

Doc. No. 2593-D (23)

Item 25

From: Washington

To: Tokyo

30 November 1941 (2230 to 2238 EST)

Telephone Code

11-30-46

TransPacific
Radio Telephone

(NOTE: Following is a preliminary, condensed version of conversation between Ambassador Kurusu and the Japanese Foreign Office American Division Chief Yamamoto on Sunday night)

Kurusu: "It is all arranged for us to meet Hull tomorrow. We received a short one from you, didn't we? Well, we will meet him in regard to that. There is a longer one coming isn't there? In any case we are going to see him about the short one." (i.e. telegram. The longer one is probably Tokyo's reply to Mr. Hull's proposals.)

Yamamoto: "Yes, I see."

Kurusu: "The President is returning tomorrow. He is hurrying home."

Y: "Is there any special significance to this?"

K: "The newspapers have made much of the Premier's speech, and it is having strong repercussions here."

Y: "Is that so."

K: "Yes. It was a drastic statement he made. The newspapers carried large headlines over it: and the President seems to be returning because of it. There no doubt are other reasons, but this is the reason the newspapers are giving."

(Pause)

"Unless greater caution is exercised in speeches by the Premier and others, it puts us in a very difficult position. All of you over there must watch out about those ill-advised statements. Please tell Mr. Tani."

Y: "We are being careful."

K: "We here are doing our best, but these reports are seized upon by the correspondents and the worst features enlarged upon. Please caution the Premier, the Foreign

Minister, and others. Tell the Foreign Minister that we had expected to hear something different; some good word, but instead we got this." (i.e. Premier's speech)

(After a pause, Kurusu continues, using voice code)

K: "What about the internal situation?" (In Japan)

Y: "No particular - - (one or two words faded out)--."

K: "Are the Japanese-American negotiations to continue?"

Y: "Yes."

K: "You were very urgent about them before, weren't you; but now you want them to stretch out. We will need your help. Both the Premier and the Foreign Minister will need to change the tone of their speeches !!!!! Do you understand? Please all use more discretion."

Y: "When will you see them. The 2nd?"

K: "Let's see...this is Sunday midnight here. Tomorrow morning at ten. That will be Monday morning here."

(Pause)

"Actually the real problem we are up against is the effects of happenings in the South. You understand don't you?"

Y: "Yes. Yes. How long will it be before the President gets back?"

K: "I don't know exactly. According to news reports he started at 4:00 this afternoon. He should be here tomorrow morning sometime."

Y: "Well then - - Goodbye."

25497

JD-1: 6922

SECRET

(M) Navy trans. 30 Nov. 1941
(R-5)

Doc. No. 2593 (Certificate)

WAR DEPARTMENT
WAR DEPARTMENT GENERAL STAFF
INTELLIGENCE DIVISION
WASHINGTON, 25, D.C.

24 July 1946

I hereby certify that the attached photostats of Japanese messages have been intercepted by electric or physical means, decrypted, and translated by trained personnel of the War and Navy Departments, and are accurate and authentic to the best of my knowledge and belief insofar as it is humanly possible for an occidental accurately to translate Japanese script.

/s/ Carter W. Clarke

CARTER W. CLARKE
Colonel, G.S.C.

S E C R E T

From: Tokyo
To : Washington.
1 December 1941
(Purple-CA)

#865

Re my #857*.

1. The date set in my message #812** has come and gone, and the situation continues to be increasingly critical. However, to prevent the United States from becoming unduly suspicious we have been advising the press and others that though there are some wide differences between Japan and the United States, the negotiations are continuing. (The above is for only your information).

2. We have decided to withhold submitting the note to the U.S. Ambassador to Tokyo as suggested by you at the end of your message #1124***. Please make the necessary representations at your end only.

3. There are reports here that the President's sudden return to the capital is an effect of Premier Tojo's statement. We have an idea that the President did so because of his concern over the critical Far Eastern situation. Please make investigations into this matter.

*JD-1: 6921. (SIS #25496)

**JD-1: 6710. (SIS #25138)

***Not available.

25605

JD-1: 6983

S E C R E T

(D) Navy Trans.
12-1-41 (S-TT)

COPY

S E C R E T

Doc. No. 2593 (Certificate)

WAR DEPARTMENT
WAR DEPARTMENT GENERAL STAFF
INTELLIGENCE DIVISION
WASHINGTON, 25, D.C.

24 July 1946

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/s/ Carter W. Clarke

CARTER W. CLARKE
Colonel, G.S.C.

Item 32

SECRET

From: Tokyo (Togo)

To: Havana

December 2, 1941

J19-K9

Circular #2445

Strictly Secret.

Take great pains that this does not leak out.
You are to take the following measures immediately:

1. With the exception of one copy of the O^a and L^b code, you are to burn all telegraph codes (this includes the code books for communication between the three departments and the code books for Army and Navy communication.

2. As soon as you have completed this operation, wire the one word Haruna.

3. Burn all secret documents and the work sheets on this message.

4. Be especially careful not to arouse the suspicion of those on the outside. Confidential documents are all to be given the same handling.

The above is preparatory to an emergency situation and is for your information alone. Remain calm --- --- ---.

Also sent to Ottawa, Vancouver, Panama, Los Angeles, Honolulu, Seattle and Portland.

a - PA-K2 system.

b - LA system.

ARMY

25879

SECRET

Trans. 12/8/41 (3)

Doc. No. 2593 (Certificate)

WAR DEPARTMENT
WAR DEPARTMENT GENERAL STAFF
INTELLIGENCE DIVISION
WASHINGTON, 25, D.C.

24 July 1946

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/s/ Carter W. Clarke

CARTER W. CLARKE
Colonel, G.S.C.

Doc. No. 1532-D (11)

Page 1

Item 207

Telegram No. 875 (Ambassador Code)

To: Ambassador NOMURA (Washington, U.S.A.)

From: Foreign Minister TOGO

Despatched 3 Dec. 1941
9:30 P.M.

Most Urgent.

Re: American-Japanese Negotiations.

Referring to your telegram No. 1232, we request that you will respond to the American side with the following purport.

We consider the rumor concerning the increase and strengthening of our troops in French Indo-China to be caused from reports exaggerating the facts of our increasing and strengthening of troops, in parts of northern French Indo-China, providing against Chinese troops which have been carrying on repeated activities recently on the French Indo-China and China borders; and, that in connection with this, of the troop movements of the southern area which was just natural.

We have never crossed the limits of the Franco-Japanese Joint Defense Protocol.

1213

Doc. No. 2593-D (34)

page 1

Item 37

SECRET

From: Washington (Nomura)

To: Tokyo

December 3, 1941

Purple (Urgent)

#1256.

Re your 875^a.

I received your reply immediately. I presume, of course, that this reply was a result of consultations and profound consideration. The United States Government is attaching a great deal of importance on this reply. Especially since the President issued his statement yesterday, it is being rumored among the journalists that this reply is to be the key deciding whether there will be war or peace between Japan and the United States. There is no saying but what the United States Government will take a bold step depending upon how our reply is made. If it is really the intention of our government to arrive at a settlement, the explanation you give, I am afraid, would neither satisfy them nor prevent them taking the bold step referred to - even if your reply is made for the mere purpose of keeping the negotiations going. Therefore, in view of what has been elucidated in our proposal which I submitted to the President on November 10th, I would like to get a reply which gives a clearer impression of our peaceful intentions. Will you, therefore, reconsider this question with this in mind and wire me at once.

a - See S.I.S. #25725 - Explanation of Japan's increase of their forces in French Indo-China.

ARMY 25849

JD 7128

Trans. 12/7/41 (1)

SECRET

Doc. No. 2593 (Certificate)

WAR DEPARTMENT
WAR DEPARTMENT GENERAL STAFF
INTELLIGENCE DIVISION
WASHINGTON, 25, D.C.

24 July 1946

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/s/ Carter W. Clarke

CARTER W. CLARKE
Colonel, G.S.C.

Item 27

SECRET

Tokyo-Washington

#866

30 November 1941

VERY URGENT

*Kwa
Renner*

The alleged speech of premier TOJO which has created discussion was composed by the business office of the ASIA Development League (KOA DOMEI) as a congratulatory address for the celebration under the auspices of that league on the first anniversary of the conclusion of the basic SINO-JAPANESE treaty on 30 November. But the 30th being a Sunday there were no evening edition of the papers. So it was handed over on the evening of the 29th at the request of the newspaper reporters by said business office without any inspection on the part of the premier or any other government official, and was published just as written.

The truth is that the premier himself made no speech at all on the 30th, and neither the premier nor any government official knew anything at all about this manuscript. We have devised necessary measures to be taken against the ASIA Development League because of this fact.

Now in the translation when we find the English words, "for the honor and pride of mankind we just purge this sort of practice from east Asia with vengeance," the original text reads: "Jinrui no meiyo no tame ni jinrui no kyoji no tame ni danjite kore wo tettei-teki ni haigeki seneba naranu," for your information.

Trans. #542, 1227

SECRET

Trans. 7 January 1946

Doc. No. 2593 (Certificate)

WAR DEPARTMENT
WAR DEPARTMENT GENERAL STAFF
INTELLIGENCE DIVISION
WASHINGTON, 25, D.C.

24 JULY 1946

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/s/ Carter W. Clarke

CARTER W. CLARKE
Colonel, G.S.C.

Extract from Foreign Relations of the United States-Japan
1931-1941 Vol. II

Page 784

Statement handed by the Japanese Ambassador (Nomura) to
the Secretary of State on December 5, 1941

Reference is made to your enquiry about the intention of the Japanese Government with regard to the reported movements of Japanese troops in French Indo-China. Under instructions from Tokyo I wish to inform you as follows:

As Chinese troops have recently shown frequent signs of movements along the northern frontier of French Indo-China bordering on China, Japanese troops, with the object of mainly taking precautionary measures, have been reinforced to a certain extent in the northern part of French Indo-China. As a natural sequence of this step, certain movements have been made among the troops stationed in the southern part of the said territory. It seems that an exaggerated report has been made of these movements. It should be added that no measure has been taken on the part of the Japanese Government that may transgress the stipulations of the Protocol of Joint Defense between Japan and France.

Item 224

Cipher Telegram No. 901 (Ambassador's Code)

Sent: December 6, 1941 8:30 p.m.

To: Ambassador NOMURA in U.S.A.

From: Foreign Minister TOGO (6th of Dec. 1941)

In reference to: Outgoing Telegram No. 844

- 1) The government has given careful deliberation in the Imperial presence to the proposal of the U. S. of the 26th of NOV. and has decided upon the memorandum to America (in English) as per telegram No. 902.
- 2) It is possible that the receipt of the said memorandum in its entirety (to be telegraphed in 14 parts), will be delayed till tomorrow as it is long. However, as the situation at present is exceedingly delicate, it is hoped that the receipt of it will be kept strictly confidential for the time being.
- 3) Although the exact time for presenting the said memorandum to America will be telegraphed later, all necessary preparations, such as arranging documents, etc., should be made, upon receipt of the said memorandum, for presentation to America, so that it can be carried out as soon as instructions for such action is received.

1217

Item 226

Cipher Telegram No. 904 (Ambassador's Code)

Sent: December 6, 1941. 11:00 p.m.

TO: Ambassador NOMURA in U.S.A.

FROM: Foreign Minister TOGO (6th of Dec. 1941)

In reference to: Outgoing telegram No. 902

Although it is not necessary to give this caution,
we trust that you will leave nothing to be desired in
keeping the memorandum strictly confidential, by absolutely
avoiding the use of 'typists' etc. in its preparation.

Secretary

Item 42

TOP SECRET

From: Tokyo

To: Washington

December 7, 1941

Purple (Urgent - Very Important)

#907. To be handled in government code.

Re my #902^a.

Will the Ambassador please submit to the United
States Government (if possible to the Secretary of State)
our reply to the United States at 1:00 p.m. on the 7th, your
time.

a - JD-1:7143 - text of Japanese reply.

ARMY 7145

25850

TOP SECRET

Trans. 12/7/41 (s)

Doc. No. 2593 (Certificate)

WAR DEPARTMENT
WAR DEPARTMENT GENERAL STAFF
INTELLIGENCE DIVISION
WASHINGTON, 25, D.C.

24 July 1946

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/s/ Carter W. Clarke

CARTER W. CLARKE
Colonel, G.S.C.

Item 41

From: Tokyo

To : (Circular)

7 December 1941

(Purple)

Circular #2499 (Part 1 of 3) (Part 2 not available).

In the event of international crisis following upon our pursuance of our national policy regarding the China affair, which was decided on at the liaison-conference held on November 13th, the following steps will be taken in China:

(1) British concessions - upon issuance of orders, the present force will occupy and take over these areas. However, every effort will be made to accomplish this end through the instrumentality of existing set-ups.

(2) Shanghai International Settlement and the Peking Legation compounds: Upon issuance of orders, our troops will take over these grounds, however, without exceeding their present strength they will make every effort to maintain order and avoid causing confusion.

Also this will be accomplished by the aid of the existings set-ups and their staffs as well as that of various important Chinese agencies.

(3) Amoy settlement: The same procedure as the above will be employed.

(Part 2 not available)

25937

JD-1: 7210

SECRET

(4) Navy Trans. 12-8-41 (6-AR)

Item 41

From: Tokyo.
To : (Circular)
7 December 1941
(Purple)

Circular #2499 (Part 3 of 3) (Part 2 not available).

Upon declaration of war by Japan, the Nanking government will not be directed to participate in war but will be directed to maintain close relations and absolute cooperation with Japan.

(10) In maintaining close relations with our country the Nanking Government will be directed and guided in strengthening its morale and organization so that it may help alleviate Japan's burden in participating in a protracted world war.

(11) Steps will be taken to propagate among the people through the cooperation of the Nanking Government, the true meaning of the present war, and to issue orders to maintain quiet and order among the general public.

(12) Regarding economic plans in China, with a view to retaining and increasing mutual economic self-sufficiency, the emphasis will be placed on the utilization of productive powers, solicitation of local capital and investments, increased production of commodities. For this purpose efforts of every department will be made use of.

Note: Those departments in the above category which are connected with the Nanking Government will continue to maintain even closer contact with that government.

25937

JD-1:

SECRET

(A) Navy Trans. 12-8-41
(6-AR)

Doc. No. 2593 (Certificate)

WAR DEPARTMENT
WAR DEPARTMENT GENERAL STAFF
INTELLIGENCE DIVISION
WASHINGTON, 25, D.C.

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WAR DEPARTMENT
WAR DEPARTMENT GENERAL STAFF
INTELLIGENCE DIVISION
WASHINGTON, D.C. /s/ Carter W. Clarke

CARTER W. CLARKE
Colonel, G.S.C.

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Extract from Foreign Relations of the United States-Japan
1931-1941, Vol. 11, page 734.

1941

President Roosevelt to the Secretary of State.
The White House, Washington (December 6, 1941).
Dear Cordell: Shoot this to Grew - I think it can go in
gray code-saves time-I don't mind if it gets picked up.

F.D.R.

TIME CHART

for December 6, 7, 8, 1941.

	<u>TOKYO TIME</u>	<u>PLACE</u>	<u>LOCAL TIME</u>	<u>EVENTS</u>
1.	<u>December</u> <u>7th</u> 0940	Washington	1940 - 6th	<u>American Press told telegram going to Emperor.</u>
2.	1000	Washington	2000 - 6th	Mr. Hull cables Mr. Grew that telegram on way
3.	1100	Washington	2100 - 6th	Mr. Hull sends President's message to Emperor to Mr. Grew; both Mr. Hull's cables marked " <u>Triple Priority</u> ". By President's order message sent in easily decipherable code.
4.	1200	Tokyo	1200 - 7th	<u>President's message received in Tokyo.</u>
5.	1500	Tokyo	1500 - 7th	U.S. Radio announces a message on the way.
6.	1800	Tokyo	1800 - 7th	By this time at latest contents of message known in Japanese Government offices.
7.	2230	Tokyo	2230 - 7th	Mr. Grew gets the message from Mr. Hull
8.	<u>8th</u> 0015	Tokyo	0015 - 8th	Mr. Grew sees Foreign Minister TOGO, reads message to him, asks for appointment to deliver it personally to the Emperor, and goes home.
9.	0045	Shanghai	2345 - 7th	The Shanghai Bund (International Settlement) occupied by Japanese troops.
10.	0140	Kota Bahru	2400 - 7th	British beach defences shelled from the sea.
11.	0200	Washington	1200 - 7th	Mr. Nomura asks to see Mr. Hull at 1300 hours.
12.	0205	Kota Bahru	0025 - 8th	Japanese landing at Kota Bahru in Northern Malaya.
13.	0300	Washington	1300 - 7th	Mr. Nomura asks for postponement of meeting with Mr. Hull to 1345 hours.

	<u>TOKYO TIME</u>	<u>PLACE</u>	<u>LOCAL TIME</u>	<u>EVENTS</u>
14.	<u>December</u> <u>8th</u> 0305	Singora	0125 - 8th	About this time at Singora and Patani in Southern Siam, Japanese landed and advanced towards Malayan border.
15.	0320-25	Pearl Harbour	0750-55 - 7th	Attack at Pearl Harbour.
16.	0405	Washington	1405 - 7th	Mr. Nomura arrives at Mr. Hull's office.
17.	0420	Washington	1420 - 7th	Mr. Nomura hands Mr. Hull Document No. 2215 N, the document terminating negotiations.
18.	0520	Shanghai	0420 - 8th	H.M.S. Peterel sunk with casualties.
19.	0530	Siam	0330 - 8th	Japanese troops invade Siam from Indo-China
20.	0610	Singapore	0430 - 8th	Air Raid on Singapore.
21.	0700	Tokyo	0700 - 8th	Tokyo Radio gives first announcement that hostilities have begun.
22.	0730	Tokyo	0730 - 8th	Mr. Grew calls on Foreign Minister TOGO at his request and TOGO hands him copy of document handed by Mr. Nomura to Mr. Hull, describing it as Emperor's answer to President's message.
23.	0800	Tokyo	0800 - 8th	Sir Robert Craigie calls on Foreign Minister TOGO at his request and is handed a copy of the same document
24.	0805	Guam	0805 - 8th	Guam attacked.
25.	0900	Hong Kong	0800 - 8th	Hong Kong attacked.
26.	Between 1140 and 1200	Tokyo	Between 1140 and 1200	Imperial Rescript issued.

War Ministry Building)
 City of TOKYO) S.S.
 JAPAN.)

I, PHILIP EARL SANDERS, Chief Boatswain's Mate, United States Navy, now attached to the International Prosecution Section of S.C.A.P., being duly sworn, depose and say that I am qualified in Navigation and have recently examined United States Navy Hydrographic Time Tables.

I have examined the variations in time between places marked on the first line of the attached Time Table and say that they are accurately set out. I have, by arithmetical calculations, prepared the said Time Table for the 24 hours of December 8th, 1941, Tokyo Time, and these calculations are, to the best of my knowledge and belief, true. Variations in time for any other date can be calculated accordingly.

/s/ Philip Earl Sanders

PHILIP EARL SANDERS,
 Chief Boatswain's Mate,
 United States Navy.

Subscribed and sworn
 to before me this
8th day of August, 1946.

/s/ Harryman Dorsey

HARRYMAN DORSEY,
 Captain, JAGD.

COMPARATIVE TIME TABLE BASED ON TOKYO, PROCEEDING EASTWARD, on
7th - 8th DECEMBER

TOKYO	PEARL HARBOR	WASHINGTON	GREENWICH	BANGKOK	KOTA BHARU, SINGAPORE.	HONG KONG SHANGHAI, MANILA.
<u>8th Dec.</u> 0000	<u>7th Dec.</u> 0430	<u>7th Dec.</u> 1000	<u>7th Dec.</u> 1500	<u>7th Dec.</u> 2200	<u>7th Dec.</u> 2220	<u>7th Dec.</u> 2300
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	0500	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	2300	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
0100	30	1100	1600	2300	20	<u>8th Dec.</u> 0000
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	0600	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	<u>8th Dec.</u> 0000	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
0200	30	1200	1700	<u>8th Dec.</u> 0000	20	0100
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20

TOKYO PEARL HARBOR WASHINGTON GREENWICH BANGKOK KOTA BHARU,
SINGAPORE. HONG KONG,
SHANGHAI,
MANILA.

