During his
stay in Berlin no draft of a treaty was sent to him from the war ministry
or the staff. He was never ordered to submit such a draft to the German
foreign office.

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38729 *Exhibit 3887, affidavit of YAMAMOTO, Kumaichi, stated that he was appointed on September 2, 1940 director of the East-Asiatic department of the foreign office, and held concurrently as director of the American department since October 28, 1941. He was vice foreign minister from September 18, 1942 to October 31, 1947. As one of the highest responsible officials of the foreign office * he saw all important telegrams sent from OSPI"A to the foreign office. After the outbreak of the German-Russian war several reports arrived from OSHIMA that Germany desired a Jap attack on Soviet. He did not remember that OSHIMA ever advocated such an attack positively to Japan.

February 9, 1948

38750 *Exhibit 3888, excerpt from SAIONJI-HARADA Memoirs, April 18, 1939, stated that ARITA said he could not do any more and let it be compromise or anything else. The situation was favorable to sit tight. ARITA told this and IWAKURO seemed to be satisfied with the answer. IWAKURO had always supported KOISO but IWAKURO had been pressed by KOISO that since the
38715 situation * would not progress any further, it was absolutely unavoidable. IWAKURO had also calmed down.

38755 *Exhibit 3889, the affidavit of ISHIWATA, Sotaro, stated that from January 1939 to August 1939 he was minister of finance in the HIRANUMA cabinet. It was quite inconceivable that on the falsification of Chinese paper money, a member of the cabinet should have made a careless statement without any prior arrangement with the finance minister, As such
38756 minister he was never consulted * by KCISO on subjects of this kind. He did not remember KCISO making such a statement in the cabinet.

38766 *Exhibit 3890, affidavit of YAMAGATA, Arimitsu, stated that from October 1939 to the end of February 1941 he was on the staff of the 2nd section, and in March 1941 became aide-de-camp to the Emperor. When on the staff of the 2nd section, Fritz von Petersdorf, assistant German military attache called several times at the staff for information. He wanted information chiefly on the progress of hostilities in China, and, in return, gave information of the development of Germany's operations in Europe. He referred to the witness in his affidavit stating that
38767 YAMAGATA in reply to his question how the Japs intended to attack the Soviet showed him in silence the Vladovostock and Blagoveschensk directions on the map. *The real facts were entirely different. The witness was appointed aide to the Emperor in March 1941 serving until December 1944. During 1942 he did not serve at the staff. It was impossible for Petersdorf to visit him at the staff during that year. The 2nd section handled information. Affairs concerning operations were handled by the 1st section, and he was in no position to have any connection with the plan of anti-Soviet operations. That portion of Petersdorf's affidavit was utterly at variance with the facts.

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*Exhibit 3891, certificate of the Demobilization Office, stated that YAMAGATA, Arimitsu was appointed aide to the Emperor on March 1, 1941 and continued to serve until December 21, 1944.

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*Exhibit 3892, deposition of AKITA, Hiroshi, stated that he was chief of German section, general staff, 2nd section, intelligence from April 1941 to March 1943 as successor to YAMAGATA. KANDORI was his subordinate. In the deposition of von Petersdorf, his name was mentioned on matters concerning his having obtained information on the Soviet in 1941-2 from the general staff. If Petersdorf had obtained any information from the staff from March 1941 till his departure, there would have been no other way but to have obtained it thru the witness or his subordinate.

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As a matter of practice, Kretschmer used to come about twice a week for this purpose. It was only when * he was unable to come that Petersdorf used to come. Such occasions were extremely few. In such cases the witness did not meet him but KANDORI did. It was KANDORI's practice to report to the witness on the conversation that took place. So called intelligence was in gaining information from Germany about the European war and by Japan reporting on the Pacific war. It was very seldom that they furnished Germany information on the disposition of the Soviet Far Eastern army, its number, transportation, reserve forces. About the only time he remembered was when he was asked by Kretschmer once if there was any news on the transfer of a unit of the Far East Soviet Army to the western front. The witness inquired of the Russian section, but as there was no positive proof, he replied that he had no definite knowledge. It was true that Japan received from Germany samples of grenades and their construction * plan. These were not a present to the Emperor but to the staff. It was not true that the grenades were turned over to the staff in a solemn ceremony. To say that it was decided that these be used chiefly on the Manchurian front was absolutely unfounded.

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*Exhibit 3893, the deposition of URESHINO, Michinori, stated that from the outbreak of war in December 1941 until August 1945 he was with the 10th section of the army staff, which was in charge of shipping and railway transportation. Transportation from field operations to Japan was handled by the army staff. It was controlled by the director of transportation and communication, chief of shipping command and chief of shipping transportation command under C/S. POWS in POW camps in the field were controlled by the local commanders * under the supervision of the war minister. In transporting POWS to Japan proper under the control of the war minister, the war ministry made a request for their transportation to the staff and such sea-transportation was carried out at the responsibility of the staff. While aboard ship, the chief of PW camp or acting chief in charge came under the supervision of the war minister. However, as far as transportation including rations was concerned, he came under the staff. Exhibit 1965 was sent from the vice war minister and vice C/S in 1942 to the units concerned, because the relations between war ministry and staff on transportation of PWs from

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38773 the field to Japan required cooperation from both. It did not mean that the war minister issued an order with regard to staff affairs.