<u>8th Dec.</u>	<u>7th Dec.</u>	<u>7th Dec.</u>	<u>7th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>
0225	0655	1225	1725	0025	0045	0125
30	0700	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	0100	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
0300	30	1300	1800	0100	20	0200
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	0800	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	0200	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
0400	30	1400	1900	0200	20	0300
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	0900	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	0300	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55

TOKYO PEARL HARBOR WASHINGTON GREENWICH BANGKOK KOTA BHARU,
SINGAPORE HONG KONG,
SHANGHAI,
MANILA

<u>8th Dec.</u>	<u>7th Dec.</u>	<u>7th Dec.</u>	<u>7th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>
⁰⁵⁰⁰ 0505	⁰⁹³⁰ 0935	¹⁵⁰⁰ 1505	²⁰⁰⁰ 2005	⁰³⁰⁰ 0305	⁰³²⁰ 0325	⁰⁴⁰⁰ 0405
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	1000	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	0400	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
0600	30	1600	2100	0400	20	0500
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	1100	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	0500	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
0700	30	1700	2200	0500	20	0600
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	1200	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	0600	40
45	15	45	45	45	0605	45
50	20	50	50	50	0610	50
55	25	55	55	55	0615	55

TOKYO PEARL HARBOR WASHINGTON GREENWICH BANGKOK KOTA BAHRU,
SINGAPORE HONG KONG,
SHANGHAI,
MANILA

<u>8th Dec.</u>	<u>7th Dec.</u>	<u>7th Dec.</u>	<u>7th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>
0750	1220	1750	2250	0550	0610	0650
55	25	55	55	55	15	55
0800	30	1800	2300	0600	20	0700
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	1300	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	0700	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
0900	30	1900	<u>8th Dec.</u> 0000	0700	20	0800
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	1400	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	0800	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
1000	30	2000	0100	0800	20	0900
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20

TOKYO PEARL HARBOR WASHINGTON GREENWICH BANGKOK KOTA BAHU,
SINGAPORE HONG KONG,
SHANGHAI,
MANILA

<u>8th Dec.</u>	<u>7th Dec.</u>	<u>7th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>
1025	1455	2025	0125	0825	0845	0925
30	1500	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	0900	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
1100	30	2100	0200	0900	20	1000
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	1600	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	1000	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
1200	30	2200	0300	1000	20	1100
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	1700	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	1100	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
1300	30	2300	0400	1100	20	1200

TOKYO	PEARL HARBOR	WASHINGTON	GREENWICH	BANGKOK	KOTA BAHRU, SINGAPORE	HONG KONG SHANGHAI, MANILA
<u>8th Dec.</u>	<u>7th Dec.</u>	<u>7th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>
1305	1735	2305	0405	1105	1125	1205
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	1800	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	1200	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
1400	30	<u>8th Dec.</u> 0000	0500	1200	20	1300
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	1900	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	1300	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
1500	30	0100	0600	1300	20	1400
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	2000	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	1400	40

TOKYO PEARL HARBOR WASHINGTON GREENWICH BANGKOK KOTA BAHRU,
SINGAPORE HONG KONG,
SHANGHAI,
MANILA.

<u>8th Dec.</u>	<u>7th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>
1545	2015	0145	0645	1345	1405	1445
50	20	50	50	50	10	50
55	25	55	55	55	15	55
1600	30	0200	0700	1400	20	1500
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	2100	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	1500	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
1700	30	0300	0800	1500	20	1600
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	2200	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	1600	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
1800	30	0400	0900	1600	20	1700
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20

TOKYO PEARL HARBOR WASHINGTON GREENWICH BANGKOK KOTA BAHU,
SINGAPORE HONG KONG,
SHANGHAI,
MANILA.

<u>8th Dec.</u>	<u>7th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>
1825	2255	0425	0925	1625	1645	1725
30	2300	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	1700	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
1900	30	0500	1000	1700	20	1800
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	<u>8th Dec.</u> 0000	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	1800	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
2000	30	0600	1100	1800	20	1900
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	0100	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	1900	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
2100	30	0700	1200	1900	20	2000

TOKYO PEARL HARBOR WASHINGTON GREENWICH BANGKOK KOTA BAHRU,
SINGAPORE HONG KONG,
SHANGHAI,
MANILA.

<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>
2105	0135	0705	1205	1905	1925	2005
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	0200	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	2000	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
2200	30	0800	1300	2000	20	2100
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	0300	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	2100	40
45	15	45	45	45	05	45
50	20	50	50	50	10	50
55	25	55	55	55	15	55
2300	30	0900	1400	2100	20	2200
05	35	05	05	05	25	05
10	40	10	10	10	30	10
15	45	15	15	15	35	15
20	50	20	20	20	40	20
25	55	25	25	25	45	25
30	0400	30	30	30	50	30
35	05	35	35	35	55	35
40	10	40	40	40	2200	40

TOKYO	PEARL HARBOR	WASHINGTON	GREENWICH	BANGKOK	KOTA BAHRU, SINGAPORE	HONG KONG, SHANGHAI, MANILA.
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<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>	<u>8th Dec.</u>
2345	0415	0945	1445	2145	2205	2245
50	20	50	50	50	10	50
55	25	55	55	55	15	55

This is the time table referred to in my affidavit sworn before Capt. Dorsey on 8 day of August, 1946.

/s/ Philip Earl Sanders.
C.B.M. U S N

Witness:

/s/ Harryman Dorsey
Captain, JAGD.

1224 2405

INTERNATIONAL MILITARY TRIBUNAL FOR
THE FAR EAST

THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF THE SOVIET SOCIALIST REPUBLICS, THE COMMONWEALTH OF AUSTRALIA, CANADA THE REPUBLIC OF FRANCE, THE KINGDOM OF THE NETHERLANDS, NEW ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES.

- AGAINST -

ARAKI Sadao; DOHIHARA, Kenji; HASHIMOTO, Kingoro; HATA, Shunroku;
HIRANUMA, Kiichiro; HIROTA, Koki; HOSHINO, Naoki; ITAGAKI, Seisharo
KAYA, Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuniaki;
MATSU, Iwane; MATSUOKA, Yosuke; MIYAMA, Jiro; MUTO, Akira;
NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei; UCHIDA, Hiroshi;
SATO, Kenryo; SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI,
Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO, Hideki;
UMEZU, Yoshijiro. Defendants.

Town of Manchester,)
County of Essex,)
Commonwealth of Massachusetts) ss.
United States of America.)

I, JOSEPH CLARK GREW, being duly sworn, on oath, depose
and say:

1. I was in Japan as United States Ambassador from 6 June 1932 to 25 June 1942. At about 1500 hours in the afternoon on 7 December 1941 (Tokyo time) it was announced by a radio station in the United States that the President of the United States had sent a message to the Emperor of Japan, but no information was given as to its substance or the channel of transmission.

2. At about 2100 hours (Tokyo time) there was delivered to me a telegram, marked "triple priority," from Mr. Cordell Hull which had been dispatched at 2000 hours on 6 December (Washington time) and received in Tokyo 7 December (Tokyo time) stating that a telegram was then being encoded containing a message from the President which I was to communicate to the Emperor at the earliest possible moment.

3. At about 2230 hours (Tokyo time) 7 December, the actual message was delivered at the United States Embassy in Tokyo. The telegram was officially stamped as having been received at the Japanese telegraph office at 1200 hours and was marked "triple priority" dispatched 6 December, 2100 hours (Washington time). The text is printed at pages 784-6 of

"Papers relating to the Foreign Relations of the United States: Japan 1931-1941" Vol. II.

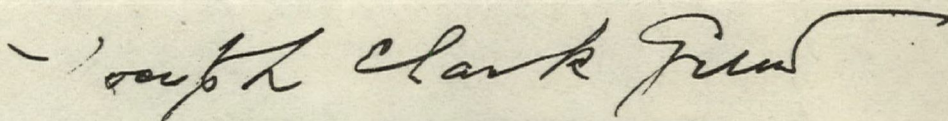
4. I immediately caused a telephone message to be sent to the Secretary to the Japanese Foreign Minister Togo, asking for an urgent appointment with the Minister around midnight. The Secretary asked if the matter was so urgent that it could not wait until the next day, but ultimately made the appointment. As soon as the telegram was decoded and typed, I took it to the Minister's official residence and saw him at about 0015 hours, 8 December (Tokyo time). I requested an audience with the Emperor in order to present the President's message which I then read aloud and of which I then handed a copy to Togo. The latter at first said that he would study the document, but when I asked if that meant some doubt as to whether he would ask for an audience for me, he replied that he would present the matter to the Throne. He made some further remarks about the Washington Conversations, but when I said that I had not yet received a report of the conversation of 5 December and it would merely complicate matters if I undertook to repeat his comments to the Department, he said it was not necessary. I left him at about 0030 hours.

5. At about 0700 hours on 8 December (Tokyo time) I was awakened by a telephone call from an official of the Foreign Ministry asking me to come to see the Minister as soon as possible. He said that he had been trying to telephone to me ever since 0500 hours, but could not get through. I arrived at the Minister's official residence and saw him at about 0730 hours. He said that he had seen the Emperor and handed me a copy of the memorandum which is reproduced at pages 787-792 of the above-mentioned Volume headed "Memorandum handed by the Japanese Ambassador (Nomura) to the Secretary of State at 2.20 p.m. on

7 December 1941." Togo said that he had seen the Emperor (at about 0300 hours I understand) and that this memorandum constituted the Emperor's reply to the President's message. I immediately reminded Togo that I had asked for an audience with the Emperor and that I still wished to present the President's message to the Emperor personally. Togo merely replied that he had no desire to stand between the Throne and myself. He then made a little speech thanking me for my cooperation during the conversations and came downstairs to see me off at the door. Not a word was said about war having broken out anywhere or about Pearl Harbor.

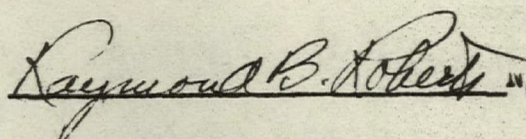
6. Shortly after returning to the Embassy I was informed through a newspaper bulletin (gogai) that Japan was in armed conflict with the United States and Great Britain.

Later in the morning of 8 December (Tokyo time) an Official of the Foreign Office called at the United States Embassy and read the official announcement that armed conflict had commenced.



JOSEPH CLARK GREW

Subscribed and sworn to before me this 23rd day of June,
A.D. 1946.

 Notary Public

My commission expires
December 10, 1948.

The Commonwealth of Massachusetts

Nº B 1068

OFFICE OF THE SECRETARY

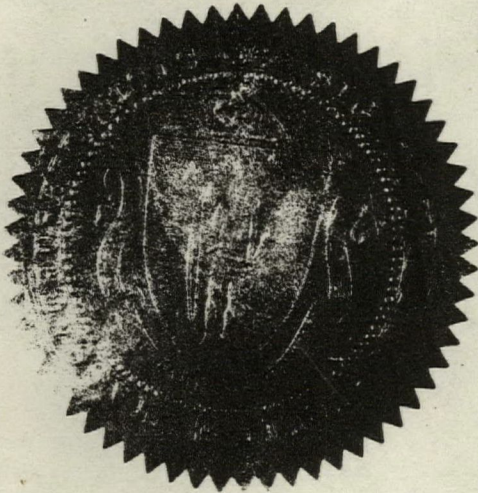
Boston, *June 24* 19*46*.

I hereby certify, That at the date of the attestation hereto annexed,

Raymond B. Roberts

whose name *is* signed to the attached certificate of acknowledgment, proof
or affidavit, *was* at the time of taking the same, *a*
NOTARY PUBLIC for the said Commonwealth duly commissioned and consti-
tuted; that to *his* acts and attestations, as such, full faith and credit are and ought
to be given in and out of Court; that as such Notary Public, *he is* by law
authorized to administer oaths and take acknowledgments of deeds or conveyances
of lands, tenements or hereditaments and other instruments throughout the Common-
wealth to be recorded according to law; and that I verily believe *his* signature
to the annexed attestation to be genuine.

In Testimony of which I have hereunto affixed the
GREAT SEAL OF THE COMMONWEALTH
the date above written.



F. C. G. G. G.

Secretary of the Commonwealth.

July 30th 1946

EWF

AFFIDAVIT SWORN BY SHIRAO, TATEKI, of TOKYO-TO, SUGINAMI-KU, NISHI TAKAIDO, 1 CHOME, 139.

I am SHIRAO, Tateki, at present employed at the Ministry of Communications in Tokyo and I live at: Tokyo-to, Suginami-ku, Nishi Takaido, 1 Chome 139.

In November 1941 I was in charge of the department of Censorship which is a section of the Ministry of Communications.

On November 29th 1941, my friend Lt. Colonel TOMURA Morio, who was then employed in the communications section of the Chief of Staff, telephoned me at my private house in the evening and told me that for security reasons all foreign telegrams were to be delayed in delivery by five hours. I at once telephoned to the central telegraph office, and gave orders that all in-coming and out-going telegrams should be delayed for five hours. This applied to all telegrams except those of the Japanese Government and, I think, those concerning the German and Italian Governments. At the time I did nothing more in the matter.

On December 4th, having discussed the matter with members of the Ministry, I issued written instructions to all branch telegraph offices in the Tokyo area and to all other sections of my censorship staff. I do not think it likely that any copy of these written instructions still exists. At no time, so far as I remember, did I ever receive written confirmation of the telephone instructions of Colonel TOMURA.

On December 6th my orders from Colonel TOMURA as to the delay in telegrams was varied and, in future, I was told to delay the delivery by five hours and ten hours on alternate days.

On December 7th I knew, certainly before 6.00 p. m. when I left the office, and I think some time between four and six p. m. of the contents of the message of the President of the U. S. A. to the Emperor of Japan. I cannot remember, for certain, who told me, but I think it was Colonel TOMURA who gave me this information in the course of a conversation on the telephone that afternoon. He telephoned me to say that henceforth all telegrams were to be delayed by fifteen hours and I gave instructions to my subordinates accordingly.

It was the custom at this time for the Foreign Office and for the Chiefs of Staff of the Army and of the Navy to send a messenger to my department at least once a day, generally in the morning, to take away copies of telegrams in code which they thought might interest them. As December 7th was a day of great excitement, there were probably messengers in and out all day, and I cannot say at what time the President's telegram would have been taken away by any of these messengers. I do know, however, as I have already explained, that

Handwritten notes on the right margin: "m", "Tucum", and "St. Dunck C. J. Warren".

Colonel TOMURA of the War Ministry was telling me the contents of the telegram probably by 4 o'clock and certainly by 6 o'clock that evening.

I should explain that, although my department is called the department of Censorship, and was therefore responsible for decoding telegrams in code, it was operating for public and commercial codes only and did not handle secret codes.

On December 8th I was called on the telephone about 4.30 a. m. by Mr. NAKAYAMA, who was Chief of the Foreign Telegram Section of the Telecommunication Bureau of the Ministry of Communications and, as such, my immediate superior officer. He told me that he had received an order from the Army to stop all communication with Foreign Countries. I immediately telephoned the order to my office, dressed and went there, arriving about 6.0 a. m. There I found Colonel MURAKAMI of the War Ministry, and Lt. Colonel TOMURA, waiting for me, and we discussed all future control of communications.

At noon on this day, the Minister of Communications read out to the Staff of the Ministry the Imperial Rescript of the declaration of war.

I am certain of many of my times and all my dates in this period as I kept a Diary, and it is after refreshing my memory from this Diary that I have made the present Affidavit.

I, SHIRAO, Tateki have read the above statement in English, a language which I understand. I swear on my conscience that the contents of the above statement are true to the best of my knowledge and recollection of facts.

T. Shirao

Sworn and subscribed to before
the undersigned by the above
named SHIRAO, Tateki at the War
Ministry Building, Tokyo, this
18th day of August 1946

/s/ John F. Hummel
Major, J. A. G. O.

Extracts from Diary by SHIPAO, Tateki

29 November Showa 16 /1941/ Saturday, Cloudy.

After returning home in the evening, I talked over the telephone with Major TOMURA about the measures to delay foreign telegrams and gave instructions to the central telegraph office accordingly.

4 December Showa 16 /1941/ Thursday, Fine.

Discussed the measures to delay telegrams and issued a memorandum.

At noon, at the Thursday meeting, a farewell luncheon was held for telegram official MORCHASHI.

6 December Showa 16 /1941/ Saturday, Fine.

Japanese-American relations have become increasingly tense. The delay of telegrams has been reconsidered, and it has been decided that the telegrams will be delayed by five hours and ten hours on alternate days.

7 December Showa 16 /1941/ Sunday, Fine.

Attended the office before noon.

The situation apparently has become most difficult as it has been reported that President Roosevelt highhandedly sent a personal message to His Majesty and moreover, disclosed the strength of the Japanese troops stationed in French Indo-China, the movement of the Japanese convoy, etc.

As the Army has requested that the delaying of the telegrams be extended to fifteen hours, I immediately took the proper steps.

Having collected the material for tomorrow's extra lecture, I left for home at six.

8 December Showa 16 /1941/ Monday, Fine.

At about ^{4.50 a.m.} 4 p.m., I was called on the telephone by Foreign Telegram Section Chief NAKAYAMA who told me that a request had been received from the Army to stop all telegraphic communication with foreign countries;

8 December Showa 16 /1941/. cont'd.

hence I immediately took the proper steps and hastened to my office. Lieut. Colonel MURAKAMI came and informed me of the outbreak of war against America and Britain. We discussed practical measures for control of communications, and immediately began to put them into effect.

The radio is actively announcing our victories, and our spirits have risen. At noon the Minister reverently read the Imperial rescript.

Left the office at 10 p.m.

Oh, at last the war to chastize America and Britain has begun. We must serve our country at the risk of our own lives!

A F F I D A V I T

I, FREDERICK CHARLES PARR, British Subject, of 13, The Bund, Shanghai in the Republic of China, MAKE OATH and say as follows: -

1. I am and at all times material hereto have been a Tide Surveyor of the Chinese Maritime Customs at Shanghai.

2. I was on duty on the Shanghai Settlement Bund on the night of December 7th and the morning of December 8th, 1941. At 23.45 on the night of December 7th, 1941, I saw Japanese personnel dressed in khaki crossing the Garden Bridge over Soochow Creek and running military telephone lines as they went. They ran the wires alongside the Bund garden and along the Bund pontoons.

3. As they reached each pontoon the Chinese Maritime Customs' Officers withdrew and the Japanese did not cross the said Bridge in any large party but in small groups, and the Japanese military were accompanied by Japanese gendarmerie.

4. To the best of my knowledge and belief there was no actual fighting on The Bund and no Allied person was then or there shot or injured. The Chinese who were standing in the neighbourhood, particularly those who were gathered near the Custom House, were herded by the Japanese up the streets leading off The Bund and thus The Bund was cleared of civilians.

5. The Japanese personnel were armed with small arms but had no armed vehicles and the taking over of The Bund continued until 0300 on December 8th, 1941. Prior to that time Officers of the Chinese Maritime Customs returned to the Custom House and reported that they had been driven from their pontoons by Japanese and one of these Officers reported to me that the launches at the Customs Jetty had been shifted by the Japanese.

6. At about 0250 on December 8th, 1941, I proceeded to the Jetty for purposes of investigation and found that the launches had been shifted and that the Customs Jetty had been occupied by Japanese soldiery.

7. At 0330 on December 8th, 1941, the Customs guard outside the Customs Jetty informed me that a Japanese

destroyer had berthed outside the Customs Jetty. I proceeded to the Jetty to investigate this report and was told by the Japanese that I could not enter the Jetty area.

8. Prior to this and at about 0230 I had heard a noise behind the Custom House. I investigated the cause of this noise which I found to be caused by three howitzers drawn on tractors which must have crossed Szechuen Road bridge and were passing along Szechuen Road to Avenue Edward VII. These guns were mounted at the foot of Avenue Edward VII and pointed towards the river and F.B.M. Gunboat "Petercl".

9. At 0415 I left the Custom House to visit the Customs Jetty and gave orders that the large bronze gates should be closed and also ordered all gates leading into the Custom House to be locked. At 0420 I heard a heavy detonation South of the Custom House which I attributed to the howitzers opening fire. Very soon I saw fire aboard F.M.S. "Petercl" and she was soon a mass of flames.

10. At exactly 0423 the Japanese destroyer at the Customs Jetty opened fire on F.M.S. "Petercl" with her forward main armament. Almost immediately afterwards Japanese ship Idzumo opened fire with tracer ammunition.

11. F.M.S. "Petercl" was then a mass of flames and was the target for Japanese guns of all calibre, so that it is probable that seamen endeavouring to leave the burning "Petercl" were subjected to machine gun fire.

12. Next I telephoned for the Chief Fire Officer of the Chinese Maritime Customs who came to the Custom House at once. He then proceeded to the Customs Jetty but was refused permission by the Japanese to go on board the "Poochi", the Customs Fire Float. If he had been allowed to do so, the fire on F.M.S. "Petercl" might have been dealt with. I also rang up the Harbour Master but was unable to locate him.

13. Firing was continued by the Japanese till about 0450 on December 8th, 1941, by which time F.M.S. "Petercl", which was still burning, was in a sinking condition and was drifting slowly towards the Mackenzie's Wharf where she finally sank.

14. A Chinese Maritime Customs Officer who was stationed at Kin Lee Yuan Wharf at the material time reported to me later on that a number of British sailors had landed

barefooted on Kin Lee Yuan Wharf and had been taken prisoners by the Japanese.

15. After firing had ceased I observed that the howitzers were withdrawn along Szechuen Road and that the Japanese continued to occupy the Settlement, but there was no more firing.

16. The U.S.S. "Wake" was taken down stream at about 0830 on December 8th, 1941, by the Japanese with her crew still aboard.

ALL of which is true to the best of my knowledge and belief.

SWORN by the above named FREDERICK)
CHARLES PARR at F.B.M. Consulate-)
General at Shanghai in the Republic) /s/ F. C. Parr
of China on the 27th day of March)
1946.)

Before me:

/s/ *John Ladsby*
British Pro Consul
at Shanghai

John Ladsby
SEAL

gratis

1228

~~2405~~
1421

A F F I D A V I T

I, EDWARD AUSTEN IRWIN CROWDER, a British subject, and a temporary Lieutenant of the Royal Naval Reserve at present on the Staff of the British Naval Staff Officer at Shanghai in the Republic of China, MAKE OATH and say as follows:

1. That on the 4th day of April, 1946, at about 10.45 in the forenoon I attended at the Hospital Ste. Marie at 197, Route Père Robert, Shanghai aforesaid, and was sh^ewn by the Clerk in charge of it a book marked on the outside or cover thereof "Des Entrées et Sorties des Malades, Service Payants, 1941".

2. That the following is a true and exact copy of the entries numbered 352, 353 and 354 which I inspected in the said book: -

No.	Nom	Age	Sexe	Nationalité	Profession	Date		Nombre de jours	Diagnos- tique
						D'entrée	De Sortie		
352	Holwan Harold		Angl.		Marine S/L Petrol	8.12	11.12.41		Plaie tem- poral par eclat d' obus
353	Dunbar James		Angl.		Ingenieur S/L Petrol	8.12	12.12.41 D.CD		Plaie pro- fond de la cuisse par eclat d'obus
354	Honeywill Jock		Ang.		Marine S/L Petrol	8.12	9. 6.42		Fracture sans dé- placement du tibia d.

3. That immediately after having inspected the said book and having copied the said entries I proceeded to the Office of Doctor Santelli in the said Hospital Ste. Marie and shewed to him the documents attached hereto and marked "A", "B" and "C" and initialled by me by way of reference which had been received in the Office of the British Resident Naval Officer in Shanghai from the Swiss Consulate-General then in charge of British Interests. Each of these documents was identified by the said Doctor Santelli to me and those marked "A" and "B" were then and there marked by him in my presence "Remis au Consulat Gal de Suisse" and the document marked "C" was then and there marked by him in my presence "Delivre par le Dr. R. Santelli et remis au Corsulat Général de Suisse".

4. At my request the said Doctor Santelli then and there made signed and handed to me the English translation of the said three documents

which is attached hereto and marked "D" and initialled by me by way of reference.

5. In the said document marked "D" and initialled as above the translation of the document marked "C" is numbered "I", of the document marked "B" is numbered "II" and of the document marked "A" is numbered "III".

6. I then and at about 11.15 o'clock of the same forenoon proceeded to the offices of the International Funeral Directors at 207, Kiaochow Road, Shanghai aforesaid, where I was received by Mr. R. O. Scott who to the best of my knowledge and belief is in charge of the said concern, who produced to me his records from which I then and there extracted the entry which appeared in its proper place with regard to date between the entries in the said book of which the following is a true and exact copy of a copy of the said entry made by me at the time from the said records: -

"No. Funeral 4906. Funeral of James Dunbar.
Date of death 13th Dec. 41.
Place of Death St. Marie's
Hospital.
Service in Chapel at Funeral
Parlous Dec. 15th.
BURIED Dec. 17 Burial
(Hungjao Road Cemetery
Grave No. H-241
Age 24."

All of which is true to the best of my knowledge and belief.

SWORN/

SWORN by the said EDWARD
AUSTEN IRWIN CROWDER in
His Britannic Majesty's
Consulate-General at
Shanghai this 6th day of
April, 1946.

Austen Irwin Crowder

Before me:

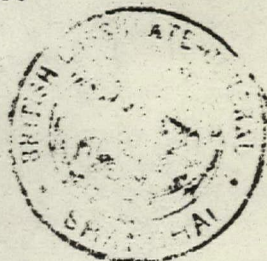
John L. Adley
BRITISH PRO CONSUL
at Shanghai.



John L. Adley

This is the exhibit marked "A" referred to
in the Affidavit of Edward Austen Irwin Crowder
sworn before me this 6th day of April, 1946.

Wm. A. S. J.
BRITISH CONSUL
at Shanghai



DR. VELLIOT, SANTELLI,
MALVAL
481 AVENUE JOFFRE
TEL. 81109
SHANGHAI

法
病
房
上 70044
海

H. M. J. Petrol 8-XII-1941

Honywell - (Welsh)

Rare & Genou Droit
et de la Jambe Droit.

En hautement à l'Hôpital
St. Marie

En voie de cicatrisation

will at Ste Marie Jan. 13th

Renus au Consulat de Suisse
W. A. S. J.



This is the exhibit marked "B" referred to
in the Affidavit of Edward Austen Irwin Crowder
sworn before me this 5th day of April, 1946.

Wm. L. Kelly
BRITISH PRO CONSUL
at Shanghai



"B" A

DRS. VELLIOT, SANTELLI,
MALVAL
461 AVENUE JOFFRE
TÉL. 81109
SHANGHAI

法
病
房
上
海

Exg.

H. H. S. Petrel

8 Dec 1941

ecossan
V. J. Jumban - Stocker.

*Plaie pénétrante sous la cuisse
gauche avec fracture
Comminutive du fémur -*

[Signature]

Révisé le 12 Dec 41

Complications infectieuses.

W. J. Jumban

Remis au Consulat g^l de Suisse

This is the exhibit marked "C" referred to
in the Affidavit of Edward Austen Irwin Crowder
sworn before me this 6th day of April, 1946.

Wm Austen
BRITISH PRO CONSUL
at Shanghai



"C"

DRS VELLIOT, SANTELLI,
MALVAL
461 AVENUE JOFFRE
TÉL. 81109
SHANGHAI

法
病
房
上
海

8 Dec

H. M. S. Peterel
anglais

8 Dec 1941

Holman - Leading Seaman
Place du Curi Chersu

Exhaustion d'un petit Ecrot.



Emmené le 11 Dec

par les autorités navales Japonaises
au Japanese Naval Hospital

[Signature]

[Signature]

[Signature]



Délivré par le Dr. R. Santelli
et remis au Consulat Général de Suisse

This is the exhibit marked "D" referred to
in the Affidavit of Edward Austen Irwin Crowder
sworn before me this 6th day of April, 1946.

John Austen
BRITISH PRO CONSUL
at Shanghai



HOPITAL STE-MARIE
197 Route Père Robert
Téléphone 70044
SHANGHAI
CHINE

"D"

D

Shanghai le 4th April 1946
English Translation

exp.

H. M. S. Petrel

8th December 1941

I

Holman - Leading Seaman.
Scalp's Wound.

JY

Taken on the 11th of December by the
Japanese Naval Authorities to the
Japanese Naval Hospital

II

Honywell.

Wounded on the Right knee and
Right leg

Remained in St Mary's Hospital till June 1942.

III

Scumbar - Stocker

Wounded by a piece of shrapnell
Compound fracture of the left femur
Died from infection on the
12th December 1940.

R. Santelli
R. Santelli

(SEAL)

IN THE MATTER OF THE INTERNATIONAL
COURT FOR THE TRIAL OF JAPANESE
MAJOR WAR CRIMINALS

A F F I D A V I T

I, Major-General ARTHUR ERNEST PERCIVAL, CB, DSO, OBE, MC, of 'Westfield', Westland Green, Little Hadham in the County of Hertford make oath and say as follows:-

1. From May 1941 until my capture by the Japanese in February 1942 I was General Officer Commanding Malaya.
2. At about 2345 hours on the 7th December 1941, beach defence troops on the BADANG and SABAK Beaches, the point of junction of which at KUALA PAAMAT was about one-and-a-half miles north-east of KOTA BHARU Airfield, reported ships anchoring off the coast.
3. Shortly after this beach artillery opened fire and the Japanese ships started shelling the beaches.
4. At about 0025 hours on the next day (8th December 1941), the leading Japanese troops landed at the junction of BADANG and SABAK Beaches.
5. By about 0100 hours after heavy fighting they had succeeded in capturing the adjacent pill-boxes, manned by troops of the 3rd/17th Dogras.
6. The garrison of the pill-boxes during the fighting inflicted very heavy casualties upon the enemy before they were eventually wiped out almost to a man.
7. At about 0430 hours on the 8th December 1941, a Japanese air formation raided the SINGAPORE Area. It had probably come from FRENCH INDO-CHINA, a distance of about 700 miles. The air-raid warning had been sounded, but SINGAPORE was not completely blacked-out when the aircraft arrived.
8. Bombs were dropped by this formation on the Seletar and Tengah airfields, and in the city area. Damage, however, was slight.

9. This was the first indication that citizens of SINGAPORE had that war had broken out in the Far East.

/s/ A. E. Percival
Maj - Gen.

SWORN by the said ARTHUR ERNEST PERCIVAL
at 6 Baldack Street, Ware in the County of Hertford
this 20th day of July 1946

BEFORE ME

/s/ Hugh Gisby

A Commissioner for Oaths

I hereby certify that I believe the signature "Hugh Gisby"
hereto appended to be in the true handwriting of Hugh Marshall
Gisby, Esquire, Commissioner for Oaths, Ware, Herts.

(SEAL) /s/ F. J. Dodd

WHITEHALL

For Assistant Secretary
29th July, 1946 Home Department

Certified at the Foreign Office
for Legalization

(SEAL) of the foregoing
signature

LONDON "F. J. Dodd"

30 Jul 1946 /s/ Scott
For the Secretary of State for Foreign Affairs

IN THE MATTER OF JAPANESE WAR CRIMES AND IN THE MATTER
OF THE ATTACK ON MALAYA BY THE JAPANESE FORCES IN
DECEMBER, 1941

A F F I D A V I T

I, Wing Commander WILLIAM HARRY FRANKLIN, No. 44442, Royal Air Force, late Senior Personnel Staff Officer, Far East Command, make oath and say as follows:-

1. The names contained in Paragraph 2 hereof I have extracted from a copy of a report submitted by Wing Commander R. H. DAVIS, No. 1 Squadron, R.A.A.F., which Squadron was in action at KOTA BAHRU, MALAYA on 8th December, 1941, and on which day these casualties occurred. I, as Senior Personnel Staff Officer, Far East Command, would be responsible for the reporting of these casualties by signal to Air Ministry, LONDON and Air Board, MELBOURNE, and to the best of my recollection, this was done.

2. The following officers and N.C.O's of the R.A.A.F. are reported "Missing, Believed killed in action" on 8th December, 1941:-

F/Lt. JOHN CHRISTOPHER RAMSHAW.
F/Lt. JOHN GRAHAM LEIGHTON-JONES.
F/O. DONALD ALEXANDER DOWIE.
F/O. RONALD HEWITT SIGGINS. *Walters*
Aus. 3382 Sgt. COLDREY, JEFFREY CYRIL.
Aus. 407307 Sgt. ~~WALTERS~~, DAVID WARD.
Aus. 404294 Sgt. HEDGES, GRAHAM JOHN.
Aus. 407309 Sgt. WHITE, GARRET SIDNEY.

3. I have been informed by the Casualties Staff, Overseas Headquarters, R.A.A.F., LONDON, that Flying Officer DONALD ALEXANDER DOWIE was subsequently reported Prisoner of War and has now been repatriated to AUSTRALIA.

SWORN by the said WILLIAM HARRY FRANKLIN)
at 29, Queen Anne's Gate in the City of)
WESTMINSTER this Sixth day of March 1946.)

/s/W. H. Franklin

(W.H.FRANKLIN)

BEFORE ME:

/s/ F. G. Fletcher

(F.G. FLETCHER)
Captain, Legal Staff.

I, SIR ORME GARTON SARGENT, K.C.M.G., C.B., Permanent Under-Secretary of State for Foreign Affairs, HEREBY CERTIFY:-

1. THAT the Japanese Government did not, before the opening of hostilities by the Japanese forces on December 8th, 1941, against the British territories in South East Asia, have recourse to the good offices or mediation of one or more friendly Powers, for the purpose of effecting a settlement, by peaceful means, as provided for in Article 2 of the Hague Convention of 1899 for the Pacific Settlement of International Disputes, of the differences that existed at December 8th, 1941, between the Japanese Government and the Governments of the United Kingdom and of other members of the British Commonwealth of Nations, and that the Japanese Government did not submit or offer to submit these differences to mediation, enquiry, arbitration, or any other method of peaceful settlement referred to in the said Convention, except in so far as may appear from negotiations or discussions which the Japanese Government conducted with the Government of the United States of America.
2. THAT the Japanese Government did not, before the said opening of hostilities on December 8, 1941, deliver to the Government of the United Kingdom or to any representative of that Government, or to the Government of any other member of the British Commonwealth of Nations, any previous explicit warning in the form either of a declaration of war, giving reasons, or of an ultimatum with a conditional declaration of war, in accordance with the provisions of the Hague Convention of 1907 relative to the opening of hostilities. A certified copy of a protest on this point, addressed to the Japanese Charge d'Affaires, dated the 8th December, 1941, is annexed to this certificate and marked "A."
3. THAT the Japanese Government did not, as provided for in the Treaty of 1921 between the British Empire, France, Japan, and the United States of America, relating to their Insular Possessions and Insular Dominions in the Pacific Ocean, before December 8th, 1941, invite the Government of the United Kingdom to participate with the Governments of the other High Contracting Powers in a joint conference, to which the whole subject of any controversy arising out of any Pacific question and involving the rights of the High Contracting Powers in relation to their insular possessions and insular dominions in the region of the Pacific Ocean could be referred for consideration and adjustment.

(SEAL)

/s/ O. G. Sargent

O. G. S. SARGENT

LONDON

Foreign Office, London, S.W. 1.

25th March, 1946

COPY.

"A"

C U T F I L E

FOREIGN OFFICE, S.W.1.

8th December, 1941

Sir,

On the evening of December 7th His Majesty's Government in the United Kingdom learnt that Japanese forces, without previous warning either in the form of a declaration of war or of an ultimatum with a conditional declaration of war, had attempted a landing on the coast of Malaya and bombed Singapore and Hong Kong.

2. In view of these wanton acts of unprovoked aggression, committed in flagrant violation of international law, and particularly of Article 1 of the Third Hague Convention, relative to the opening of hostilities, to which both Japan and the United Kingdom are parties, His Majesty's Ambassador at Tokyo has been instructed to inform the Imperial Japanese Government in the name of His Majesty's Government in the United Kingdom that a state of war exists between the two countries.

I have the honour to be with high
consideration,

Mr. Shinichi Kamimura, Sir,
etc., etc., Your obedient Servant,
(Sgd.) WINSTON S. CHURCHILL.

I, SIR ORME GARTON SARGENT,
K.C.M.G., C.B., Permanent Under-
Secretary of State for Foreign
Affairs, HEREBY CERTIFY THAT the
foregoing is a TRUE COPY of a
document preserved in the Archives
of the Foreign Office, London.

(SEAL)

LONDON.

Foreign Office, London, S.W.1.

/s/ O. G. Sargent

25th March, 1946

1424

1233

UNITED STATES OF AMERICA

DEPARTMENT OF STATE

Wahel - Bishop
P1.

UNITED STATES OF AMERICA

DISTRICT OF COLUMBIA, TO WIT:

I, James F. Byrnes, Secretary of State, being first duly sworn, do hereby, according to my best knowledge and belief, make affidavit as follows:

1. That I am the duly designated and qualified Secretary of State of the United States of America.

2. That the Japanese Government in 1941 approached this Government with a proposal for an agreement providing for a pacific settlement covering the whole Pacific area, and accordingly conversations were entered into. Various drafts and counterdrafts of proposals were exchanged, but no reconciliation of views on a number of fundamental points was reached. While the conversations were still in progress the Japanese Government on November 20 presented this Government with an extreme proposal which this Government could not accept. It offered the Japanese Government on November 26 as an alternative a plan of a broad but simple settlement as a basis for further conversations looking to an agreement. On December 7 the Japanese Government made a reply announcing its intention to break off negotiations, but more than an hour prior to delivery of that reply it attacked without any warning American territory in Hawaii.

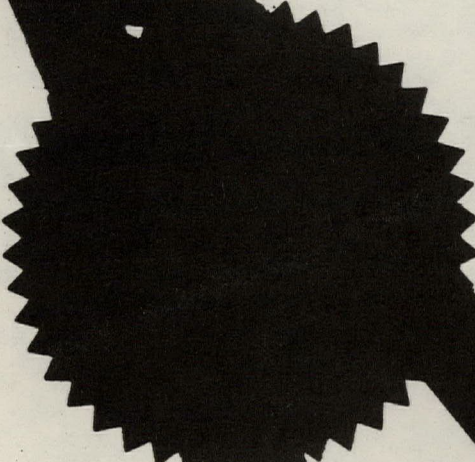
3. That Japan did not on or before December 7, 1941, so far as the Government of the United States is aware, have recourse to the good offices or mediation of any friendly power, or to arbitration of pending questions at issue with the Government of the United States prior to Japan's making an armed attack on the United States.

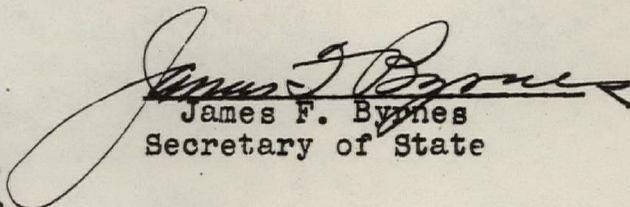
4. That the Government of Japan did not on or before the time of the attack on Pearl Harbor deliver to the Government of the United States any previous or explicit warning either in the form of a declaration of war or an ultimatum with a conditional declaration of war.

1424

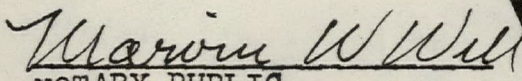
5. That, except as set forth in paragraph numbered two, Japan made no effort to reach a pacific settlement in 1941 of issues on which there were differences between Japan and the United States.

Given under my hand and the official seal of the Department of State this 6th day of April, 1946.




James F. Byrnes
Secretary of State

Subscribed and sworn to before me, a Notary Public in and for the District of Columbia, this 6th day of April, 1946.


NOTARY PUBLIC

1234

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al.)

- against -)

A F F I D A V I T)

ARAKI, SADAQ, et. al.)

I, TATENQ, Morio, do swear on my conscience that the following is true:

I, TATENQ, Morio, was on the night of December 7th/8th, 1941, employed as a announcer at Radio Tokyo. My hours on duty that night were from 6:00 p.m. on the 7th to 10:00 a.m. on the 8th of December. During the night, the Chief of the News Section, YOKOYAMA, Shigetou, made an inspection of all personnel on duty and gave us to believe that important news would be given at any moment.