38780 *Exhibit 3895, affidavit of MATSUMOTO, Shun, stated he was vice foreign minister from November 1942 to October 1944. In the fall of 1942 the duties of the foreign ministry on managing matters for Japs in enemy countries became so onerous that the 2nd section of the Treaty Bureau was charged with drafting a plan for the establishment of a bureau with specific responsibility for these matters. In November 1942 a plan was drawn for the bureau and in that month the bureau was established, beginning to function on December 1. Its title did not include the words

38781 *and enemy nationals residing in Japan. The bureau was a mere intra-ministry office. It was not a bureau under the government organization law but a mere administrative office and was only a semi-official office. Its name indicated its semi-official status. This bureau was one to which was designated matters already within the ministry, but it was not established by cabinet action which signified the assignment of new or different duties. It was established with the approval of the minister. No other approval was needed or obtained. The word "Kosaian" on Exhibit 3845 meant a draft submitted for approval of the higher officials within the ministry, which might be given by the minister or vice minister

38782 *according to the nature of the matter. The draft was approved by the minister. Such action did not, could not, and was not intended to assume new or expanded duties.

38783 During his tenure the bureau dealt with matters relating to Japs in enemy countries. Matters on treatment of enemy pows and internees, visits to camps, the bureau handled only in liaison with the authorities in charge, and as representative of the foreign ministry. The work of the bureau was the same as that theretofore conducted by the treaty bureau. He had been shown Exhibit 3898, a proposal relating to expansion of the bureau, which correctly stated the scope of the duties of that bureau as they were discharged during his tenure. Defense Exhibit 3897 was a circular sent by Minister SUZUKI, Chief of the bureau, to the directors of bureaus and chiefs of section of the ministry informing them of the change in the name of the bureau from that proposed in the original draft.

38784 *Exhibit 3896, entitled Liaison business relating to enemy nationals who are pows, internees or residents in camps under Japan's authority, stated that liaison business included the handling of outgoing communications to representations from enemy countries and other sources.

38785 *Exhibit 3897 stated that the commencement of the business of the bureau in charge of war-time internees had been notified. The name of the bureau had been changed to the bureau in charge of Japanese nationals in enemy countries.

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*Exhibit 3898, affidavit of SUZUKI, Tadakatsu, stated that the affiant was until August 1945 chief of the bureau in charge of Jap nationals in enemy countries established in December 1942. He held the post under SHIGEMITSU from April 1943 to April 1945, and under TOGO from April 1945 to August 1945. This bureau was in charge of matters on the protection of Japs in enemy countries which was under the jurisdiction of the foreign minister, and formed part of his duties. Matters pertaining to pows in Jap hands belonged to the war minister, while matters concerning civilian internees in Japan belonged to the Home minister. In view of the collateral relations between the duties of his bureau to protect Japs in enemy countries * and the treatment of pows and internees in Jap hands, TANI who established the bureau as well as SHIGEMITSU and TOGO charged his bureau for convenience with the duty of transmitting requests for information and protests on pows and internees.

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SHIGEMITSU showed a special interest in the matter of pows and internees. He often mentioned that war was only temporary but humanity permanent. He always tried to live up to what SHIGEMITSU meant. A great difficulty was felt in realizing this idea due to complete lack of jurisdiction over pows and internees. When the foreign ministry was requested to supply information or had received protests against alleged ill-treatment, the foreign ministry had no means to make direct inspections or directly to collect information. When it was approached for permission to visit camps or send good to pows, the ministry had no competence to permit visits, or means to transport goods. The only thing it could do was transmit the requests to the competent authorities and await their action. In spite of this SHIGEMITSU ordered him to do his best to contribute to the amelioration of the treatment of pows, and in compliance with this he did his best.

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When a communication was made in regard to pows his bureau transmitted it to the competent authorities promptly and accurately as soon as translation had been made by official note and sometimes orally. Where replies were not received in due course, his bureau tried to press for them. To transmit or press orally, he often took advantage of conferences of officers in charge * regarding the protection of Japs in enemy countries held usually twice a month. They were attended by officials of the war, navy, home affairs, transportation, communication, finance and other ministries. From the war and navy ministries, officers of the Pow Information Bureau and the 2nd section of Naval affairs bureau joined the conferences. They were concerned with the duties of the foreign ministry to protect Japs in enemy countries, and on these occasions they were not at liberty to take up the matter of pows as such. He referred indirectly to pow matters in connection with the question of protecting Japs, or after the conferences, his subordinates or he talked privately with the officers in charge of these matters. Whenever the foreign ministry transmitted requests for information or a protest, it made efforts to see that * their treatment was improved. When Exhibit 2024 was received

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in February 1944, SHIGEMITSU called the attention of the war minister and ordered the affiant to avail himself of this protest for home consumption to assure better treatment of pows. He stated that affiant should call the attention of the competent authorities to this matter to correct the situation if the facts should happen to be in any way true, and to expedite the solution of the question of visits to camps which neutrals had frequently requested without result, to press for replies to unanswered inquiries and to facilitate solution of other matters. He tried to comply with this order. As a result, relief goods were accepted from the allied powers to distribute them among pows, relief funds were delivered to pows and internees, facility was given to send telegrams and steps were taken towards solving the question of permission to visit camps in occupied territories.

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*In calling attention of the authorities on pows, SHIGEMITSU ordered his staff to use as materials information from enemy sources even if not based on official protests. One instance was the telegram from SFICHIDA in Afghanistan, which was sent to the chief of Pow Information Bureau.