A few minutes before 7:00 a.m. on December 8, TANAKA, Junnosuke, whose duty it was to receive the news by telephone from the Imperial Headquarters and prepare the script for broadcasting, answered the telephone in my presence. I witnessed his listening on the telephone and writing something down in his own handwriting. What he had written was handed to me as my script with instructions to broadcast it at 7:00 a.m., December 8th.

I have listened to Document 1633 and have seen Document 1657, the first of which is a phonograph record, the second of which is the official log of the news broadcast and from these documents have refreshed my memory that the actual time of my broadcast was made at 0700 hours, December 8, 1941, on the wave-length of world pick-up instead of 6:00 a.m. as announced in Document 1633. The statement in my broadcast that Imperial Headquarters had announced the outbreak of hostilities at 6 o'clock that morning is, I believe, untrue and I believe that my broadcast was the first publication of this news. The time of 6:00 a.m. was probably placed on the original draft document of which I received a copy from Mr. TANAKA via the telephone and was merely allowing an hour before the actual broadcast, the script of which was sent to Radio Tokyo a few moments before it was meant to be broadcast.

Refreshing my memory by listening to Document 1633, I believe the following is a fair translation in English which language I understand sufficiently to read of the script which I read on the radio at 0700 on December 8, 1941. I have noticed that on the actual record the time of my broadcast is given as 6:00 a.m. This, as I have previously mentioned, is incorrect and the first broadcast of this news was not before 0700 hours. The following is a text in English of my broadcast:

"We now present you an urgent news. Here's the news. The Army and Navy Sections of Imperial Headquarters jointly announced at 6 o'clock this morning, December 8, that the Imperial Army and Navy forces have entered into a state of hostilities with the American and British forces in the Western Pacific at dawn today. This was the announcement made public by the Army and Navy Sections of the Imperial Headquarters."

/s/ Tateno Morio (SEAL)
TATENO, Morio

Sworn and subscribed to before
the undersigned by the above
named TATENO, Morio at the
Radio Tokyo, this 24th Day of
July 1946.

/s/ John F. Hummel
Major J.A.G.D.

1941

- (1) December 8, 6:00 A.M. News of war outbreak.
- (2) December 8, 11:40 A.M. Attack on Hongkong.
11:50 A.M. Landings on Malay.
- (3) December 8, 1:00 P.M. Air-raid on Hawaii and others.

Recorded by the Japan Broadcasting
Association.

AK-464
1 JO-505

- (1) December 8, 5:00 P.M. Air-raid in the Philippines Areas.
- (2) December 8, 9:00 P.M. Air-raid on aerodromes in the
Philippines.
- (3) December 8, 9:00 P.M. Advance into Thailand (Siam).

Recorded by the Japan Broadcasting
Association.

AK-464
2 JO-507

"Special news will be announced"

"Special news will be announced"

Announcement by the Army and Navy Sections of the Imperial
General Headquarters, December 8, 6:00 A.M..

The Imperial Army and Navy entered into a state of war
with the American and British forces in the Western
Pacific before dawn today, the 8th. It was so announced
this morning by the Army and Navy Sections of the Imperial
General Headquarters.

Our forces commenced the attack on Hongkong before daybreak
this morning.

Announcement by the Army and Navy Sections of the Imperial
General Headquarters today at 11:40 A.M. As soon as our
forces entered a state of war before dawn today, the 8th
our forces lost no opportunity in opening an attack on
Hongkong.

Next:

Our forces carried out landing operations on the Malayan Peninsula.

Announcement by the Army and Navy Section of the Imperial General Headquarters at 11:50 A.M. Our forces under close Army-Navy cooperation, carried out a surprise landing operation in the Malay Peninsula: area early this morning of the 8th and are now steadily expanding our battle achievements.

Announcement by the Navy Section of the Imperial General Headquarters:

1. The Imperial Navy carried out a determined air-raid against the U.S. Fleet and air forces in the Hawaiian area before dawn today, the 8th.
2. The Imperial Navy sank the British gunboat, "PETORE" /phonetic/ at Shanghai before daybreak today, the 8th. The U.S. gunboat, "WAKE" also surrendered to us at the same time.
3. The Imperial Navy bombed Singapore before daybreak today, the 8th, reaping huge war successes.
4. The Imperial Navy bombed enemy military establishments in DAVAO, WAKE and GUAM early this morning, the 8th.

Announcement by the Army Section of the Imperial General Headquarters issued at 5:00 P.M.

Our Army Air Force attacked en masse enemy strategic points in the Philippines early this morning of the 8th, inflicting great damages upon them.

The next is also an announcement made at 5:00 P.M.

The Army Air Force in the South China Area also raided enemy air-fields, early this morning of the 8th, north of Hongkong and strafing at low altitudes on this air-field, they set fire to 12 of the 14 planes on this field. We suffered no casualties.

Our Army and Navy Air Forces reaped huge war successes in the air-raids made in the Philippines.

Announcement by the Army and Navy Sections of the Imperial General Headquarters at 9:00 P.M.

Today, the 8th, the Imperial Army and Navy Air Forces in close cooperation raided enemy air forces and principal enemy air fields in the Philippines and 4 planes at IBA /phonetic/ and 50 to 60 planes at CLARK FIELD were shot down. Our casualties were 2 planes. This is the announcement made at 9:00 P.M. by the Army and Navy Sections of the Imperial General Headquarters.

Announcement by the Army and Navy Sections of the Imperial General Headquarters at 9:00 P.M.

Under close cooperation, the Imperial Army and Navy commenced friendly advancement into Thailand /Siam/ this afternoon of the 8th. This is an announcement made by the Army and Navy Sections of the Imperial General Headquarters at 9:00 P.M. Regarding the passing of Japanese troops through her country, Thailand facilitated their passage. This afternoon, at 12:30 P.M., negotiations in regard to this has been concluded between Japan and Thailand and the Imperial Army and Navy commenced friendly advance into Thailand this afternoon.

C E R T I F I C A T E

I, Takeji TAKAHASHI, formerly Chief of the News Section of the Broadcasting Corporation of Japan, hereby certify that the attached electrical recording entitled "International Prosecution Section Evidentiary Document No.1633, Record Transcription of Radio Announcement of Attack on Pearl Harbor, 6 a.m. December 8, 1941", is a true and accurate transcription made from the original master record now in the possession of Radio Tokyo, and that IPS Document No.1633-A is an accurate script of the original record's text (in Japanese), IPS Document No. 1633.

/s/ Takeji Takahashi
Takeji TAKAHASHI

On the staff of the Consultant
Consultant Chamber of the Broad-
casting Corp. of Japan.

Official Capacity.

Witness: /s/ Kichibei Hoshi

Signed at Tokyo, Japan on this
23rd. day of October, 1946.

Statement of Official Procurement

I, John A. Curtis, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Broadcasting Corporation of Japan in the conduct of my official business.

Signed at Tokyo on this
23rd day of October, 1946.

/s/ J.A. Curtis 2nd Lt.
Name

Investigator
Official Capacity.

Witness: /s/ William C. Prout

Title - Log of Radio News Broadcasts Given on
Dec. 8 (Japanese Time), Japan Broad-
casting System.

Book Title - Broadcasting Division
News Section

Broadcasted at 6:20 a.m.
by Announcer UMINO

Foreign 27

December 8, 6:20 a.m. broadcast
Broadcaster Mr. UMINO, Announcer

Orders for general mobilization have been
issued at HONG KONG

NEW YORK - DOMEI - very urgent. According to AP telegram from
HONG KONG to NEW YORK, it is said that orders for general
mobilization have been issued at HONG KONG.

- - - - -

East. 2

BANGKOK, DOMEI -- As the crisis in the FAR EAST grows, GREAT
BRITAIN, in trying daily to arouse anti-Japanese feelings in
THAILAND through the media of the press and the radio, has be-
come frantic. However, recently, the general public of THAILAN
has lost faith in her very malicious propaganda. On the con-
trary, an anti-British feeling is growing among them.

That is to say, on the one hand, the BANGKOK telegram of
the 30th, by the REUTER news agency, threatens THAILAND by
reporting that 50,000 Australian soldiers have completed prepa-
rations for a THAILAND invasion, and on the other hand it
fabricated false news against JAPAN, cunningly trying to create
an anti-Japanese atmosphere. However, the results were reverse
important officials in the THAILAND government are extremely
indignant at such malicious propaganda by GREAT BRITAIN which
they considered as being calculated to disturb the strict
neutrality of the country.

Again, in the city of BANGKOK towards the end of last
month, rumours were current that the Japanese were freely
using yen notes at restaurants and other places. However, in

regard to this, a THAILAND radio commentator denied the rumor by saying,

"Although there is a rumour that the Japanese are using yen notes, an investigation by government authorities revealed that this was utterly false. If yen notes are being used, perhaps a certain country is probably using nationals who look like Japanese in order to arouse anti-Japanese feelings."

He thus indirectly hinted at the British false propaganda. Thus, at present, faith in GREAT BRITAIN has suddenly been lost and anti-British feelings are spreading everywhere like wild-fire. GREAT BRITAIN, being confused by this, is trying every means to alleviate anti-British feelings, and is extremely watchful against the development of THAILAND's pro-Japanese tendency.

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Political 4

The second Central Joint Conference of the Imperial Rule Assistance Association will finally meet today for a scheduled 5-day period in the great conference hall on the fourth floor of the headquarters.

In view of the extreme urgency of the present situation in the Southwest Pacific, the present conference is a regular national meeting for preparedness, which endeavors to concentrate the general will of 100,000,000 people, to unify the entire nation, and to set up a system to overcome national difficulties. Furthermore, the headquarters of the Assistance Association, through these speeches are faced with the policy of elevating the morale of the people to overcome national difficulties, together with the unification of the general will of 100,000,000 people. And since the government is actively endeavoring to express their belief and determinations in regard to the overcoming of national difficulties, and to disseminate the Imperial will to the people, the results of this present Joint Conference is attracting much attention.

Today, on the first day of the conference, the opening ceremony is to be held from 9:30 a.m., when Prime Minister TOJO will make a formal address as President of the Assistance Association. At the general meeting which is to be opened at 10, Foreign Minister TOGO and Navy Minister SHIMADA is scheduled to request that they be allowed to express their respective

opinions in order to stir up the people. Next, from 11:20 a.m., each representative will make a speech. Today, the discussions will be on the subjects: Part I, the elevation of the national morale and the establishment of a national belief in the promotion of Asia, and Part II, the establishment of a system for national mobilization. After their conclusion, the conference is scheduled to adjourn at 5:00 p.m. Now, on the one hand, President TOJO's address at the opening ceremony will be relayed from the Assistance Association conference hall at 9:30 a.m. together with the account of the opening ceremony, and the speeches of each Minister of State will be recorded and broadcast with the NEWS broadcast. On the other hand, the speeches of the members at the Joint Conference will be recorded if deemed fit and broadcast from 8:15 tonight.

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East 4

PEKING - DOMEI -- Colonel William ASHERST, the commander of the U. S. Marines stationed in PEKING, and 119 men will finally make a general withdrawal. Day after tomorrow, the 10th, the first party consisting of 40 men, and on the 12th, the second party consisting of 80, will take special trains leaving from CHENMEN Station of Peking for CHINGHUANGTAO. There, the party, together with 58 men who had previously withdrawn from TIENTSIN, is scheduled to leave for MANILA via SHANGHAI.

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Foreign 26

BERLIN - DOMEI -- The German Headquarters yesterday announced as follows:

The Soviet forces on the outskirts of LENINGRAD attempted to break through German positions with the co-operation of tanks and fighter planes, but met with failure by German counter-attack. German bombardment of Leningrad's vital military installations were also continued yesterday.

German mine-sweepers fought a heroic sea battle with the English mosquito fleet in the English channel, sinking one, and seriously damaging another.

Off the coast of CYRENAICA a German submarine sighted an English convoy, seriously damaging one transport ship and one merchantman.

German airforces executed a night bombardment of English airbases on Malta, night before last, and destroyed hangers and barracks.

In the week of November 29 to December 5, the Soviet air forces lost 228 planes, 139 of which were lost in air combats.

The German Headquarters have made such an announcement.

- - - - -

HELSINKI-DONEI -- The Finnish Headquarters announced night before last that Finnish forces fighting in eastern Karelia captured KALMYK, a strategic point on the MURMANSK railway north of Lake Onega, and besieged and annihilated Soviet forces in that area.

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Special News

7:00 and 7:18 a.m. broadcast
Broadcaster - Announcer TATENO

Announcement by the Army and Navy Sections of the Imperial General Headquarters, 6:00 a.m., December 8.

"The Imperial Army and Navy entered a state of war with the armed forces of the U.S.A. and GREAT BRITAIN in the west Pacific before dawn today, the 8th."

This morning the Imperial General Headquarters announced to the above effect. Since important news may follow, we request all listeners not to switch off their radios.

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Special news

7:41 and 8:30 a.m. broadcasts
Broadcaster - Announcer TATENO

- - - - -

Special News

December 8 (Monday)
7:41 and 8:30 a.m. broadcast

As already reported in Special News and Regular News broadcasts, the Imperial Army and Navy entered a state of war with the armed forces of the U.S.A. and Great Britain in the west Pacific before dawn today.

Next, announcement by the Army and Navy Sections of the Imperial General Headquarters at 6:00 a.m. this morning:

"The Imperial Army and Navy entered a state of war with the armed forces of the U.S.A. and Great Britain in the west Pacific."

The Army and Navy Sections of the Imperial General Headquarters made announcements to the above effect.

Since our forces opened hostilities against the armed forces of both America and Great Britain in the west Pacific before dawn this morning, the Government held an emergency Cabinet meeting at 7 a.m. today at the official residence of the Prime Minister, attended by Prime Minister TOJO and all other ministers of State excepting Foreign Minister TOGO. In the beginning, Navy Minister SHIMADA gave a report of the process of the battle with the armed forces of the U.S. and Great Britain and based on this report, the Government decided on the policy to be adopted. The meeting was adjourned at 7:20.

- - - - -

December 8 (Monday)
Foreign 6

Next, news gathered up to now will be assembled and announced.

WASHINGTON - Domei -- Ambassadors NOMURA and KURUSU visited the State Department at 2:20 p.m. of the 7th or 4:20 a.m. of the 8th, Japanese time, and handed Japan's reply to Secretary of State HULL.

At 7:30 this morning, Foreign Minister TOGO summoned American Ambassador GREW to his official residence, and handed

him the same formal reply of Japan as was handed to Secretary of State HULL in WASHINGTON. Then, at 7:45 a.m. he summoned British Ambassador CRAIGIE and explained to him the substance of this reply.

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December 8 (Monday)
Foreign 3

According to a Washington dispatch by Domei, Secretary of State HULL told Ambassadors NOMURA and KURIHARA who visited the State Department on the 7th,

"JAPAN's reply to my note is unsatisfactory."

- - - - -

December 8 (Monday)
Foreign 4

NEW YORK - Domei -- According to an U.P. telegram that reached NEW YORK from PANAMA, the PANAMA Government has issued an order for the arrest of all Japanese residents in PANAMA.

- - - - -

December 8 (Monday)
Foreign 1

President ROOSEVELT has ordered the U.S. Army and Navy into action.

WASHINGTON - Domei - very urgent -- President ROOSEVELT ordered the U.S. Army and Navy to immediately execute the already prepared order for action.

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December 8 (Monday)
Foreign 2

WASHINGTON - Domei - very urgent. -- Setting the date as of the 8th, U. S. Secretary of War STIMSON announced, in the afternoon of the 7th, that he had issued an order for general mobilization to the entire U. S. Army.

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December 8 (Monday)
Foreign 5

President ROOSEVELT summoned an emergency Cabinet meeting.

WASHINGTON - Domei -- President ROOSEVELT summoned an emergency Cabinet meeting at 8:30 p.m. of the 7th.

After the closing of the Cabinet meeting, President Roosevelt is expected to confer with Congressional leaders of the Democratic and the Republican parties.

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December 8 (Monday)
Foreign 27.

An Order for General Mobilization has been issued in HONG KONG.

NEW YORK - Domei. -- very urgent.

According to an AP telegram from HONGKONG which reached NEW YORK, an order for general mobilization has been issued in HONG KONG.

GENERAL HEADQUARTERS, SUPREME COMMAND ALLIED POWERS
INTERNATIONAL PROSECUTION SECTION

Document No. 1657

May 18, 1946

CERTIFICATE

I, Ray P. Normile, hereby certify that I am associated with the International Prosecution Section, General Headquarters, Supreme Command Allied Powers, and that the attached document, consisting of 1 bound volume and described as follows: Radio Log of Official Japanese War announcement as of 6 a.m. Dec. 8 - 1941 and dated Dec. 8 - 1941, was obtained by me on the date above set forth in my above capacity and in the conduct of my official business and in the following manner, to wit: (place and from whom obtained, including specific Japanese archives, records and files involved, if any) Japanese Section - Radio Tokyo.

Ray P. Normile (signed)
Investigator
IPS

C E R T I F I C A T E

I, Takeji Takahashi, hereby certify that I am connected with Radio Tokyo in the following capacity: presently Staff Member of the Consultant Chamber and formerly Chief of the News Section of Radio Tokyo. I further certify that the news announcement appearing on page 1 of the attached document, "Information Section Concerning News" is the first news announcement made over Radio Tokyo on 8 December 1941 (Tokyo Time). I also certify that this broadcast concerning "Mobilization Order in Hong Kong" was made at 6:20 a.m. 8 December 1941.

/s/ Takeji Takahashi (Seal)
NAME

On the staff of the Consultant
Chamber, Radio Tokyo
Official Capacity

Witness: K. Kamiya, Vice Chief, Liaison Office, Radio Tokyo

Signed at Tokyo on the 24th day of October, 1946.

I, Takeji Takahashi, hereby certify that I am connected with Radio Tokyo in the following capacity: presently Staff Member of the Consultant Chamber and formerly Chief of the News Section of Radio Tokyo. I further certify that the news announcement appearing on page 1 of the attached document, "Information Section Concerning News" is the first news announcement made over Radio Tokyo on 8 December 1941 (Tokyo Time). I also certify that this broadcast concerning "Mobilization Order in Hong Kong" was made at 6:20 a.m. 8 December 1941.

/s/ Takeji Takahashi (Seal)
NAME

On the staff of the Consultant
Chamber, Radio Tokyo
Official Capacity

Witness: K. Kamiya, Vice Chief, Liaison Office, Radio Tokyo

(SEAL)
Foreign Office

I, ROBERT LESLIE CRAIGIE, G.C.M.G., C.B., formerly His Britannic Majesty's Ambassador to Japan, make oath and say as follows :-

(1) I was British Ambassador to Japan from 3rd September, 1937 to 8th December 1941.

(2) At 0745 hours on 8th December, 1941, at which time I had received no intimation whatever of any state of war or of any attack having been made on any British or United States forces or possessions, I received a telephone message requesting me to call on Foreign Minister Togo at his official residence at 0800 hours which I did. He informed me that the Japanese Government had decided to break off negotiations with the United States Government and handed me a copy of the memorandum which is reproduced on pages 787/792 of "papers relating to the Foreign Relations of the United States and Japan 1931/1941" volume 11, headed "Memorandum handed by the Japanese Ambassador Nomura to the Secretary of State at 2.20 p.m. 7th December, 1941", another copy of which, he said, had just been handed to my American colleague. Hastily perusing it I discovered there was not a word in it about war.