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As to pows, the foreign ministry had no competence over their treatment or to collect information about them. SHIGEMITSU thought of a plan in April or May 1944 to set up in the cabinet something like an international law and customs committee to have it discuss the question of pows. Dr. YAMAKAWA, ex-director of the treaty bureau and an authority on international law and affiant worked on this plan. The plan was to organize a committee under the premier consisting not only of members of the army and navy but of foreign ministry officials and authorities on international law, and have them study * war time international laws and customs and matters on pows. This plan was not successful and since the administration of pows was under army jurisdiction.

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SHIGEMITSU took up pow matters at the Supreme Council for the Direction of the War in October 1944. He pointed out that according to recent information from enemy sources, it was reported that Jap treatment of pows left much to be desired. He stated that the humanitarian treatment of pows had been a virtue of Japan and it was an important matter for Japan's international reputation and future relations. As it was a matter for regret if by any chance they had committed the slightest fault, he desired that direct be issued to the responsables so matters might be fully discussed. The Supreme Council was composed of the premier, army and navy ministers, the Chiefs of staff and foreign minister. Soon after *affiant was told by a liaison officer of the pow Information Bureau that it had sent its members to Pow camps and had instructed officers to be considerate in treatment.

SHIGEMITSU earnestly worked for the exchange of nationals resident abroad, as well as for transportation and distribution of US and British relief goods. He was successful in making the 2nd exchange of US and Japanese nationals in October 1943 at Port Marmagao. Then, large quan-

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38794 titles of relief goods were sent by exchange ship and distributed among the pows. When a request was made in 1943 by the US for the sending of relief goods from Vladivostok and for delivery to pows, SHIGEMITSU immediately transmitted the request to competent authorities and urged his subordinated to request the authorities to solve the matter. As a result
38795 *the request was granted and the goods sent first to Kobe, and then to China, Hong Kong, FIC, Singapore and elsewhere

As to permission for visits to pow camps in occupied territories, SHIGEMITSU made all possible efforts. Affiant tried under instructions from SHIGEMITSU, oral and by note, to obtain permission to visit the camps. The military made it a policy not to permit visits in occupied territory and did not readily comply. Neutrals several times requested permission and the ministry continued unceasingly to make the requests. As a result, in December 1944 the army consented to permit the Red Cross to visit the camps in the southern areas.

38796 TOGO, like SHIGEMITSU, had deep concern over the pow problem. He instructed affiant to transact such affairs with utmost care and to try to take * advantage of every opportunity to improve treatment from a humanitarian view. He exerted all his efforts in conformity with his instructions. Ever since TOGO became foreign minister the 2nd time, he was busily occupied with various important war problems. He did not fail to pay due attention to the treatment of pows. On June 3, 1945, the Swiss minister handed to TOGO a US protest on atrocities at Puerto Princesa on Palawan. TOGO immediately took steps to have it transmitted to the competent authorities and personally called the attention of ANAMI to the subject and urged him to accord fair and generous treatment to pows in general to which he got the latter's consent.

38797 Despite this attitude the war situation became very stringent rendering the management of pow questions increasingly difficult. * In the spring and summer 1945, the situation in the Philippines, Burma and other southern areas deteriorated. As the allies advance, the Japs retreated, and fresh protest began to be ledge on pows and internees. The foreign ministry transmitted them to the competent authorities. According to war ministry explanantions, as a result of the defeats, telegraphic communication between Tokyo and the front was very difficult and often impossible, and even when possible, the confusion at the front rendered investigation almost impossible. Accordingly despite frequent foreign ministry requests, the cases increased where they could not get sufficient answer satisfactory to the allies. The Awa Maru incident of April 1 occurred, exciting the military and adversely affecting the solution of the pow question. During SHIGEMITSU's time, affiant often saw the ministers of

38798 neutrals representing * enemy countries for liaison business. Under TOGO these ministers had evacuated to Karuizawa, and in accord with TOGO's instructions affiant often kept speedy contact with them by exchanging letters through courier or by going to Karuizawa, exercising all possible

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38798 efforts to meet the situation by using expedient measures in time of emergency.

In the meantime, the foreign ministry received from the military no information whatever on the trials of allied fliers such as took place in the middle of July 1945

38799 As to visits to POW camps in occupied areas by the Red Cross, TOGO tried to see its realization without delay, and regardless of the fact that by June 1945, the acceptance of conditions of reciprocity which had been imposed * upon permission for such visits had not yet been officially notified by all allied countries concerned, permission to visit camps in Thailand was notified to the Swiss on June 5. As for visits to camps in Singapore, there were some questions on the status of visitors and the selection of qualified persons, but affiant was informed by the military that the visit was actually made. As far as visits to the camps in Manila, the city was recaptured by the spring of 1945 and US nationals there liberated.

Direct Examination of UGAKI, Kazushige
By Mr. Mattice

38802 *The witness identified Exhibit 3899 as his affidavit and verified
38810 it. *The affidavit stated that the witness was foreign minister in the
1st Kono Cabinet from May 1938 til September 1938. ITAGAKI became war
minister early in June 1938 and remained in office after the witness re-
signed. He had read court exhibit 3457 at the request of ITAGAKI'S coun-
38811 sel. * At times proposals were submitted to the 5 Minister conference in
writing. On such occasions, on proposals having some relation to national
policy he used to sign the documents and hand them to his subordinates.
If any documents were held in the foreign ministry they were not true
originals unless they bore his signature.

38812 In the alleged measures to be taken in case of surrender of the pre-
sent Central government of China, decided July 8, 1938, such a decision
was highly improbable. The retirement of Chiang Kai-shek from public
life was mentioned as the fourth condition of surrender in item No. 3.
When UGAKI accepted his post he asked KONOE to cancel the KONOE state-
ment of January 16, 1938, when the occasion required and made this a
condition of acceptance. KONOE willingly accepted saying it was all right
to cancel it. There was no * reason for him to take up the question of
Chiang's retirement on July 8 long after he entered the cabinet. It was
an improbable thing.