(3) Having expressed the regret and disapproval with which I had learnt that the Japanese Government had taken so serious a step as to break off the Washington discussions, I questioned the Foreign Minister about reports which had been broadcast on the British wireless late the previous evening that Japanese warships and transports were proceeding westwards across the Gulf of Siam, adding that the report, if true, could not but carry the most serious implications. His reply was that reports had reached him of large concentrations of British and Indian troops on the frontier of Siam, disposed for purposes of attack, and that Japanese warships had accordingly been ordered to patrol off the coast of Indo-China. I reminded the Minister of a statement I had made to him on the 5th December to the general effect that there was no question whatever of any attack being made by British troops against Siamese territory so long as Siam's independence was respected by Japan. Togo answered, as he had done on the 5th instant, that he had asked urgently for a report from the Japanese Ambassador in Bangkok as to the facts about these rumoured troop movements and that he was not really in a position to discuss this matter until that report had been received. I insisted that, as a Japanese convoy was already on its way, the matter had become one of the utmost urgency; and I requested that orders should be sent immediately to ensure that no initiative was taken by the Japanese forces on the spot until we had had time to discuss the matter further, adding that I would answer for it that no initiative would be taken by the British forces. It was, I said, essential at this critical juncture that the movement of Japanese forces in the area should be fully controlled from Tokyo. The Minister replied that naturally Japanese troop movements would be so controlled. As I was leaving, Togo observed that I would know how hard he had worked to prevent a break-down of the Washington conversations and secure an amicable solution of the problem which faced all three Powers in Eastern Asia. He expressed warm appreciation of my own efforts on behalf of Anglo-Japanese relations and regretted that things should now have come to such a pass. Not a word was said about war

having/

having broken out or any attacks having already been made on any British possessions or ships.

(4) On my return to the Embassy at about 0830 hours I was informed for the first time that the Japanese wireless had announced at about 0800 hours that war-like operations against Britain and the United States had commenced. After visiting the United States Embassy I found on my return to the British Embassy an official of the Japanese Ministry of Foreign Affairs who had arrived at about 1130 hours. He delivered a communication from the Foreign Minister notifying me that, as from the 8th December, a state of war existed between Great Britain and Japan.

Sworn by the said Robert Leslie)
Craigie at Wikfield in the)
County of Sussex this twenty)
first day of May, One thousand)
nine hundred and forty six.)

R. L. Craigie (signed)

Before me

I HEREBY CERTIFY THAT I BELIEVE
THE SIGNATURE

H. Basil Harrison (signed)
A Commissioner for Oaths.

"H. Basil Harrison",

HERETO APPENDED, TO BE IN THE
TRUE HANDWRITING OF H. Basil
Harrison, Commissioner for
Oaths, Wikfield, Sussex

CERTIFIED AT THE FOREIGN
OFFICE FOR LEGALIZATION
OF THE FORE-
(SEAL) GOING
FOREIGN SIGNATURE
OFFICE
LONDON

"L. M. Baker"

(SEAL)
SECRETARY OF STATE
HOME DEPARTMENT

L. M. Baker
(signed)

WHITEHALL

for Assistant Secretary
23rd May, 1946 Home Department

Vant Scott (signed)

23 MAY 1946

For the Secretary of State for
Foreign Affairs.

1237

City of Tokyo,)
)
Japan.)

PHILIP ERLE SAUNDERS, Chief Boatswain's Mate of the United States Navy, now attached to the International Prosecution Section of S.C.A.P., being first sworn according to Law, deposes and says:-

I am a Chief Boatswain's Mate, United States Navy, and was so employed on December 8, 1941, when I was detailed as Commanding Officer of U.S.S. Y.P. 16 at Guam.

Just before 0800 hours, Guam time, I received information by radio of the Japanese attack on Pearl Harbour, and at precisely 0800 hours I reported to the Beach Master for orders.

At about 0802 hours a formation of eight Japanese war planes came through the clouds and levelled off as for a bombing run. The first bombs dropped at approximately 0805 hours in the vicinity of the Cable Station and Pan-American compound. Several men were wounded by shrapnel and machine gun fire.

Subscribed and sworn to before me,
this 9th day of August, 1946.

/s/ PHILIP E. SANDERS
C.B.M. U.S.N.

/s/ HARRYMAN DORSEY

HARRYMAN DORSEY,
CAPTAIN, JAGD.

(SEAL)

IN THE MATTER OF THE INTERNATIONAL COURT AT
THE TRIAL OF MAJOR JAPANESE WAR CRIMINALS

A F F I D A V I T

I, Major General Christopher Michael MALTBY, M.C. of Green-acre, Shoreditch Taunton, in the County of Somerset, make oath and say as follows:-

1. In December 1941 I was the General Officer Commanding British troops in China, and was stationed at HONGKONG.
2. At about 0445 hours on the 8th December 1941 Intelligence sources reported hearing on a TOKIO broadcast code instructions to their nationals that war with Great Britain and the United States was imminent at any moment.
3. By about 0645 hours the garrison had been informed that the British Empire and Japan were at war.
4. Command Headquarters moved into underground battle Headquarters.
5. At 0800 hours Japanese aircraft dive attacked the KAI TAK airfield coming down to 60 feet and showing first class standard.
6. This attack destroyed or damaged the following grounded aircraft:

R.A.F.	3 destroyed
	1 seriously damaged
	1 slightly damaged
CIVIL	Clipper and 7 others
	(D.C. 23's) Condors and others.
7. SHAMSHUIPO barracks were also attacked and bombed from the air. But few casualties were caused through the maximum deployment.
8. The approximate casualties suffered during the attack on HONG KONG were:-

Killed or died of wounds.	British Officers	74
	British Other Ranks	595
	Indian Other Ranks	376
	Total	1045

/s/ C. M. Maltby, Major Gen.
late G.O.C. Br. Troops in
China

SWORN by the above said Christopher Michael Maltby
at Taunton in the County of Somerset
this 19th day of July 1946.

BEFORE ME

/s/ F. Wormersley Clarke

A Commissioner for Oaths

I hereby certify that I believe the signature
"F. Wormersley Clarke," hereto appended to be
in the true handwriting of Francis Wormersley
Clarke, Esquire, Commissioner for Oaths, Taunton,
Somerset.

(SEAL) /s/ F. J. Dodd

WHITEHALL

for Assistant Secretary
Home Department
29th July, 1946

Certified at the Foreign Office
For Legalization
(SEAL) of the foregoing
signature
LONDON "F. J. Dodd"

30 Jul 1946 /s/ Scott
For the Secretary of State for Foreign Affairs

1342

Doc. No. 2593-D (40)

page 1

Item 43

SECRET

From: Berlin
To: Tokyo
December 8, 1941
Purple. (Priority)

#1437. Limited distribution. Re my #143(9?).^a

At 1:00 p.m. today (8th) I called on Foreign Minister Ribbentrop and told him our wish was to have Germany and Italy issue formal declarations of war on America at once. Ribbentrop replied that Hitler was then in the midst of a conference at general headquarters discussing how the formalities of declaring war could be carried out so as to make a good impression on the German people, and that he would transmit your wish to him at once and do whatever he was able to have it carried out promptly. At that time Ribbentrop told me that on the morning of the 8th Hitler issued orders to the entire German navy to attack American ships whenever and wherever they may meet them.

It goes without saying that this is only for your secret information.

a - Not available

25978

ARMY

SECRET

Doc. No. 2593 (Certificate)

WAR DEPARTMENT
WAR DEPARTMENT GENERAL STAFF
INTELLIGENCE DIVISION
WASHINGTON, 25, D.C.

24 JULY 1946

I hereby certify that the attached photostats of Japanese messages have been intercepted by electric or physical means, decrypted, and translated by trained personnel of the War and Navy Departments, and are accurate and authentic to the best of my knowledge and belief insofar as it is humanly possible for an occidental accurately to translate Japanese script.

/s/ Carter W. Clarke

CARTER W. CLARKE
Colonel, G.S.C.

1245 I

EXHIBIT "L" - Affidavit of Joseph W. Ballantine, 24 June 1946

"Oral Statement Handed by the Secretary of State to the Japanese Ambassador (Nomura) on November 26, 1941.

"Washington, November 26, 1941.

"The representatives of the Government of the United States and of the Government of Japan have been carrying on during the past several months informal and exploratory conversations for the purpose of arriving at a settlement if possible of questions relating to the entire Pacific area based upon the principles of peace, law and order and fair dealing among nations. These principles include the principle of inviolability of territorial integrity and sovereignty of each and all nations: the principle of non-interference in the internal affairs of other countries: the principle of equality, including equality of commercial opportunity and treatment; and the principle of reliance upon international cooperation and conciliation for the prevention and pacific settlement of controversies and for improvement of international conditions by peaceful methods and processes.

"It is believed that in our discussions some progress has been made in reference to the general principles which constitute the basis of a peaceful settlement covering the entire Pacific area. Recently the Japanese Ambassador has stated that the Japanese Government is desirous of continuing the conversations directed toward a comprehensive and peaceful settlement in the Pacific area; that it would be helpful toward creating an atmosphere favorable to the successful outcome of the conversations if a temporary modus vivendi could be agreed upon to be in effect while the conversations looking to a peaceful settlement in the Pacific were continuing. On November 20 the Japanese Ambassador communicated to the Secretary of State proposals in regard to temporary measures to be taken respectively by the Government of Japan and by the Government of the United States, which measures are understood to have been designed to accomplish the purposes above indicated.

"The Government of the United States most earnestly desires to contribute to the promotion and maintenance of peace and stability in the Pacific area, and to afford every opportunity for the continuance of discussions with the Japanese Government directed toward working out of a broad-gauge program of peace throughout the Pacific area. The proposals which were presented by the Japanese Ambassador on November 20 contain some features which, in the opinion of this Government, conflict with the fundamental principles which form a part of the general settlement under consideration and to which each Government has declared that it is committed. The Government of the United States believes that the adoption of such proposals would not be likely to contribute to the ultimate objectives of ensuring peace under law, order and justice in the Pacific area, and it suggests that further effort be made to resolve our divergences of views in regard to the practical application of the fundamental principles already mentioned.

Exhibit "L" - cont'd

Affidavit of Joseph W. Ballantine, 24 June 1946

"With this object in view the Government of the United States offers for the consideration of the Japanese Government a plan of a broad but simple settlement covering the entire Pacific area as one practical exemplification of a program which this Government envisages as something to be worked out during our further conversations.

"The plan therein suggested represents an effort to bridge the gap between our draft of June 21, 1941 and the Japanese draft of September 25 by making a new approach to the essential problems underlying a comprehensive Pacific settlement. This plan contains provisions dealing with the practical application of the fundamental principles which we have agreed in our conversations constitute the only sound basis for worthwhile international relations. We hope that in this way progress toward reaching a meeting of minds between our two Governments may be expedited."

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"Document Handed by the Secretary of State to the Japanese Ambassador (Nomura) on November 26, 1941.

"Strictly Confidential
Tentative and Without
Commitment.

Washington, November 26, 1941

"Outline of Proposed Basis for Agreement Between the United States and Japan.

"Section I

"Draft Mutual Declaration of Policy

"The Government of the United States and the Government of Japan both being solicitous for the peace of the Pacific affirm that their national policies are directed toward lasting and extensive peace throughout the Pacific area, that they have no territorial designs in that area, that they have no intention of threatening other countries or of using military force aggressively against any neighboring nation, and that, accordingly, in the national policies they will actively support and give practical application to the following fundamental principles upon which their relations with each other and with all other governments are based:

"(1) The principle of inviolability of territorial integrity and sovereignty of each and all nations.

(2) The principle of non-interference in the internal affairs of other countries.

(3) The principle of equality, including equality of commercial opportunity and treatment.

(4) The principle of reliance upon international cooperation and conciliation for the prevention and pacific settlement of controversies and for improvement of international conditions by peaceful methods and processes.

"The Government of Japan and the Government of the United States have agreed that toward eliminating chronic political instability, preventing recurrent economic collapse, and providing a basis for peace, they will actively support and practically apply the following principles in their economic relations with each other and with other nations and peoples:

"(1) The principle of non-discrimination in international commercial relations.

(2) The principle of international economic cooperation and abolition of extreme nationalism as expressed in excessive trade restrictions.

(3) The principle of non-discriminatory access by all nations to raw material supplies.

(4) The principle of full protection of the interests of consuming countries and populations as regards the operation of international commodity agreements.

(5) The principle of establishment of such institutions and arrangements of international finance as may lend aid to the essential enterprises and the continuous development of all countries and may permit payments through processes of trade consonant with the welfare of all countries.

"Section II

"Steps To Be Taken By the Government of the United States and by the Government of Japan.

"The Government of the United States and the Government of Japan propose to take steps as follows:

"1. The Government of the United States and the Government of Japan will endeavor to conclude a multilateral non-aggression pact among the British Empire, China, Japan, the Netherlands, the Soviet Union, Thailand and the United States.

"2. Both Governments will endeavor to conclude among the American, British, Chinese, Japanese, the Netherland and Thai Governments an agreement whereunder each of the Governments would pledge itself to respect the territorial integrity of French Indochina and, in the event that there should develop a threat to the territorial integrity of Indochina, to enter into immediate consultation with a view to taking such measures as may be deemed necessary and advisable to meet the threat in question. Such agreement would provide also that each of the Governments party to the agreement would not seek or accept preferential treatment in its trade or economic relations with Indochina and would use its influence to obtain for each of the signatories equality of treatment in trade and commerce with French Indochina.

"(3) The Government of Japan will withdraw all military, naval, air and police forces from China and from Indochina.

"4. The Government of the United States and the Government of Japan will not support--militarily, politically, economically--any government or regime in China other than the National Government of the Republic of China with capital temporarily at Chungking.

"5. Both Governments will give up all extraterritorial rights in China, including rights and interests in and with regard to international settlements and concessions, and rights under the Boxer Protocol of 1901.

"Both Governments will endeavor to obtain the agreement of the British and other governments to give up extraterritorial rights in China, including rights in international settlements and in concessions and under the Boxer Protocol of 1901.

"6. The Government of the United States and the Government of Japan will enter into negotiations for the conclusion between the United States and Japan of a trade agreement, based upon reciprocal most-favored-nation treatment and reduction of trade barriers by both countries, including an undertaking by the United States to bind raw silk on the free list.

"7. The Government of the United States and the Government of Japan will, respectively, remove the freezing restrictions on Japanese funds in the United States and on American funds in Japan.

"8. Both Governments will agree upon a plan for the stabilization of the dollar-yen rate, with the allocation of funds adequate for this purpose, half to be supplied by Japan and half by the United States.

"9. Both Governments will agree that no agreement which either has concluded with any third power or powers shall be interpreted by it in such a way as to conflict with the fundamental purpose of this agreement, the establishment and preservation of peace throughout the Pacific area.

"10. Both Governments will use their influence to cause other governments to adhere to and to give practical application to the basic political and economic principles set forth in this agreement." (Foreign Relations, Vol. II, p. 766-770)

EXHIBIT "N" - Affidavit of Joseph W. Ballantine, 24 June 1946

"Memorandum Handed by the Japanese Ambassador (Nomura) to the Secretary of State at 2:20 P.M. on December 7, 1941.

"1. The Government of Japan, prompted by a genuine desire to come to an amicable understanding with the Government of the United States in order that the two countries by their joint efforts may secure the peace of the Pacific Area and thereby contribute toward the realization of world peace, has continued negotiations with the utmost sincerity since April last with the Government of the United States regarding the adjustment and advancement of Japanese-American relations and the stabilization of the Pacific Area.

"The Japanese Government has the honor to state frankly its views concerning the claims the American Government has persistently maintained as well as the measures the United States and Great Britain have taken toward Japan during these eight months.

"2. It is the immutable policy of the Japanese Government to insure the stability of East Asia and to promote world peace and thereby to enable all nations to find each its proper place in the world.

"Ever since China Affair broke out owing to the failure on the part of China to comprehend Japan's true intentions, the Japanese Government has striven for the restoration of peace and it has consistently exerted its best efforts to prevent the extension of war-like disturbances. It was also to that end that in September last year Japan concluded the Tripartite Pact with Germany and Italy.

"However, both the United States and Great Britain have resorted to every possible measure to assist the Chungking regime so as to obstruct the establishment of a general peace between Japan and China, interfering with Japan's constructive endeavours toward the stabilization of East Asia. Exerting pressure on the Netherlands East Indies, or menacing French Indo-China, they have attempted to frustrate Japan's aspiration to the ideal of common prosperity in cooperation with these regions. Furthermore, when Japan in accordance with its protocol with France took measures of joint defence of French Indo-China, both American and British Governments, wilfully misinterpreting it as a threat to their own possessions, and inducing the Netherlands Government to follow suit, they enforced the assets freezing order, thus severing economic relations with Japan. While manifesting thus an obviously hostile attitude, these countries have strengthened their military preparations perfecting an encirclement of Japan, and have brought about a situation which endangers the very existence of the Empire.

"Nevertheless, to facilitate a speedy settlement, the Premier of Japan proposed, in August last, to meet the President of the United States for a discussion of important problems between the two countries covering the entire Pacific area. However, the American Government, while accepting in principle the Japanese proposal, insisted that the meeting should take place after an agreement of view had been reached on fundamental and essential questions.

EXHIBIT "N" - Affidavit of Joseph W. Ballantine, 24 June 1946
- cont'd -

"3. Subsequently, on September 25th the Japanese Government submitted a proposal based on the formula proposed by the American Government, taking fully into consideration past American claims and also incorporating Japanese views. Repeated discussions proved of no avail in producing readily an agreement of view. The present cabinet, therefore, submitted a revised proposal, moderating still further the Japanese claims regarding the principal points of difficulty in the negotiation and endeavoured strenuously to reach a settlement. But the American Government, adhering steadfastly to its original assertions, failed to display in the slightest degree a spirit of conciliation. The negotiation made no progress.

"Therefore, the Japanese Government, with a view to doing its utmost for averting a crisis in Japanese-American relations, submitted on November 20th still another proposal in order to arrive at an equitable solution of the more essential and urgent questions which, simplifying its previous proposal, stipulated the following points:

"(1) The Governments of Japan and the United States undertake not to dispatch armed forces into any of the regions, excepting French Indo-China, in the Southeastern Asia and the Southern Pacific area.

(2) Both Governments shall cooperate with the view to securing the acquisition in the Netherlands East Indies of those goods and commodities of which the two countries are in need.

(3) Both Governments mutually undertake to restore commercial relations to those prevailing prior to the freezing of assets.

The Government of the United States shall supply Japan the required quantity of oil.

(4) The Government of the United States undertakes not to resort to measures and actions prejudicial to the endeavours for the restoration of general peace between Japan and China.

(5) The Japanese Government undertakes to withdraw troops now stationed in French Indo-China upon either the restoration of peace between Japan and China or the establishment of an equitable peace in the Pacific Area; and it is prepared to remove the Japanese troops in the southern part of French Indo-China to the northern part upon the conclusion of the present agreement.

"As regards China, the Japanese Government, while expressing its readiness to accept the offer of the President of the United States to act as 'introducer' of peace between Japan and China as was previously suggested, asked for an undertaking on the part of the United States to do nothing prejudicial to the restoration of Sino-Japanese peace when the two parties have commenced direct negotiations.

Exhibit "N" - cont'd

Affidavit of Joseph W. Ballantine, 24 June 1946

"The American Government not only rejected the above-mentioned new proposal, but made known its intention to continue its aid to Chiang Kai-shek; and in spite of its suggestion mentioned above, withdrew the offer of the President to act as so-called 'introducer' of peace between Japan and China, pleading that time was not yet ripe for it. Finally on November 26th, in an attitude to impose upon the Japanese Government those principles it has persistently maintained, the American Government made a proposal totally ignoring Japanese claims, which is a source of profound regret to the Japanese Government.

"4. From the beginning of the present negotiation the Japanese Government has always maintained an attitude of fairness and moderation, and did its best to reach a settlement, for which it made all possible concessions often in spite of great difficulties. As for the China question which constituted an important subject of the negotiation, the Japanese Government showed a most conciliatory attitude. As for the principle of non-discrimination in international commerce, advocated by the American Government, the Japanese Government expressed its desire to see the said principle applied throughout the world, and declared that along with the actual practice of this principle in the world, the Japanese Government would endeavour to apply the same in the Pacific Area including China, and made it clear that Japan had no intention of excluding from China economic activities of third powers pursued on an equitable basis. Furthermore, as regards the question of withdrawing troops from French Indo-China, the Japanese Government even volunteered, as mentioned above, to carry out an immediate evacuation of troops from Southern French Indo-China as a measure of easing the situation.

"It is presumed that the spirit of conciliation exhibited to the utmost degree by the Japanese Government in all these matters is fully appreciated by the American Government.

"On the other hand, the American Government, always holding fast to theories in disregard of realities, and refusing to yield an inch on its impractical principles, caused undue delay in the negotiation. It is difficult to understand this attitude of the American Government and the Japanese Government desires to call the attention of the American Government especially to the following points:

"1. The American Government advocates in the name of world peace those principles favorable to it and urges upon the Japanese Government the acceptance thereof. The peace of the world may be brought about only by discovering a mutually acceptable formula through recognition of the reality of the situation and mutual appreciation of one another's position. An attitude such as ignores realities and imposes one's selfish views upon others will scarcely serve the purpose of facilitating the consummation of negotiations.