With regard to the alleged strategy toward China in conformity with
the current situation under item 4, he did not remember that he ever made
such a decision. As for the item where he was to have China ruin itself
financially by acquiring Chinese funds abroad, he was at a loss as to
what it meant. In view of the attendance of the finance minister he could

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38812 not think that such a decision could have ever been made.

38813 As for the alleged policy to guide the establishment of a new Central Government of China under item 5, he believed it was improbable considering his ideas at that time. He never thought of the establishment of a new central government at that time, and devoted himself to solving the affair by establishing a Hankow government, which was a Chiang regime, and negotiating with it. He had no reason to consent to such a decision and would have strongly opposed such proposal if there were any. * If there were any such decision, he would have remembered it, and since he didn't he was sure that such question was not taken up at all at that time.

With regard to the alleged special commission on Chinese affairs under 12, neither a committee like that was ever set up nor any decision made by the conference. In view of the fact that the conference was not a legislative organ or anything else, it was absurd that an executive organ would be created under the jurisdiction of the 5 ministers conference.

As to the alleged outline for the establishment of the joint committee in item 15, since he had no idea of establishing a central government and felt they should carry out their national policy by respecting the Chiang government, there was no reason for having discussed such matter.

Cross-Examination by Judge Nyi

38814 *The witness stated that the 5 ministers conference was first instituted probably sometime in June 1938, but he had no exact recollection. Before that time there was no such thing as 5 ministers conference. He did not think there was anything of the kind in 1936. The situation was exactly as set forth in his affidavit. *When asked when a proposal came from another ministry and was approved by the conference, was it a usual practice that the bureaus or sections concerned in his ministry would have to read and study it, he replied not to study. Anything decided by the conference or cabinet was carried into effect if it related to foreign relations. There was no room for study after a decision was once made. The only procedure left was to carry it into effect or to find means of carrying it out. They no doubt read it. *There were no occasions in which copies were made, and if there were it would have been a very rare case. There might have been such a case, but if so, it was very rare. He would not be surprised if he were shown a document containing a 5 minister decision although it didn't bear his signature.

38817 The condition of his joining the KONOE cabinet was that the KONOE statement was to be retracted or cancelled if necessary, but such a necessity did not arise during his tenure. He never reminded KONOE as to why he delayed the * promised cancellation. The cancellation was not delayed.

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- 38817 It was up to the witness to decide when it was to be cancelled. When peace negotiations were formally under way, and depending upon their progress, the situation might have arisen in which the statement need be cancelled. At the same time the condition for such cancellation might not have arisen. When he became foreign minister, the non-recognition of Chian was already just a policy in name only. It merely existed as words. Actually, that was not the case because informal or private talks were already under way between Japan and the regime at Hankow. The foreign
- 38818 ministry handled the negotiations with the Hankow government. * There was a Jap consulate general in HongKong, and the Hankow government sent its emissaries there, and all telegrams were exchanged from that spot. At that stage they were just exchanging view, and he could not say that the negotiations were progressing favorably. In his estimation the prospects at the time, as he saw them, were favorable. They were not planning the campaign of H_{ankow} and Canton. The high command was of course moving troops. The fall of Hankow and Canton took place after his resignation. * He did not know that it took more than 10 months for Japan to reach from Nanking to Hankow. By establishing a Hankow government he meant to respect the dignity and prestige of the Hankow government.
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- 38820 *He had no connection with any matter within the jurisdiction of the high command. Whether the Canton government should be the office of negotiations was a question of national policy. But diplomacy and military operations must progress hand in hand. This was the established rule for the prosecution of any war. * Of course consultation would have been held on such matters with the high command. He made no mistake when he said he had never participated in any decision with regard to the establishment of a new central government or the joint committee. * He did
- 38823 not recognize Exhibit 269, * his report to the Emperor in which he said
- 38824 the opposite. There was a mistake about its source and authenticity. This consisted of materials for a private report. It contained raw materials to supply his mind with ideas on the basis of which he was to make a report. This was not the report. This document contained the opinions of the 1st section which drew it up as its opinions and as its desires as the views it wanted conveyed. The contents * did not represent his
- 38825 opinions and they were not the opinions he reported.* It represented only
- 38826 the views of that section and was submitted to him. The minister naturally would select appropriate material out of this particular document for preparing a report. He did not now remember whether a report of this nature was actually made to the throne.

- 38827 This was a section in the East Asiatic Affairs Bureau in charge of China affairs. Since the talks between the foreign ministry and the Hankow government were merely preliminary talks, this section was not informed. * In view of the possibility if subordinates were informed such information might leak out, it was only after preliminary arrangements had been completed and formal steps were to be taken that these subordinates were informed. He realized that a report to the Throne was a very

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38827 important thing. It was not a discussion at random or over teacups.

38828 *He never talked to ITAGAKI about operations.. Operations was a matter for the high command. He had to talk to him about the campaign in connection with other things which properly belonged to the war ministry but had no recollection. Their views were generally agreed but he had no recollection in detail. If there was any divergence, he might recall something, but since he didn't, he believed their views were generally the same. He did not know that on August 16, 1938, the cabinet adopted some of the 5 minister conference decisions. * He had no recollection that 6 of the decisions were so adopted. He did not recall that in this meeting he made a report on the conference. Whatever there might be in KIDO's diary, he could only say that KIDO had nothing to do with, and did not attend the 5 Ministers conference. The witness was 81 by Japanese reckoning.

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DIRECT EXAMINATION OF HOGEN, Shinsaku
By Mr. Blakeney

38837 *The witness identified Exhibit 3900 as his affidavit and verified
38838 it. * The affidavit stated that in 1941, the witness was assigned to the 2nd section European-Asiatic bureau, and served as secretary of the foreign ministry, acting as interpreter of all conversations between TOGO and Ott during October and November 1941. Memos of the conversations were prepared by him immediately after each conversation, and after being submitted to TOGO for correction, were recopied for filing. He did not remember the details of each conversation, but did remember the general outlines. He had been shown Exhibit 3835. This memo was not in his handwriting but the contents of the first 7 Jap pages conformed to his memory of the conversation. The last page, however, * dealing with the dispatch of KURUSU to Washington, contained matters not discussed at the time. The first knowledge which he had of the dispatch of KURUSU was after his departure on November 5, having never heard of the matter before either at a conversation with Ott or elsewhere. He remembered that the matter was discussed between TOGO and Ott on November 6 as was shown by Ott's report, Exhibit 3901, which was incorrect in particulars. The last page of Exhibit 3835 was a page of the memo of this conversation. In the conversation purported to be recorded in Exhibit 3835 there was no suggestion of abrogating the secret clause of the anti-comintern pact.

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38841 *Exhibit 3901, telegram from Ott, November 7, 1941, stat that TOGO to whom Ott had spoken about the sudden dispatch of KURUSU to Washington, explained that NOMURA had asked for the dispatch of an experienced professional diplomat to support him. The dispatch of KURUSU had been decided only recently, as he learned confidentially and as was proved also by his overhasty departure.

38846 *Exhibit 3902A, excerpt from Report of Activities for the Year 1941, was received in evidence.

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*Exhibit 3903, affidavit of TANAKA, Ryukichi, stated that the affiant was at the time of Chankufeng, commanding officer of the 25th Mountain Artillery of the 19th division. The only Jap artillery in the vicinity at any time consisted of rifles, 75 mm pack horse carried, and 15 cm short range mortars, except a battery of railroad artillery which came on August 8 to 8 km north of Kogi west of the river. It did not fire until August 9. All artillery remained west of the river, at no time crossed it, and no artillery positions were constructed east of the river. * When he returned to hqs at Ranan, Korea, 100 km from Chankufeng, all men and guns under his command returned with him leaving on the 15 cm mortars. When he returned to the west bank of the Tumen on July 31, at 5 AM, the 15 cm mortars were placed under his command as was the railroad artillery when it arrived.

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Prior to July 26, 1938, the only Japs in the vicinity east of the river consisted of 40 border guards, infantry, armed with nothing heavier than light machine guns. Other infantry crossed the river from the west to the east on July 26, but all were withdrawn west on July 27, and did not cross again until July 29 after the skirmish began. None of the latter took part in any hostilities until the am of July 31. The infantry at no time had any heavier armament than 37 mm anti-tank guns, * man carried and trench mortars, 75 mm, muzzle loading, short range and man carried.

When he returned on July 31, he saw two Russian tanks which had been disabled by the 15 cm mortars on the north slope well within Manchukuo even under the Russian claims. 3 more Russian tanks were disabled on the northwest slope of Bezyryannaya, also within Manchukuo under Russian Claims. All 5 remained on Manchukuo territory throughout the hostilities. In all, 10 Russian tanks crossed the border as claimed by the Russians into Manchukuo on July 31. When he arrived, Russian artillery was firing on objectives west of the river and several shells scored hits on his men and guns. Russian military headquarters was at Novokievsk, 20 km from Chang-ku-feng.

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*Exhibit 3904, affidavit of YANG, Mitsuji, stated that he visited the * area in October 1938 following the river from near Handagaya to Nomotsohrin without finding Mongolians on the right bank. From his 2 inspections he could testify that there were no border markers of any nature between obos, nor were there in either 1936 or 1938 any markers or poles on top of obos bearing inscriptions in Mongolian. A feature of that country was the extreme scarcity of wood. The country was steppe and there was nothing to obstruct the view except occasional small hills. In his tours he made various side trips and constantly examined the country with field glasses. He saw neither described markers on Nomonhan, Huld and Eris, nor poles or border marks of any description between them. *At Nomonhan there was a building of the Nomonhan branch of the Manchukuo police in which resided 7 or 8 police.

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He had traveled on other borders of the MPR but never had seen wooden border marks. On parts of the border which were marked with stone obos, they were erected in pairs. Nomonhan obo was a pair, but when they were used for marks the pairs were not confined to one pair but were continuous. During his 1938 trip he met Manchukuan cavalry, border guards or police at Handagaya, Nomotschirin, Amkoro and Nomonhan.

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*Exhibit 3905, affidavit of YOKOI, Tadamichi, stated that from May 1938 to July 28, 1939, he was chief of the Hailar Military Special Service detachment. Immediately after taking office, he made a trip through the east bank of the river to inspect condition. The country was a steppe area with undulating features, without trees, and a wide view was to be had. He made frequent excursions from some distance toward the river to * within a few km of it, inspecting the whole adjacent country. At that time he found Manchukuan or Jap units stationed in Assursum, Amkoro, Nomotschirin, Nomonhan, and Handagaya. He found no outer Mongolian guards at all on the east bank of the river. No one molested his party or attempted to prevent them from travelling in that area. He did not see any trace of border markers, either in the form of paired obos, except one pair at Nomonhan, or as wooden or other border monuments. Such markers were non-existent.