Exhibit "N" - cont'd.

Affidavit of Joseph W. Ballentine, 24 June 1946

"Of the various principles put forward by the American Government as a basis of the Japanese-American Agreement, there are some which the Japanese Government is ready to accept in principle, but in view of the world's actual conditions, it seems only a utopian ideal on the part of the American Government to attempt to force their immediate adoption.

"Again, the proposal to conclude a multilateral non-aggression pact between Japan, United States, Great Britain, China, the Soviet Union, the Netherlands and Thailand, which is patterned after the old concept of collective security, is far removed from the realities of East Asia.

"2. The American proposal contained a stipulation which states--'Both Governments will agree that no agreement, which either has concluded with any third power or powers, shall be interpreted by it in such a way as to conflict with the fundamental purpose of this agreement, the establishment and preservation of peace throughout the Pacific area'. It is presumed that the above provision has been proposed with a view to restrain Japan from fulfilling its obligations under the Tripartite Pact when the United States participates in the War in Europe, and, as such, it cannot be accepted by the Japanese Government.

"The American Government, obsessed with its own views and opinions, may be said to be scheming for the extension of the war. While it seeks, on the one hand, to secure its rear by stabilizing the Pacific Area, it is engaged, on the other hand, in aiding Great Britain and preparing to attack, in the name of self-defense, Germany and Italy, two Powers that are striving to establish a new order in Europe. Such a policy is totally at variance with the many principles upon which the American Government proposes to found the stability of the Pacific Area through peaceful means.

"3. Whereas the American Government, under the principles it rigidly upholds, objects to settle international issues through military pressure, it is exercising in conjunction with Great Britain and other nations pressure by economic power. Recourse to such pressure as a means of dealing with international relations should be condemned as it is at times more inhumane than military pressure.

"4. It is impossible not to reach the conclusion that the American Government desires to maintain and strengthen, in coalition with Great Britain and other Powers, its dominant position it has hitherto occupied not only in China but in

Exhibit "N" - cont'd

Affidavit of Joseph W. Ballantine, 24 June 1946.

other areas of East Asia. It is a fact of history that the countries of East Asia for the past hundred years or more have been compelled to observe the status quo under the Anglo-American policy of imperialistic exploitation and to sacrifice themselves to the prosperity of the two nations. The Japanese Government cannot tolerate the perpetuation of such a situation since it directly runs counter to Japan's fundamental policy to enable all nations to enjoy each its proper place in the world.

"The stipulation proposed by the American Government relative to French Indo-China is a good exemplification of the above-mentioned American policy. Thus the six countries,--Japan, the United States, Great Britain, the Netherlands, China and Thailand,--excepting France, should undertake among themselves to respect the territorial integrity and sovereignty of French Indo-China and equality of treatment in trade and commerce would be tantamount to placing that territory under the joint guarantee of the Governments of those six countries. Apart from the fact that such a proposal totally ignores the position of France, it is unacceptable to the Japanese Government in that such an arrangement cannot but be considered as an extension to French Indo-China of a system similar to the Nine Power Treaty structure which is the chief factor responsible for the present predicament of East Asia.

"5. All the items demanded of Japan by the American Government regarding China such as wholesale evacuation of troops or unconditional application of the principle of non-discrimination in international commerce ignored the actual conditions of China, and are calculated to destroy Japan's position as the stabilizing factor of East Asia. The attitude of the American Government in demanding Japan not to support militarily, politically or economically any regime other than the regime at Chungking, disregarding thereby the existence of the Nanking Government, shatters the very basis of the present negotiation. This demand of the American Government falling, as it does, in line with its above-mentioned refusal to cease from aiding the Chungking regime, demonstrates clearly the intention of the American Government to obstruct the restoration of normal relations between Japan and China and the return of peace to East Asia.

"5. In brief, the American proposal contains certain acceptable items such as those concerning commerce, including the conclusion of a trade agreement, mutual removal of the freezing restrictions, and stabilization of yen and dollar exchange, or the abolition of extraterritorial rights in China. On the other hand, however, the proposal in question ignores Japan's sacrifices in the four years of the China Affair, menaces the Empire's existence itself and disparages its honour and prestige. Therefore, viewed in its entirety, the Japanese Government regrets that it cannot accept the proposal as a basis of negotiation.

Exhibit "N" - cont'd

Affidavit of Joseph W. Ballantine, 24 June 1946

"6. The Japanese Government, in its desire for an early conclusion of the negotiation, proposed simultaneously with the conclusion of the Japanese-American negotiation, agreements to be signed with Great Britain and other interested countries. The proposal was accepted by the American Government. However, since the American Government has made the proposal of November 26th as a result of frequent consultation with Great Britain, Australia, the Netherlands and Chungking, and presumably by catering to the wishes of the Chungking regime in the questions of China, it must be concluded that all these countries are at one with the United States in ignoring Japan's position.

"7. Obviously it is the intention of the American Government to conspire with Great Britain and other countries to obstruct Japan's efforts toward the establishment of peace through the creation of a new order in East Asia, and especially to preserve Anglo-American rights and interests by keeping Japan and China at war. This intention has been revealed clearly during the course of the present negotiation. Thus, the earnest hope of the Japanese Government to adjust Japanese-American relations and to preserve and promote the peace of the Pacific through cooperation with the American Government has finally been lost.

"The Japanese Government regrets to have to notify hereby the American Government that in view of the attitude of the American Government it cannot but consider that it is impossible to reach an agreement through further negotiations.

"Washington, 7 December 7, 1941."

(Foreign Relations, Vol. II, p. 787-792.)

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EXHIBIT "K" - Affidavit of Joseph W. Ballantine, 24 June 1946.

"Draft Proposal Handed by the Japanese Ambassador (Nomura) to the Secretary of State on November 20, 1941.

"1. Both the Governments of Japan and the United States undertake not to make any armed advancement into any of the regions in the South-eastern Asia and the Southern Pacific area excepting the part of French Indo-China where the Japanese troops are stationed at present.

"2. The Japanese Government undertakes to withdraw its troops now stationed in French Indo-China upon either the restoration of peace between Japan and China or the establishment of an equitable peace in the Pacific area.

"In the meantime the Government of Japan declares that it is prepared to remove its troops now stationed in the southern part of French Indo-China to the northern part of the said territory upon the conclusion of the present arrangement which shall later be embodied in the final agreement.

"3. The Government of Japan and the United States shall cooperate with a view to securing the acquisition of those goods and commodities which the two countries need in Netherlands East Indies.

"4. The Governments of Japan and the United States mutually undertake to restore their commercial relations to those prevailing prior to the freezing of the assets.

"The Government of the United States shall supply Japan a required quantity of oil.

"5. The Government of the United States undertakes to refrain from such measures and actions as will be prejudicial to the endeavors for the restoration of general peace between Japan and China." (Foreign Relations, Vol. II, p. 755-756)

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Exhibit "K"

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al.)

- AGAINST -

ARAKI, SADA0, et al.

A F F I D A V I T

I, Joseph W. Ballantine, having been duly sworn on oath, depose and say:

I entered the Foreign Service of the United States in June 1909, and thereafter served continuously up to date at various diplomatic and consular posts and in the Department of State. From 1909 until 1928 I served continuously either at the American Embassy at Tokyo or in consular posts in the Japanese Empire. From 1928 to 1930 I served in the Department of State. From 1930 to 1934 I served as Consul General at Canton, China; from 1934 to 1936 I served as Consul General at Mukden, Manchuria; from July to December 1936 I served temporarily at the American Embassy in Tokyo as First Secretary; and from March 1937 to date I have served continuously in the Department of State. Up to September 20, 1945 I was on duty in the Office of Far Eastern Affairs of the Department of State. Between December 1944 and September 1945 I was Director of that office. Since September 1945 my position has been that of Special Assistant to the Secretary of State.

The matters herein deposed to are mainly within my personal knowledge, otherwise they are matters with which I am familiar from records of the Department of State.

During practically all of my career in the foreign service, I have dealt with Far Eastern Affairs and have followed closely the course of Japanese-American relations. Up until 1931 the relations between the United States and Japan were generally friendly and the American Government and people consistently had an attitude of good will toward the government and people of Japan. The Japanese occupation of Manchuria caused an impairment of those relations.

It is essential to an understanding of the true significance of the conversations which took place in 1941 between the representatives of the Japanese and American Governments looking to a peaceful settlement of the Pacific question to have clearly in mind the background of the political situation in and relating to the Far East.

Almost from the outset of Japan's emergence as a modern state she had been pursuing a policy of military aggrandisement. For the most part, except during certain brief periods when forces of moderation appeared to be in the ascendancy, the intervals between one aggressive step and the next were but periods of consolidation.

In 1895, following Japan's successful war against China, Japan annexed Formosa and tried unsuccessfully to establish a foothold in Manchuria.

In 1905, after the Russo-Japanese war, Japan established herself securely in Manchuria by acquiring a lease of the Kwantung territory and ownership of the South Manchuria Railway. At that time Japan also acquired southern Sakhalin.

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In 1928, following the advent of the Tanaka cabinet in 1927, Japan adopted a so-called "positive" policy toward China under which it manifested an increasing disposition to intervene in China's internal affairs.

In 1931 Japan invaded Manchuria and subsequently established there a puppet regime under the name of "Manchukuo." By that action, which was a flagrant violation of the Nine Power Treaty, Japan broke completely away from the policy of cooperation agreed upon in the Washington Conference treaties.

The opposition of the American Government to Japan's course was reflected in the identic notes which the United States Government delivered to the Japanese and the Chinese Governments, dated January 7, 1932, stating that the United States could not admit the legality of any situation de facto; that it did not intend to recognize any treaty or agreement between China and Japan which might impair U. S. treaty rights, including those relating to Chinese sovereignty and the open door policy; and that it did not intend to recognize any situation, treaty, or agreement brought about contrary to the Kellogg Pact.

Although the United States was not a member of the League of Nations, it cooperated with the League in relation to the Manchurian question.

In a note addressed to the Secretary of State dated February 21, 1934, Mr. Hirota, Japanese Minister for Foreign Affairs, stated that he believed that no question existed between the United States and Japan "that is fundamentally incapable of amicable solution." The Secretary of State in his reply expressed concurrence in that view and emphasized the belief of the American Government in adjustments of questions by pacific means. The exchange of messages in question is quoted on pp. 127 - 129 inclusive, Foreign Relations of the United States - Japan, 1931-1941, Volume I.

Nevertheless, on April 17, 1934, the Japanese Foreign Office spokesman gave out a truculent official statement known as the "Amau" statement. In that statement, Japan made clear a purpose to compel China to follow Japan's dictate and to permit other countries to have relations with China only as Japan allowed. A copy of that statement is annexed as Exhibit A.

On December 29, 1934, while Hirota was still Foreign Minister, Japan gave formal notice of its intention to withdraw at the end of 1936 from the Naval Limitation Treaty signed at Washington on February 6, 1922. Following the giving of that notice, Japan proceeded energetically to increase her armaments, preparatory to launching her invasion in China.

In July 1937, with Hirota again Foreign Minister, Japan deliberately took advantage of a minor incident between Chinese and Japanese forces at a point near Peiping and began flagrantly to invade China on a huge scale. She poured into China immense armies which spread fan-like over great areas, including industrial and other key centers. These armies raped, robbed, murdered and committed all kinds of lawless acts. Particularly barbarous were the outrages in Nanking following occupation of that city by Japanese military on December 13, 1937. Public opinion in the United States was shocked by these outrages.

Subsequent to the renewed Japanese armed attack on China, beginning on July 7, 1937, relations between the United States and Japan steadily deteriorated. The Japanese military forces completely disregarded in their acts suggestions made by the United States and other governments that reasonable consideration be given by them to the safety, rights and interests of nationals of third countries in China. American public opinion became outraged by the methods and strategy employed by the Japanese military and became gradually more and more critical of Japan. The United States Government looked with thorough disfavor upon the current manifestations of Japanese foreign policy and upon the methods employed by the Japanese military in pursuit of their policy.

On August 10, 1937, the United States made an offer of American good offices in the dispute between Japan and China, but the attitude of the Japanese Government was such that nothing came of it.

On October 6, 1937, the American Government protested that the action of Japan in China was inconsistent with the principles which should govern relationships between nations and was contrary to the provisions of the Nine Power Treaty and of the Briand-Kellogg Pact.

In November 1937 the United States participated with eighteen other nations in a conference held at Brussels to "study peaceable means of hastening the end of the regrettable conflict which prevails" in the Far East. The conference was held in accordance with a provision of the Nine Power Treaty of 1922. The repeated refusals of the Japanese Government to participate in the conference effectively prevented efforts to bring about an end to the conflict by mediation and conciliation. On November 24 the conference suspended its sittings.

On December 12, 1937, Japanese aircraft bombed and sank the U.S.S. Panay in the Yangtze River.

To gain public support in Japan for its program of military expansion, slogans were used, such as "the new order in Greater East Asia" and "the East Asia Co-Prosperity Sphere." The United States and other countries were charged with attempting to choke Japan's development. That charge was entirely unfounded except as it applied to American and British opposition to Japan's courses of aggression.

On July 26, 1939, the Government of the United States notified the Japanese Government of its intention to terminate the Treaty of Commerce and Navigation of 1911. It was felt that this treaty was not affording adequate protection to American commerce either in Japan or in Japanese occupied portions of China, while at the same time the operation of the most-favored-nation clause of the treaty was a bar to the adoption of retaliatory measures against Japanese commerce. The treaty therefore terminated on January 26, 1940.

During the entire period of the undeclared war between Japan and China there was on the part of the Japanese Government and the Japanese authorities in China flagrant disregard for and violation of American rights and interests and the jeopardizing of American lives. American property was invaded, occupied, and taken over by the Japanese military authorities. In many instances American property was bombed and American citizens placed in jeopardy of their lives. Discriminatory restrictions were placed upon American enterprise and trade in China. Japanese censorship of and interference with American mail and telegrams and restrictions upon freedom of trade, residence and travel by Americans subjected American interests to continuing serious inconveniences and hardships. Notwithstanding repeated representations and protests by the American Government and notwithstanding repeated and categorical assurances by the Japanese Government that equality of opportunity or the Open Door in China would be maintained and that American rights would be respected, violations of American rights and interests continued.

The imposition by the Japanese authorities of restrictions upon the movement and activities of Americans in China operated to place Japanese interests in a preferred position in China and was discriminatory in its effect upon legitimate American interests. The imposition by the Japanese authorities of exchange controls, compulsory currency circulation, tariff revision and monopolistic promotion implied an assumption on the part of the Japanese authorities that the Japanese Government or the regimes established and maintained in China by Japanese armed forces were entitled to act in China in a capacity such as flows from rights of sovereignty and to disregard the established rights and interests of other countries, including the United States.

The Japanese Prime Minister, in a public statement November 3, 1938, said in part: "All countries of the world should have a clear recognition regarding the new situation in the Far East. History shows clearly that peace and independence in China have been frequently menaced as the result of the struggle for supremacy among foreign Powers which was based on imperialistic ambitions. Japan sees the necessity of effecting a fundamental revision in this situation and desires to establish a new peace fabric in Far East on the basis of justice. It goes without saying that Japan will not exclude cooperation of foreign Powers. Neither she intends to damage the legitimate rights of the third Powers in China. If the Powers understand the real intentions of Japan and devise a policy in accordance with the new situation in the Far East, Japan does not grudge to cooperate with them for peace in the Far East." He did not, however, define what he meant by policies "in accordance with the new situation in the Far East." (U. S. Foreign Relations - Japan - 1931-1941, Vol. II, page 480.)

In September 1939 the Government of the United States protested to the Japanese Government against a large-scale propaganda campaign against Western nations, including the United States, undertaken by Japanese agencies in areas of China under Japanese control. In pronouncements and manifestos issued by puppet regimes at Peiping and Nanking it was sought to persuade Chinese people that the difficulties and burdens which the hostilities had brought upon the native population should be blamed upon the Western nations, including the United States. Strong anti-American feeling was fostered in various places, anti-American parades were organized, and anti-American banners and posters were displayed.

In August and September 1940 it came to the knowledge of the Department of State that Japan had concluded an agreement with Vichy France under which Japanese troops moved into northern Indo-China. The Acting Secretary of State on September 20, 1940, informed the Japanese Ambassador that the Ambassador himself could be under no misapprehension as to the very serious disquiet and very open opposition which the action threatened by Japan in Indo-China would create in the minds of the members of the United States Government and on the part of public opinion generally in the United States.

In September 1940, Japan entered into the Tripartite Pact with Germany and Italy. In the view of the Government of the United States that alliance was aimed directly at the United States. It was designed to discourage the United States from taking adequate measures of self-defense until both Japan and Germany had completed their program of conquest in Asia and Europe, when they could turn on the United States then standing alone. The Secretary of State in commenting on September 30, 1940, to the British Ambassador on the subject of that alliance observed that the relations among Germany, Italy and Japan, each having a common objective of conquering certain areas of the world and each pursuing identical policies of force, devastation, and seizure, had been during recent years on the "basis of complete understanding and of mutual cooperation" for all practical purposes.

After the autumn of 1940 it became clearly apparent that the Japanese military leaders had embarked upon a program for the conquest of the entire Far East and Western Pacific area. That program was referred to by euphemistic slogans such as the "New Order in Greater East Asia" and "the Greater East Asia Co-prosperity Sphere." They went out with force and entered into collaboration with Hitler to establish a new world order, arrogating to themselves a sphere which embraced an area occupied by nearly half of the population of the world.

During all these years the Government of the United States consistently sought to remind the Japanese Government of the traditional friendship and mutually profitable relations between the two countries and to keep before the Japanese Government in the most tactful manner possible the principles which should form the basis of worthwhile relationships between nations. The Government of the United States also sought to dissuade Japan from her courses by pointing the way to just and honorable alternatives which would have assured Japan what she professed to seek - national security and economic prosperity.

It was also necessary to bear in mind in entering upon the conversations with the Japanese in 1941, Japan's long record of duplicity in international dealings.

In 1904, Japan guaranteed Korea's independence and territorial integrity. In 1910, Japan annexed Korea.

In 1908, Japan pledged with the United States to support the independence and integrity of China and the principle of equal opportunity there. In 1915, Japan presented to China the notorious "twenty-one demands."

In 1918, Japan entered into an inter-allied arrangement whereby forces, not exceeding above 7,000 by any one power, were to be sent to Siberia to guard military stores which might be subsequently needed by Russian forces, to help the Russians in the organization of their own self-defense, and to aid the evacuating Czechoslovakian forces in Siberia. The Japanese military saw in this enterprise an opportunity in which they were eventually unsuccessful, to annex eastern Siberia and sent more than 70,000 troops.

In the Nine-Power Treaty of 1922, Japan agreed to respect China's sovereignty, independence and territorial and administrative integrity. Japan also agreed to use its influence to establish the principle of equal opportunity there. Japan's whole course in China since 1931 of military occupation and economic domination was in violation of those pledges.

On November 21, 1932, Mr. Matsuoka, then Japanese delegate to the League of Nations, said: "We want no more territory." By the end of 1932 Japanese forces had occupied the whole of Manchuria, and in subsequent years they moved southward and westward occupying a vast area of China.

On July 27, 1937, Prince Konoye, then Japanese Premier, said: "In sending troops to North China, of course, the Government has no other purpose, as was explained in its recent statement, than to preserve the peace of East Asia." In order to "preserve the peace of East Asia," Japanese forces for four years had carried warfare and suffering over the greater part of China.

On October 28, 1937, the Japanese Foreign Office said, "Japan never looks upon the Chinese people as an enemy . . ." Japan showed its friendly feeling for China by bombing Chinese civilian populations, by burning Chinese cities, by making millions of Chinese homeless and destitute, by mistreating and killing civilians, and by acts of horror and cruelty.

On April 15, 1940, Mr. Arita, then Japanese Minister for Foreign Affairs, said the "Japanese Government cannot but be deeply concerned over any development . . . that may affect the status quo of the Netherlands East Indies." Following the occupation of the Netherlands by Germany that spring, Japan sent a Commercial Commission to the Indies which asked concessions so far reaching that, if granted, they would have reduced the Indies practically to a Japanese colony.