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*Exhibit 3906, affidavit of SUIBAYAMA, Kenshiro, stated that from March 1937 to July 1938 he was chief of the military affairs section, war ministry handling business relating to China affairs such as liaison with respect to policies between the ministry and the front. He had been shown Exhibit 3269 from which it appeared that UMEZU was reported to have gone to China, taking the outline of the * Imperial conference decision. This was quite incorrect. Other matters referred to such as that TERAUCHI requested the visit of the minister or vice-minister at Tientsin are untrue. It was true that UMEZU went to China at that time. Japan had decided upon a policy of undertaking through Trautmann negotiations with Chiang for peace. By order of the war minister, the witness drew up together with Director Bureau of Eastern Asiatic Affairs, and the chief of the 1st Military Affairs section of the navy, a plan for peace negotiations. The government meanwhile carried on discussions with Trautmann. Since it was feared that some disturbance might occur at the front if the plan was realized, it was considered it might be better if a preliminary understanding could be reached at the front. To carry out this intention, it was decided that UMEZU should be * sent to the China front. The witness accompanied him. They left on January 9, 1938 and visited various places in China, conveying the intention of the army authorities to army and division commanders. There was nothing conveyed to anyone in China of any intention of not dealing with Chiang. They had obtained agreement of the field commanders to the intent of attempting to make peace with Chiang through Trautmann, and were ready to return, convinced that no disturbance would occur among the field forces when on January 16 the KONOE declaration entirely nullified their work.

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Exhibit 3907, affidavit of SAITC, Yoshiye, stated that from July 1940 to July 1941 he was a foreign office counsellor and assisted MATSU oka on concluding the tripartite pact. According to the pact, in case any part was attacked by another power not involved in the European war or China incident at the conclusion of the pact, the remaining contractors should aid the party attacked by political, economic and military measures.

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*The problem of judging as to whether 1 of the contractors was attacked was a matter the various governments had to decide individually, and the commission incidental to the pact was not empowered to decide that. Japan never did authorize the commission to decide such matter. As a result of the pact, 3 commissions, the general, military and economic, were to be established in Tokyo, Berlin and Rome, but they were nothing more than liaison organs for the 3 governments and they were not authorized to decide matters binding their governments.

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*Exhibit 3908, affidavit of USAMI, Uzuhiko, stated that from November 11, 1938 to May 1940 he was counsellor of the Jap embassy in Germany. He helped OSHIMA in connections with negotiations for the tripartite pact. It was true that in reply to the directive concerning the negotiations, brought in February 1939 by ITC, OSHIMA and SHIRATORI submitted their opinions to ARITA in March. Late in March Arita in turn wired a new directive. It was not true that between the beginning and end of March ARITA sent a directive urging them to carry on the negotiations pursuant to the original directive.

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*Exhibit 3909, affidavit of MAEDA, Minoru, stated that from October 15, 1940 to May 15, 1942, as chief of 3rd section naval staff, he was in charge of collecting and arranging all information with reference to the navy. The navy was never informed by Germany, OSHIMA, the naval attache or any other naval personnel in Germany of any intention to use subs to massacre crews of * merchant vessels or to kill the surviving crew of ves-

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sels sunk by subs. The navy never received any report from anybody that OSHIMA had such talks with Hitler concerning the killing of crew members. He never heard anything discussed as to the intention of the naval au-
thorities to adopt such measure or that the navy committed such acts.

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*Exhibit 3910, affidavit of MATSUSHIMA, Shikao, stated that he was from April 1936 to November 1939 Director of the Trade Department, foreign office. Thereafter he was in Sweden as minister until March 1941. From then until May 1945 he was in Berlin as envoy at large for Europe principally in charge of economic matters. The Jap German Economic agreement on the exchange of goods between Japan and Germany, which included the matter of a 1 billion yen credit for 3 years, was signed in January 1943 by Ribbentrop and OSHIMA after negotiations of more than a year. He participated in the negotiations. OSHIMA talked from time to time with Ribbentrop about the matter, but routine negotiations were conducted almost exclusively between the witness and * Wiehl. He heard every detail of Ribbentrop-OSHIMA talks from OSHIMA and Wiehl. All proposals made by Japan were either approved by the foreign office beforehand or were in

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38876 accordance with their instructions. OSHIMA never made any proposal on his own without basing them on approval or instructions previously obtained. During these negotiations the witness often communicated instructions of the government on specific matters to Germany saying that they were personal proposals of OSHIMA, and that if Germany agreed, OSHIMA would try to persuade Japan to accept other demands. This was diplomatic tactics used to secure concessions from Germany. The contents of these talks were previously agreed between OSHIMA and the foreign office.

38877 The question of defining the sphere of application of the economic agreement was raised by Ribbentrop. On this * question OSHIMA and the witness conducted talks with Germany always after obtaining instructions. The signing of the agreement took place after full approval had been given by Japan beforehand.

38878 *Exhibit 3911, memo of Doenitz on a conference with Hitler, February 26, 1943, stated that Doenitz reported that NOMURA had mentioned that the Jap navy was planning to use its subs against merchant shipping and that it had asked OSHIMA and Ribbentrop * to request 2 German subs be put at Japan's disposal. He explained that nothing would be gained militarily by turning over the subs, since he did not believe that they could be produced in large numbers in Japan for material reasons. Hitler favored the idea of releasing 1 sub to the Japs because he had to make return shipments for rubber. If he found it difficult to carry out return shipments in high grade steel and finished products, it would be easier to deliver a sub. He would not decide until the demand had taken a more concrete form.

DIRECT EXAMINATION of SUZUKI, Tadakatsu
By Mr. Furness

38893 *The witness identified exhibit 3898, previously read as his affidavit and verified it.

Cross-Examination by Col. Mornane

38896 *He stated he thought it was possible to say that his bureau was established in connection with the passage in Article 1, Exhibit 76, referring to Jap subjects residing in foreign countries. Exhibit 3845 was prepared in the foreign office to obtain agreement within the ministry before * establishment of the bureau in charge of Jap nationals in enemy countries over which he presided. In the draft was a statement of date of explaining at cabinet meeting re internee and POW duties. He could not say whether the data was submitted to the cabinet. He thought probably it was not submitted. The establishment of his bureau was not in accord with the regulations governing the organization of the ministry, but was rather to unify and coordinate in 1 department business which had been handled by various bureaus and sections. These documents were prepared before the bureau was established and they were prepared before

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38898 his * time by his colleagues and he had no direct concern with them. When it was called to his attention that his name was mentioned in it, he said he did not say the document was prepared before his return in August that year. His began his work after arrangements had been completed within the ministry. It was only after that that he was approached to take over the job. When asked whether the statement in the document that on November 19, 1942, the ministry had already arranged with him was incorrect, * he said on seeing this draft he saw that it was approved on November 14, and he thought he was approached on the matter after that. He did not know how this document was handled or whether the data prepared for explanation at the cabinet was used or not. He couldn't say anything definite or positive about this.

38901 This document laid down the duties of his office in this bureau. *When asked whether the document didn't show that the duties of his office included looking after business relating to treatment of pows, he said unless he gave some explanations in detail he would not be able to give a definite reply. His bureau was unable to arrange for visits to pow camps, due to the fact that the army would not allow his people to visit those camps. By army he meant the war ministry. Very frequently there were long delays by the war ministry in answering protests transmitted by his bureau.

38902 *With respect to the protest referred to in his affidavit of February 1944 in regard to the Philippines, he was disturbed over the long delay. He thought he mentioned the matter to SHIGEMITSU at the time.

38903 *If his recollection were correct as to protests to which replies were delayed, provisional replies were made in the interim. When replies were made to long protests, replies were also made to protests as to

38904 which replies had been delayed. * When it was suggested that no written communication was made by the foreign to the war ministry in regard to this protest after March 27, 1943, he said he did not think there was such a case. There were many documents, and unless he was shown them, he could not give a definite reply. All communications were not necessarily referred to.

38905 *When asked about the delays involved in Exhibit 2024, he said he had not read the entire text but there were many questions involved, and the foreign office made contacts with all the various quarters concerned with the matter and did its best to draft a reply. He presumed there were delays. There were many cases where he pressed for replies to protests.

38906 *When very serious delays took place he brought the matter to the attention of the foreign minister. As for most of the work, he as the person in charge did his utmost to clear up the matter.

SHIGEMITSU ordered him to use material information from enemy sources with regard to securing better treatment of pows. These sources included broadcasts from enemy countries. It was possible to listen to broadcasts from overseas during the war on foreign office shortwave. The foreign

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38906 office was not monitoring shortwave broadcasts from other countries and
38907 distributing copies of the text to officers in the foreign office. * Not
only the foreign office, but also the war and navy offices had such facil-
ities. What the foreign office was able to hear with regard to pows, the
38908 foreign office utilized. *The foreign ministry had facilities in its own
premises to listen to broadcasts. The foreign office did in fact circu-
late transcripts of those broadcasts around the foreign office. They were
called to the attention of SHIGEMITSU

38909 SHIGEMITSU had very serious interests in the question of pows. His
plan was prevented because matters relating to pows were under the army.
Inasmuch as such matters were primarily and exclusively handled by the
army * departments outside the military could not on their own take up
the matter. He did not know whether the war minister himself refused the
plan. He did not think SHIGEMITSU discussed the matter in the cabinet.
As a result of SHIGEMITSU taking the matter up with the Supreme Council
considerable improvements were realized. Pow Information Bureau sent
personnel to the various areas and saw to it that improvements were effec-
tive. They received protests after October 1944.

38910 *During his whole time very fervent desires were expressed to obtain
permission for protecting powers to visit pow camps. He well understood
the importance of obtaining permission to visit pow camps and did every-
thing in his power to realize such visits. He knew that under article 36
of the Geneva Convention it was required that protecting powers should be
allowed to visit, but at the same time Japan had not ratified the Geneva
Convention. When the war began, Japan on its own declared its intention
38911 to apply the various terms of the treaty mutatis mutandis. * He brought
to SHIGEMITSU's attention that the protecting powers were clamoring for
permission to visit. He did not think SHIGEMITSU himself submitted any-
38912 thing of this kind to the cabinet. *If he had decided to do so, the wit-
ness would have had to prepare some statement of facts. He was not re-
38913 quired to prepare such a statement. *That SHIGEMITSU spoke to TCJO he
heard from SHIGEMITSU. According to Jap practice and custom one cannot
conceive of anything relating to pows being taken up by the cabinet un-
less that matter were submitted by the war minister. The witness never
discussed the matter with KIMURA at any of the conferences, nor with SATC.
SATC did not attend these conferences.

38914 *Once or twice the witness pow camps. He was specially permitted by
the army on those occasions. He visited the camp in Nagoya in the summer
of 1943. On conditions there there was nothing special to say. He did-
n't think SHIGEMITSU discussed with KOISC the treatment of pows.