After the renewal of Japan's undeclared war against China in July 1937, Japanese civilian leaders time and again gave assurances that American rights would be respected. Time and again the Japanese military acted in violation of those assurances.

Time and again the Japanese gave assurances that American lives and property in China would be respected. Yet there were reported in steadily mounting numbers cases of bombing of American property with consequent loss or endangering of American lives.

Time and again, the Japanese gave assurances that American treaty rights in China would be respected. Unnumbered measures infringing those rights were put into effect in Japanese occupied

areas. Trade monopolies were set up, discriminatory taxes were imposed, American properties were occupied, and so on. In addition, American nationals were assaulted, arbitrarily detained, and subjected to indignities.

In 1931-1933, while Japan was carrying forward its program of aggression, the American Government was moving steadily ahead in advocacy of world support of sanctity of treaties and peaceful processes.

On May 16, 1934, the Secretary of State had a general conversation with Japanese Ambassador Saito, one of many conversations in which he endeavored to convince the Japanese that their best interests lay in following policies of peace.

Three days later, the Secretary of State talked again with the Japanese Ambassador. During the conversation, the Ambassador repeated the formula which his Government had been putting forward publicly for some weeks to the effect that Japan had a superior and special function in connection with the preservation of peace in Eastern Asia. The Secretary of State brought to the Japanese Ambassador's attention the clear implications contained in the Japanese formula of the intention on the part of Japan to exercise an overlordship over neighboring nations and territories.

During the winter of 1940 and the spring of 1941, it was apparent that the Japanese military leaders were starting on a mission of conquest of the entire Pacific area west of a few hundred miles of Hawaii and extending to the South Seas and to India. The Japanese were out with force in collaboration with Hitler to establish a new world order, and they thought they had the power to compel all peaceful nations to come in under that new order in the half of the world they had arrogated to themselves.

In March 1941, just as I was about to proceed to China to assume the post of Counselor of Embassy there, I was instructed by the Secretary of State to remain in Washington for consultation in connection with a suggestion which had been informally brought to the attention of the President and the Secretary of State through the medium of private Americans and Japanese that the Japanese Government would welcome an opportunity to alter its political alignments and modify its attitude toward China. It was represented that if an agreement could be achieved with the U. S. which would offer Japan security, this would enable the moderate elements in Japan to gain control of the domestic political situation there. It was further represented that there was adequate support in the Japanese Government for an agreement with the U. S. which would provide, among other things, for practical nullification of Japan's alliance with the Axis and for settlement of the conflict between China and Japan on terms which would give complete recognition by Japan of the "open door" in China, provided that Japan received similar treatment elsewhere in the Far East. It was also represented that the Japanese people were weary of the hostilities with China and that most elements in Japan were prepared for a recasting of Japan's policies along liberal and peaceful lines.

Welcoming these suggestions, but also with the history as above summarized in mind, the President and the Secretary of State during March and April, 1941, several times discussed with the Japanese Ambassador the subject of effecting an improvement in the relations between the United States and Japan.

On May 12, the Japanese Ambassador presented as under instructions a proposal for a general settlement between the two countries covering the entire Pacific area. A copy of that document is annexed as Exhibit B. The terms which Japan intended to propose to China were indicated only through reference to the "Konoye principles." Inasmuch as the "Konoye principles" had been made the basis of a so-called treaty between Japan and the Wang Ching-Wei Regime in November 1940, which had placed Japan in a position of overlordship with respect to the Wang Regime, the Secretary of State sought to induce the Japanese to state precisely the terms which they had in mind as a basis of Japan's negotiations with China, but the Japanese Ambassador and his associates constantly avoided making definite commitments by constant resort to vague generalities. In the course of conversations with me and with other officers of the Department, Colonel Hideo Iwakuro, the Special Military Adviser of the Japanese Ambassador, explained that the areas where stationing of Japanese troops in China was contemplated under a provision for "defense against Communistic activities through collaboration of the two countries /China and Japan/" included Inner Mongolia and the adjacent regions of China proper, comprehending a line of communication to the sea as far south as Tsingtao which thus meant Japanese military domination of the five northern provinces of Hopei, Shantung, Shansi, Chahar, and Suiyuan, with an aggregate area of more than 400,000 square miles and an estimated population of more than 80,000,000. This territory was in addition to Manchuria and the province of Jehol which Japan had brought under her control some years earlier. The Military Adviser declared to me that this stationing of Japanese troops in China was an absolute condition of any settlement with China.

Notwithstanding the various objectionable features of the Japanese Government's proposal, in view of the world situation the Government of the U. S. decided to explore thoroughly every possible means, starting with the Japanese proposals, of coming to an agreement. The Secretary of State on numerous occasions at which I was present emphasized to the Japanese Ambassador that this Government was aware of the difficult internal situation which the Japanese Government faced and was prepared to be patient and to give the Japanese Government ample time to bring Japanese public opinion into line in support of a liberal broad-gauge program, such as the Secretary of State and the Japanese Ambassador had been discussing in their conversations. The Japanese representatives expressed surprise that this Government should raise with them the points in regard to the terms of settlement which Japan proposed with China as they regarded the settlement of the China affair as a matter which concerned only China and Japan. The Secretary of State pointed out in numerous conversations that a peaceful settlement between Japan and China was an essential element in furthering the objective which the U. S. and Japan had in mind, namely, the peace of the Pacific, and that if the U. S. should, as the Japanese

proposed, suggest that China enter negotiations with Japan, this Government could not divest itself of a certain degree of responsibility with regard to the basis of the proposed negotiations and the general conformity of Japan's proposed terms with the principles which this Government supports. On May 28, in response to questions asked by the Secretary of State, the Japanese Ambassador indicated that withdrawal of the Japanese troops from China following a settlement with China, would not include Japanese troops retained in China for "cooperative defense against Communism," and that he was unable to state how many troops Japan would propose retaining or to define the precise areas in which those troops would be stationed. The Japanese Ambassador, in reply to further questions by the Secretary of State, said that he did not believe that the Far East had progressed to a point where other arrangements would be feasible. The Secretary of State also, on May 28, made it clear that the Japanese proposed formula with reference to Japan's relations to the Axis did not adequately clarify Japan's peaceful intention toward the U. S., should the U. S. through acts of self-defense become involved in war with Germany. He emphasized that such clarification was needed, especially to off-set statements being made by Japanese officials in justification of Japan's Axis obligations and that if we made an agreement with Japan, critics would, unless the Japanese Government had adequately clarified its attitude on this point, assert that there was no assurance as to Japan's position vis a vis the U. S.

The question of what Japan meant by "economic cooperation" between China and Japan was also discussed. As the informal conversations proceeded, it was evident that Japan intended to retain a preferred economic position for herself in China, while at the same time trying to obtain for herself in the southwestern Pacific area economic rights such as it was unwilling that a third Power should enjoy in China. The Secretary of State made it clear that retention by Japan of a preferred position in China would be inconsistent with the principle of non-discrimination in international commercial relations to which this Government was committed, which it believed to be essential for a lasting peace in the Pacific, and which the Japanese had said they approved.

On June 6, the Secretary of State informed the Japanese Ambassador that he had received the impression, from the successive Japanese revisions of their proposal and from recent manifestations of the Japanese Government's attitude, that the Japanese Government was disposed (1) to stress Japanese alignment with the Axis; (2) to avoid giving a clear indication of an intention to place Japan's relations with China on a basis which would contribute to a lasting peace in the Far East; and (3) to veer away from clear-cut commitments in regard to policies of peace and of non-discriminatory treatment which were the fundamentals of a sound basis for peace in the Pacific.

The Japanese pressed for a complete reply to their proposals of May 12. Accordingly, on June 21, the Ambassador was given the American Government's view in the form of a tentative redraft of their proposals. A copy of that document is appended as Exhibit C. There is annexed as Exhibit D a comparison in parallel columns between such provisions of the Japanese proposal of May 12 and the American counterdraft of June 21, as represented material and essential differences.

On June 22, Germany attacked the Soviet Union, and in July the American Government began receiving reports that a large Japanese military movement into southern Indo-China was imminent. This Japanese movement threatened the Philippine Islands and British and Dutch possessions in the western Pacific area. It also threatened vital trade routes. Officers of the Department of State immediately brought these reports to the attention of the Japanese Ambassador, pointed out the inconsistency between such a military movement and the conversations which were then proceeding, and requested information as to the facts. On July 23, the Japanese Ambassador stated in explanation that Japan needed to secure an uninterrupted source of supplies and to insure against encirclement of Japan militarily. The Acting Secretary of State, Mr. Welles, replied that the agreement, which was being discussed between American and Japanese representatives, would give Japan far greater economic security than she could gain by occupying Indo-China. He pointed out that the United States policy was the opposite of an encirclement policy. He said that the United States could only regard the action of Japan as constituting notice that Japan was taking the last step to proceeding on a policy of expansion and conquest in the region of the South Seas. He told the Ambassador, under instructions from the Secretary of State, that under those circumstances, the Secretary could not see any basis for pursuing further the conversations with the Japanese Ambassador.

On July 24 President Roosevelt made a proposal to the Japanese Government that Indo-China be regarded as a "neutralized" country. That proposal envisaged Japan's being given the fullest and freest opportunity of assuring for herself a source of food supplies and other raw materials which--according to Japanese accounts--Japan was seeking to obtain. The Japanese Government did not accept the President's proposal, and large Japanese forces were moved into Southern Indo-China.

The Japanese move into southern Indo-China was an aggravated, overt act. It created a situation in which the risk of war became so great that the United States and other countries concerned were confronted no longer with the question of avoiding such risk but from then on with the problem of preventing a complete undermining of their security. It was essential that the United States make a definite and clear move in self-defense.

Accordingly, on July 26, 1941, President Roosevelt issued an executive order freezing Chinese and Japanese assets in the United States. That order brought under the control of the Government all financial and import and export trade transactions in which Chinese or Japanese interests were involved. The British and Netherlands Governments took similar steps. The effect of this was to bring about very soon virtual cessation of trade between the United States and Japan.

Thereafter, on August 8, the Japanese Ambassador inquired whether it might not be possible for the responsible heads of the two governments to meet with a view to discussing means for reaching an adjustment of views. After reviewing briefly the steps which had led to a discontinuance of the informal conversations, the Secretary of State said it remained to the Japanese Government to decide whether it could find means of shaping its policies along lines which would make possible an adjustment of views.

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On August 28 the President was given a message from the Japanese Prime Minister, Prince Konoye, urging that a meeting of the heads of the two Governments be arranged to discuss all important problems by Japan and the United States covering the entire Pacific area. Accompanying that message was a statement containing assurances, with several qualifications, of Japan's peaceful intent. Copies of the message and accompanying statement are annexed as Exhibit E.

The President in his reply given on September 3 suggested that there take place immediately in advance of the proposed meeting preliminary discussions on fundamental and essential questions on which agreement was sought and on the manner in which the agreement would be applied. A copy of this reply is annexed as Exhibit F.

It was felt by the American Government that the President could go to such a meeting only if there were first obtained tentative commitment offering some assurance that the meeting could accomplish good. Neither Prince Konoye nor any of Japan's spokesmen provided anything tangible. They held on to the threat against the United States implicit in the Tripartite Alliance. They would not state that Japan would refrain from attacking the United States if it became involved through acts of self-defense in the European War. The Japanese had already refused to agree to any preliminary steps toward reverting to peaceful courses, as for example adopting the President's proposal of July 24 regarding the neutralization of Indo-China. Instead they steadily moved on with their program of establishing themselves more firmly in Indo-China. They would not budge from their insistence in any peace agreement with China upon terms based on principles which were embodied in a so-called treaty of 1940 with the puppet Wang Ching-wei regime at Nanking and which included the stationing for an indefinite period of large bodies of Japanese troops in wide areas of China and the control by Japan of strategic industries and economic facilities in China--terms which would have given Japan a permanent stranglehold over China. Inasmuch as months of closeup conversations with the Japanese had failed to move them on these points, it would have been illusory to expect that a meeting between the President and the Prime Minister would have resulted in Japan's giving dependable pledges such as would have assured a peaceful settlement. It was clear that unless the proposed meeting produced concrete and clear-cut commitments toward peace, the Japanese would have distorted the significance of such a meeting in such a way as to have a discouraging effect upon the Chinese; if it had resulted merely in endorsing general principles, the Japanese in the light of their past practice could have been expected to utilize such general principles in support of any interpretation which Japan might choose to place upon them; and if it did not produce an agreement, the Japanese leaders would have been in position to declare that the United States was responsible for the failure of the meeting.

On September 6 the Japanese Ambassador presented a new draft of proposals. These proposals were much narrower than the assurances given in the statement communicated to the President on August 28. A copy of this proposal is annexed as Exhibit G.

On September 25, the Japanese Government presented to Ambassador Grew a complete new draft of the Japanese proposals and urged that an early reply be made. The new redraft did not indicate any modification of the attitude of the Japanese Government on fundamental

points. A copy of this proposal is annexed as Exhibit H. The Japanese Government had separately on September 22 communicated to Ambassador Grew a statement in regard to the terms of peace which it proposed to offer China. A copy of that statement is annexed as Exhibit I.

On October 2, the Secretary of State gave to the Japanese Ambassador a memorandum of an "oral statement" reviewing significant developments in the conversations and explaining this Government's attitude toward various points in the Japanese proposals which did not appear to this Government to be consistent with the principles to which the United States was committed. A copy of that "oral statement" is annexed as Exhibit J.

The Japanese, soon after receiving this Government's memorandum of October 2, redoubled their emphasis upon the need of haste in reaching an agreement. They offered new formulas for dealing with limited and specific problems, and they stated that Japan had now placed all of its cards on the table and they had gone as far as they could in the direction of making so-called "concessions." In their new formulas, there was not discernible any evidence that the Japanese Government was moving even one step toward committing itself to courses of peace and that it contemplated receding even one step from insistence upon full attainment of its declared objectives--which were, in effect, political, economic, and cultural domination of the entire western Pacific area and China. After the new Japanese Cabinet, headed by General Tojo, came into office on October 17, the Japanese became even more insistent in urging upon this Government a quick decision on the Japanese Government's proposals, but, while pressing this Government for a decision, the Japanese Government showed no willingness to effect any fundamental modification of the Japanese position and no desire to apply practically in actual situations the basic principles of justice and equity essential to the building of a lasting peace in the Pacific.

Although throughout the conversations with the Japanese representative, the Secretary of State repeatedly made it clear that the American Government would consult with the Governments of the United Kingdom, Australia, China and the Netherlands before entering into actual negotiations with the Japanese Government affecting the interests of those governments, at no time did the Secretary of State make any statement to Japanese representative which would have warranted the Japanese in assuming that in the informal conversations the Secretary of State was delegated to speak or act for the other powers mentioned.

On November 15, Mr. Saburo Kurusu, whom the Japanese Government had decided to send to assist the Japanese Ambassador in the conversations, reached Washington. Shortly thereafter, on November 20, the Japanese Ambassador and Mr. Kurusu presented to the Secretary of State a proposal which, on its face, was extreme. A copy of that proposal is annexed as Exhibit K.

Before and after presenting that proposal, Ambassador Nomura and Mr. Kurusu talked emphatically about the urgency of the situation and intimated vigorously that this was Japan's last word and if an agreement along those lines was not quickly concluded ensuing developments might be most unfortunate.

Acceptance by the American Government of the Japanese proposal of November 20 would have meant condonement by the United States of Japan's past aggressions, assent by the United States to unlimited courses of conquest by Japan in the future, abandonment by the United States of its whole past position in regard to the most essential principles of its foreign policy in general, betrayal by the United States of China, and acceptance by the United States of a position as a silent partner aiding and abetting Japan in her effort to create a Japanese hegemony in and over the western Pacific and eastern Asia; it would have destroyed the chances of asserting and maintaining American rights and interests in the Pacific; and in its final analysis would have meant a most serious threat to American national security. Japan also clung to her vantage point in Indo-China which threatened the security of the countries to the south and menaced vital trade routes. Their conditional offer to withdraw troops from southern Indo-China to northern Indo-China was meaningless as they could have brought those troops back to southern Indo-China within a day or two, and furthermore they placed no limit on the number of troops they might continue to send there.

On November 26, the Secretary of State made a reply to the Japanese representatives in the form of two documents, the first, an outline in a tentative form of a proposed basis for agreement between the United States and Japan, and the second, an explanatory statement in regard to it. A copy of that document is annexed as Exhibit L.

Although, it subsequently appeared, the Japanese treated the November 26 proposal as finally disposing of the question of negotiating a peaceful settlement covering the Pacific area, they kept up the appearance of continuing negotiations right down to December 7.

On December 2, the President directed that inquiry be made at once of the Japanese Ambassador and Mr. Kurusu in regard to the reasons for continued Japanese troop movements into Indo-China. On December 5, the Japanese Ambassador called and presented to the Under Secretary of State, Mr. Welles, a reply to the President's inquiry of December 2 containing the specious statement that Japanese reinforcements had been sent to Indo-China as a precautionary measure against Chinese troops in bordering Chinese territory. On December 6, President Roosevelt telegraphed a personal appeal to the Emperor of Japan that the "tragic possibilities" in the situation be avoided. At the President's express direction the message was sent in the "gray" code, a non-confidential code which the Japanese would have no difficulty in deciphering. In order to assure prompt decoding and delivery by Ambassador Grew of that message, a brief telegram was sent him shortly in advance to be ready for a message to the Emperor which was being put on the wires. The alerting message was dispatched on December 6 at 8 p. m.; the message to the Emperor at 9 p. m. There is annexed as Exhibit M a copy of the message to the Emperor. The press was informed by the White House at about 7.40 p. m. on December 6 of the fact that a message to the Emperor was being dispatched.

On Sunday, December 7, at about 12 o'clock noon, the Secretary of State, in response to a telephone request from the Japanese Ambassador, made an appointment to receive the Ambassador and Mr. Kurusu at 1 p. m. Shortly after 1 p. m., the Ambassador and Mr. Kurusu asked by telephone that the appointment be postponed until 1.45 p. m. They arrived at the Department of State at 2.05 p. m. and were received by the Secretary at 2.20 p. m. The Japanese Ambassador said that he had been instructed by his Government to deliver a paper at 1 p. m., but that difficulty in decoding the message had delayed him. He then handed the Secretary a document, a copy of which is annexed as Exhibit N.

The Japanese message was not a declaration of war with reasons or an ultimatum. It was not even a declaration of intention to sever diplomatic relations.

The allegations in the Japanese message are contrary to fact. Since the outset of the conversations between the two governments, the effort of the Japanese Government was directed toward inducing the United States to surrender its basic policy, while the Japanese Government maintained intact its policy of aggression and force. The immutable policy of the Japanese Government to ensure the stability of East Asia was predicated upon establishing at the outset a complete Japanese military and economic stranglehold over China, calling for Japanese control over strategic Chinese industries and facilities, referred to euphemistically in terms such as "economic cooperation with China," and retention in large areas of China for an indefinite period of large Japanese garrisons to protect Japan's holdings, a stipulation cloaked under the innocent sounding provision "joint-defense against Communism." These terms were embodied in the so-called "treaty" of 1940 between Japan and the puppet Wang Ching-wei regime. The Japanese Government sought to obtain American assent to the imposition of these terms on the Chinese Government. At no time did the Japanese Government budge from insistence upon these terms, and for the Japanese Government to speak of making the utmost concessions is a monstrous distortion of the facts. It was because of this intransigent position of the Japanese Government that it would heed no suggestion looking toward an amicable adjustment of its differences with China. The contention that the Japanese Government's proposal of September 25 was based upon the American proposal is not sustained by a comparison of the two proposals. An analysis of the essential characteristic of the Japanese proposal of November 20 has already been presented above.