Redirect Examination by Mr. Furness

38915 *He found nothing particular at Nagoya upon which complaints could
be based.

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EVIDENCE IN MITIGATION

38925 *Exhibit 3912, the affidavit of OKADA, Keisuke, stated that the witness was a senior statesman in 1944-5. Before the end of the TOJO cabinet he thought it necessary to have one who would identify himself with restoration of peace by terminating hostilities join the cabinet. He broached his idea to WAKATSUKI, KONOE, HIRANUMA and KIDO and obtained their approval. He tried to have YONAI reinstated and appointed navy minister to succeed SHIMADA, but this was in vain.

38926 His efforts were successful when the KOISO cabinet was formed. The so-called KCISO-YONAI coalition cabinet came into existence with YONAI appointed navy minister. * When the SUZUKI cabinet was formed on April 5, 1945, he did his best to have YONAI and TOGO join to restore peace by terminating hostilities, and they assumed those posts.

In April 1944 KIDO and he had a confidential talk about ending the war. The very nature of the subject required extreme caution. Their ideas coincided that efforts be made to end the hostilities as soon as possible, but that they would have to wait for an opportune moment. The affiant had previously discussed the matter with MATSUDAIRA and asked him to transmit his thoughts to KIDO. He had many talks with KIDO about early termination of the war.

38928 *Exhibit 3913, affidavit of HIRASE, Hisatada, stated that in February 1945 he was appointed minister without portfolio and chief secretary to the KCISO cabinet from which he resigned the same month. In August 1945 he was appointed Mayor of Tokyo. He had known KIDO intimately since 1938. He knew that KIDO had been watching for a long time for a chance to conclude the war, as may be seen from circumstances under which he tried to appoint YONAI, a pacifist, as vice premier in the KCISO cabinet, from the fact that during the term of that cabinet he repeatedly expressed his desire for an opportunity to realize peace, that he made efforts to form the cabinet of SUZUKI, a pacifist, and that he cooperated with YONAI, * in efforts to realize peace. The witness sometimes helped communicate between YONAI and KIDO. When KIDO had to communicate with YONAI in an informal way on the peace problem, the affiant immediately transmitted this to YONAI and obtained his consent. The two men worked for peace secretly under the circumstances in those days. After the war, YONAI said that KIDO was more responsible than any other for the conclusion of the war.

38930 Exhibit 3914, affidavit of HOSOKAWA, Morisada, stated that the witness married the daughter of KONOE, and as KONOE's son-in-law, he had many confidential private conversations with him. He was secretary to the premier in the 2nd and 3rd KONOE cabinets. During the war he acted as private secretary to KONOE and assumed the post of secretary to KONOE as minister without portfolio in the HIGASHIKUNI cabinet. KONOE told him that KIDO's efforts to terminate the war were magnificent. KONOE often paid this compliment to KIDO from the time *KONOE was chosen special envoy to the Soviet Union, to which he did not go.

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*Exhibit 3915, affidavit of ISHIKAWA, Sotaro, stated that affiant was Imperial Household minister from June 4 1945 to January 16, 1946. When on June 3, he was asked to become minister, KIDO spoke to him emphasizing the pressed war situation and the need of grasping the earliest possible chance for peace. After his appointment, he saw KIDO at least 2 or 3 times a week. KIDO told him he was firmly determined to bring the war to a close, and bravely, patiently and painfully fought opposition until the war was finally ended. He was one of the people who contributed most to quick realization * of capitulation.. In the desperate situation around July 20, KIDO prepared himself for any violence such as assassination that might be used by the army. He stated he hoped he might be spared until the war be successfully brought to a close. Feeling uncertainty he consulted the affiant 2 or 3 times about his possible successor if he should be killed. The person he had in mind was SHIDEHARA.

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*Since August KIDO and affiant had talked about requesting the Emperor to broadcast to keep to the minimum internal confusion that might follow capitulation. On August 11, KIDO said he had talked with the Emperor and the Emperor had told KIDO to consult affiant. He told KIDO he had no objection whatsoever to the plan. The affiant made the necessary arrangements for the broadcast.

On August 14, a unit of the Imperial Guards besieged the Household ministry and scattered some mimeographed bills. One of the items listed was to rid the throne of Lord Keeper who was a traitor trying to end the war. KIDO was on their black list. * The leader of the insurgent army tracked KIDO and affiant that night. They hid in the vault in the basement of the Household ministry. KIDO came there about 3:10 AM. KIDO said he was completely ready to be killed. General TANAKA fo the Eastern Area army forced the insurgent army to withdraw and KIDO and the affiant come out of the vault about 8 AM on the 15th.

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*Exhibit 2765B, the affidavit of General George C. Marshall, was admitted in evidence. *The affidavit stated that the reason he had said in his report to the President that there was no close strategic coordination between Japan and Germany was that evidence that the Japs gave Germany prior notice of Pearl Harbor had not come to his attention. There were great distances between the 2 theaters. The logistical factors and long period involved in shifting resources made close strategic coordination unnecessary to achieve a proportion of the * remuneration possible from it. The effect was achieved by dividing the allied attention and resources. The lack of close coordination was indicated by a question of whether Japan told Germany of her intention before December 7, the fact that Germany was fighting the Soviet, that Japan preserved strict neutrality to a large number of Soviet ships carrying US lend lease, Japan did not press her attack to the west beyond Burma to divert more allied resources, the fact there was no evidence of close cooperation on intelligence and operational information, Germany did not make a major effort in the Egyptian-Suez area coordinated with Jap pressure on India.

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