Refusal on the part of China to come to agreement with Japan on Japan's terms was due not to failure on the part of China to understand Japan's true intentions, as alleged, but to the fact that Japan's true intentions were clearly understood by China. The American policy of assisting the Chinese Government was inspired by a desire to prevent Japan from coercing China with a peace settlement under which China would become completely dominated by Japan. The policy of the United States and its friends, including the imposition of freezing measures, was one of self-defense against the publicly proclaimed Japanese policy of general aggression. The offer of the Government of the United States, contained in its proposal of June 21, under which the "President of the United States will suggest to the Government of China that the Government of China and the Government of Japan enter into a negotiation on a basis

Exhibit "D" Affidavit of Joseph H. Ballantine, 24 June 1946

Table showing in parallel columns differences on essential provisions of substance between the Japanese Government's draft proposal of May 12, 1941, and the American Government's counter-draft of June 21, 1941.

* * * * *

Japanese Government's Draft of May 12

II. The attitude of both Governments toward the European War. :

The Governments of the United States and Japan make it their common aim to bring about the world peace; they shall therefore jointly endeavour not only to prevent further extension of the European War but also speedily to restore peace in Europe.

The Government of Japan maintains that its alliance with the Axis Powers was, and is, defensive and designed to prevent the nations which are not at present directly affected by the European War, from engaging in it.

The Government of Japan maintains that its obligations of military assistance under the Tripartite Pact between Japan, Germany and Italy will be applied in accordance with the stipulation of Article 3 of the said Pact.

The Government of the United States maintains that its attitude toward the European War is, and will continue to be, directed by no such aggressive measures as to assist any one nation against another. The United States maintains that it is pledged to the hate of war, and accordingly, its attitude toward the European War is, and will continue to be, determined solely and exclusively by considerations of the protective defense of its own national welfare and security.

* * * * *

American Government's Counter-Draft of June 21

II. The attitude of both Governments toward the European War.

The Government of Japan maintains that the purpose of the Tripartite Pact was, and is, defensive and is designed to contribute to the prevention of an unprovoked extension of the European War.

The Government of the United States maintains that its attitude toward the European hostilities is and will continue to be determined solely and exclusively by considerations of protection and self-defense: its national security and the defense thereof.

Note (There is appended a suggested draft of an exchange of letters as a substitute for the Annex and Supplement on the Part of the Government of the United States on this subject which constituted a part of the draft of May 31, 1941. For discussion of the fundamental question underlying this whole section, vide the Oral Statement handed the Japanese Ambassador on June 21.)

(See also suggested exchange of letters Annex 3.)

* * * * *

Exhibit "D" - cont'd
Affidavit of Joseph W. Ballantine, 24 June 1946

Japanese Government's Draft of May 12

III. The relations of both nations toward the China Affair.

The Government of the United States, acknowledging the three principles as enunciated in the Konoe Statement and the principles set forth on the basis of the said three principles in the treaty with the Nanking Government as well as in the Joint Declaration of Japan, Manchoukuo and China and relying upon the policy of the Japanese Government to establish a relationship of neighborly friendship, shall forthwith request the Chiang Kai-shek regime to negotiate peace with Japan.

(Excerpt from accompanying oral explanation.)

III. China Affair.

The terms for China-Japan peace as proposed in the original Understanding differ in no substantial way from those herein affirmed as the "principles of Konoe". Practically, the one can be used to explain the other.

We should obtain an understanding, in a separate and secret document, that the United States would discontinue her assistance to the Chiang Kai-shek regime if Chiang Kai-shek does not accept the advice of the United States that he enter into negotiations for peace.

If, for any reason, the United States finds it impossible to sign such a document, a definite pledge by some highest authorities will suffice.

: American Government's Counter-Draft of June 21

III. Action toward a peaceful settlement between China and Japan

The Japanese Government having communicated to the Government of the United States the general terms within the framework of which the Japanese Government will propose the negotiation of a peaceful settlement with the Chinese Government, which terms are declared by the Japanese Government to be in harmony with the Konoe principles regarding neighborly friendship and mutual respect of sovereignty and territories and with the practical application of those principles, the President of the United States will suggest to the Government of China that the Government of China and the Government of Japan enter into a negotiation on a basis mutually advantageous and acceptable for a termination of hostilities and resumption of peaceful relations.

Note (The foregoing draft of Section III is subject to further discussion of the question of cooperative defense against communistic activities, including the stationing of Japanese troops in Chinese territory, and the question of economic cooperation between China and Japan. With regard to suggestions that the language of Section III be changed, it is believed that consideration of any suggested change can most advantageously be given after all the points in the annex relating to this section have been satisfactorily worked out, when the section and its annex can be viewed as a whole.)

Exhibit "D" - cont'd
Affidavit of Joseph W. Ballantine, 24 June 1946

Japanese Government's Draft of May 12

III. China Affair (cont'd)

The three principles of Prince Konoe as referred to in this paragraph are:

1. Neighborly friendship;
2. Joint defense against communism;
3. Economic cooperation - by which Japan does not intend to exercise economic monopoly in China nor to demand of China a limitation in the interests of Third Powers.

The following are implied in the aforesaid principles:

1. Mutual respect of sovereignty and territories;
2. Mutual respect for the inherent characteristics of each nation cooperating as good neighbors and forming a Far Eastern nucleus contributing to world peace;
3. Withdrawal of Japanese troops from Chinese territory in accordance with an agreement to be concluded between Japan and China;
4. No annexation, no indemnities;
5. Independence of Manchoukuo.

* * * * *

American Government's Counter-Draft of June 21

Annex and Section III

III. Action toward a peaceful settlement between China and Japan.

The basic terms as referred to in the above section are as follows:

1. Neighborly friendship.
2. (Cooperative defense against injurious communistic activities - including the stationing of Japanese troops in Chinese territory.) Subject to further discussion.
3. (Economic cooperation.) Subject to agreement on an exchange of letters in regard to the application to this point of the principle of non-discrimination in international commercial relations.
4. Mutual respect of sovereignty and territories.
5. Mutual respect for the inherent characteristics of each nation cooperating as good neighbors and forming an East Asian nucleus contributing to world peace.
6. Withdrawal of Japanese armed forces from Chinese territory as promptly as possible and in accordance with an agreement to be concluded between Japan and China.
7. No annexation.
8. No indemnities.
9. Amicable negotiations in regard to Manchoukuo.

(See also suggested exchange of letters Annex 4.)

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Exhibit "D" - cont'd
Affidavit of Joseph W. Ballantine, 24 June 1946

Japanese Government's Draft of May 12

: American Government's Counter-Draft of June 21

IV. Commerce between both nations.

IV. Commerce between both nations.

(No material difference except for Annex 2 contained in American proposal.)

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V. Economic activity of both nations in the Southwestern Pacific area.

V. Economic activity of both nations in the Pacific area.

Having in view that the Japanese expansion in the direction of the Southwestern Pacific area is declared to be of peaceful nature, American cooperation shall be given in the production and procurement of natural resources (such as oil, rubber, tin, nickel) which Japan needs.

On the basis of mutual pledges hereby given that Japanese activity and American activity in the Pacific area shall be carried on by peaceful means and in conformity with the principle of non-discrimination in international commercial relations, the Japanese Government and the Government of the United States agree to cooperate each with the other toward obtaining non-discriminatory access by Japan and by the United States to commercial supplies of natural resources (such as oil, rubber, tin, nickel) which each country needs for the safeguarding and development of its own economy.

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* * * *

VI. The policies of both nations affecting political stabilization in the Pacific area.

VI. The policies of both nations affecting political stabilization in the Pacific area.

a. The Governments of the United States and Japan jointly guarantee the independence of the Philippine Islands on the condition that the Philippine Islands shall maintain a status of permanent neutrality. The Japanese subjects shall not be

Both Governments declare that the controlling policy underlying this understanding is peace in the Pacific area; that it is their fundamental purpose, through cooperative effort, to contribute to the maintenance and the preservation of peace in the

Exhibit "D" - cont'd

Affidavit of Joseph W. Ballantine, 24 June 1946.

Japanese Government's Draft of May 12

VI. The policies of both nations affecting political stabilization in the Pacific area. (cont'd)

subject to any discriminatory treatment.

b. Japanese immigration to the United States shall receive amicable consideration - on a basis of equality with other nationals and freedom from discrimination.

Addendum.

The present Understanding shall be kept as a confidential memorandum between the Governments of the United States and Japan.

The scope, character and timing of the announcement of this Understanding will be agreed upon by both Governments.

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: American Government's Counter Draft of June 21

VI. The policies of both nations affecting political stabilization in the Pacific area. (cont'd)

Pacific area; and that neither has territorial designs in the area mentioned.

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VII. Neutralization of the Philippine Islands

The Government of Japan declares its willingness to enter at such time as the Government of the United States may desire into negotiation with the Government of the United States with a view to the conclusion of a treaty for the neutralization of the Philippine Islands. When Philippine independence shall have been achieved.

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EXHIBIT "I" - Affidavit of Joseph W. Ballantine, 24 June 1946

"THE JAPANESE PRIME MINISTER (PRINCE KONOYE) TO
PRESIDENT ROOSEVELT.

"I deeply appreciate the courtesy of Your Excellency in delivering personally to Ambassador Nomura the reply of the United States Government to the proposal of the Japanese Government regarding a meeting between your Excellency and myself.

"In the face of universal warlike turmoil Japan and the United States are the last two major Powers who hold the key to international peace. That the two nations should fall in the worst of relations at this time would mean not only a disaster in itself, but also the collapse of world civilization. Japan is solicitous for the maintenance of the peace of the Pacific and the peace of the world and she desires therefore to improve Japanese-American relations.

"The present deterioration of the Japanese-American relations is largely due, I feel, to a lack of understanding which has led to mutual suspicions and misapprehensions, and also encouraged the machinations and maneuvers of Third Powers.

"Without first eliminating such causes, it is impossible to expect adjustment of Japanese-American relations. This is why I wish to meet Your Excellency personally for a frank exchange of views.

"The preliminary informal conversations, disrupted July last, were quite appropriate both in spirit and content. But the idea of continuing those conversations and to have their conclusion confirmed by the responsible heads of the two Governments does not meet the need of the present situation which is developing swiftly and may produce unforeseen contingencies.

"I consider it, therefore, of urgent necessity that the two heads of the Governments should meet first to discuss from a broad standpoint all important problems between Japan and America covering the entire Pacific area, and to explore the possibility of saving the situation. Adjustment of minor items may, if necessary, be left to negotiations between competent officials of the two countries, following the meeting.

"Such is my aim in making the present proposal. I sincerely hope my views in this regard are fully understood and reciprocated by Your Excellency.

"Because of the nature of the meeting as stated above, I would prefer that it will take place as soon as possible.

"Tokyo, 7 August 27, 1941.

"Statement by the Japanese Government Handed by the Japanese Ambassador (Nomura) to President Roosevelt on August 28, 1941.

"The Japanese Government has received the communication conveyed by the Secretary of State and the President of the United States to the Japanese Ambassador on August 17, 1941. The Japanese Government desires to state its views as follows:

"The Japanese Government profoundly regrets that despite the pledge it has given heretofore as well as its repeated explanations concerning Japan's actions and measures in the foreign field, the United States Government continues to entertain misgivings.

"The United States Government mentions certain situations and measures which it regards as inimical to a peaceful settlement in the Pacific area. In an atmosphere of world crisis and international confusion, it is sometimes difficult to ascertain when an event is a cause and when it is a consequence.

"When a nation is obstructed in the path of natural and peaceful development or when the means of its existence is threatened, not only is it imperative that that nation should take defensive measures, but it is also required to do so for the maintenance of a just peace. This was the motivating policy of the Japanese Government.

"Meanwhile, the United States had taken certain measures which could be interpreted in Japan as indicative of a continuing unfriendly pressure at variance with the then current amicable conversations.

"The United States Government certainly regards some of its actions as merely counter-measures against Japan's policy and procedures which were considered as conflicting with American interests and principles. On the other hand, to the Japanese Government those procedures were determined by considerations of self-protection for meeting national requirements or removing environmental and political obstacles against national security.

"With admirable modesty of mind, the Government of the United States has seemed frequently unaware that its words and policies are automatically weighted with the immense power of America's accomplished facts, natural endowment and potential might. The President of the United States, and the Secretary of State, in their own unquestioning adherence to the ways of peaceful procedures, might find it difficult to believe that other nations, anywhere, could consider themselves threatened by the United States.

"Yet, as long as there is lacking the assuagement of that possible threat, there will be some less favorably endowed (especially in essential resources) who will feel compelled to consider defensively their relations with the United States.

"In consequence, the Japanese Government welcomes the invitation by the Government of the United States to an exchange of views in regard to basic policies and attitudes as the foundation of an understanding that will condition lasting and extensive peace in the Pacific area. For such peace, the Government of Japan is ready: for such a united effort toward a peaceful settlement covering the entire Pacific situation the Government of Japan, like the Government of the United States, would be proud to make sacrifices.

"Japan's measure in Indo-China was intended to accelerate the settlement of the China Incident; and at the same time it was calculated to remove all menace to the peace of the Pacific and to secure to Japan an equitable supply of essential materials. It was a measure of self-defense the Japanese Government felt obliged to take. But the Japanese Government has no intention of threatening thereby other countries.

"Therefore, the Japanese Government is prepared to withdraw its troops from Indo-China as soon as the China Incident is settled or a just peace is established in East Asia.

"Furthermore, in order to remove all possible doubt in this regard, the Japanese Government reaffirms herewith its repeated declaration that its present action in Indo-China is not a preparatory step for military advance into neighboring territories. The Japanese Government believes the above pledge will suffice to clarify also Japan's intentions toward Thailand.

"As regards Soviet-Japanese relations, the Japanese Government declares likewise that Japan will take no military action as long as the Soviet Union remains faithful to the Soviet-Japanese neutrality treaty and does not menace Japan or Manchoukuo or take any action contrary to the spirit of the said treaty. On the other hand, the Japanese Government sincerely hope that the United States Government will avoid any action that might give rise to a fear of menace to Japan through collaboration with the Soviet Union.

"In a word, the Japanese Government has no intention of using, without provocation, military force against any neighboring nation.

"Quite properly, discussions between the Japanese Government and the Government of the United States directed toward ascertaining if there existed a basis for negotiations for a peaceful settlement covering the entire situation,-- such discussions would naturally envisage the working out of a progressive program, obtainable by peaceful methods. The Japanese Government shares fully that view with the Government of the United States.

"It is also stated by the United States Government that no proposals or suggestions affecting the rights and privileges of either the United States or Japan would be considered except as these might be in conformity with the basic principles to which the United States has long been committed. The fundamental national policy long cherished by the Japanese Government is again in full agreement on that point.

"Regarding the principles and directives set forth in detail by the American Government and envisaged in the informal conversations as constituting a program for the Pacific area, the Japanese Government wishes to state that it considers these principles and the practical application thereof, in the friendliest manner possible, are the prime requisites of a true peace and should be applied not only in the Pacific area but throughout the entire world. Such a program has long been desired and sought by Japan itself.

"The Japanese Government now confidently hopes that from the larger viewpoint of a constructive world peace, and in the light of the current international situation, past differences may be merged in an agreement of principles and a cooperative effort based on order and justice. The meeting of the responsible heads of our respective Governments would confirm and give such sanction to our purposes that peace in the Pacific would be instituted by that meeting." (Foreign Relations, Vol. II, p. 572-575)

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EXHIBIT "J" - Affidavit of Joseph W. Ballantine, 24 June 1946

"ORAL STATEMENT HANDED BY THE SECRETARY OF STATE TO THE JAPANESE
AMBASSADOR (NOMURA) ON OCTOBER 2, 1941

"Washington, 7 October 2, 1941

"Reference is made to the proposals of the Japanese Government communicated on September 6, 1941, by the Japanese Ambassador to the Secretary of State, and to statements relating thereto subsequently communicated to this Government by the Japanese Government.

"Thoughtful study has been given to the communications to which reference is made, and in connection with that study careful review has been made of other communications previously received from the Japanese Government on the same subject. On the basis of this study observations are offered as follows:

"The Government of the United States welcomed, as affording a possible opportunity for furthering the broad-gauge objectives and principles of a program of peace, the Japanese Government's suggestions made through its Ambassador here in the early part of August that there be held a meeting of the responsible heads of the Japanese Government and of the Government of the United States to discuss means for bringing about an adjustment of relations between the United States and Japan and that there be resumed the informal conversations which had been in progress between the two countries to ascertain whether there existed a basis for negotiations relative to a peaceful settlement covering the entire Pacific situation.

"Accordingly, in the reply made by the President on August 17, 1941, to the Japanese Ambassador the view was expressed that such informal conversations would naturally envisage the working out of a progressive program attainable by peaceful means; that such a program would involve the application in the entire Pacific area of the principle of equality of commercial opportunity and treatment, thus making possible access by all countries to raw materials and to all other essential commodities, and there were described the advantages which would flow to all countries, including Japan, from the adoption of such a program. In conclusion, it was stated that if the Japanese Government were in position to embark upon a peaceful program for the Pacific along the lines of the program and principles to which the United States is committed, this Government would be prepared to consider resumption of the informal exploratory discussions and would be glad to endeavor to arrange a suitable time and place to exchange views.

"In the light of the broad purposes and fundamental principles which this Government holds, it was gratifying to the President and the Government of the United States to receive the message of the Prime Minister and the statement of the Government of Japan on August 28, 1941, containing statements expressing Japan's desire and intent to pursue courses of peace in harmony with the fundamental principles to which the people and Government of the United States are committed. In its statement the Japanese Government gave, with some qualifications, broad assurances of its peaceful intent, including a comprehensive assurance that the Japanese Government has no intention of using without provocation military force against any neighboring nation. The Japanese Government declared that it supported the program and

principles which had been briefly outlined by the President not only as applicable to the Pacific area but also as a program for the entire world.

"The Government of the United States, while desiring to proceed as rapidly as possible with consideration of arrangements for a meeting between the heads of state, felt it desirable, in order to assure that that meeting would accomplish the objectives in view, to clarify the interpretation of certain principles and the practical application thereof to concrete problems in the Pacific area. It has not been the purpose of this Government to enter into a discussion of details; this Government has felt, however, that the clarification sought would afford a means of expediting our effort to arrive at a meeting of minds.

"On September 3, 1941, the President in giving reply to the Japanese Ambassador expressed the earnest desire of the Government of the United States to collaborate in efforts to make effective in practice the principles to which the Japanese Government made reference. The President reiterated the four principles regarded by this Government as the foundation upon which relations between nations should properly rest. These principles are:

- "1. Respect for the territorial integrity and the sovereignty of each and all nations.
- "2. Support of the principle of non-interference in the internal affairs of other countries.
- "3. Support of the principle of equality, including equality of commercial opportunity.
- "4. Non-disturbance of the status quo in the Pacific except as the status quo may be altered by peaceful means.

"The President pointed out that in order to bring about any satisfactory settlement of Pacific questions it was highly important to reach a community of view and a clear agreement upon certain points with respect to which fundamental differences of opinion between our two Governments had developed in the informal conversations; and the President requested an indication of the present attitude of the Japanese Government with regard to those fundamental questions.

"On September 6, the Prime Minister of Japan in a conversation with the American Ambassador at Tokyo stated that he subscribed fully to the four principles above mentioned.

"The foregoing developments and assurances, together with other statements made by the Japanese Government, seemed to justify this Government in concluding that the Japanese Government might be expected to adhere to and to give practical application to a broad progressive program covering the entire Pacific area. It was therefore a source of disappointment to the Government of the United States that the proposals of the Japanese Government presented by the Japanese Ambassador on September 6, 1941, which the Japanese Government apparently intended should constitute a concrete basis for discussions, appeared to disclose divergence in the concepts of the two Governments. That is to say, those proposals and the subsequent explanatory statements made in regard thereto serve, in the opinion of this Government, to narrow and restrict not only the application of the principles upon which our

informal conversations already referred to had been based but also the various assurances given by the Japanese Government of its desire to move along with the United States in putting into operation a broad program looking to the establishment and maintenance of peace and stability in the entire Pacific area.

"As has already been said, the various broad assurances given by the Japanese Premier and the Japanese Government are highly gratifying. In putting forward its attitude of peaceful intent toward other nations, the Japanese Government qualified its assurances with certain phrases the need for which is not easily understood. It is difficult to conceive of there developing under present circumstances in any of the territories neighboring French Indo-China, in Thailand or in the Soviet Union any aggressive threat or provocation to Japan. The inalienable right of self-defense is of course well recognized by all nations and there could arise in some minds a question as to just what the Japanese Government has in view in circumscribing its assurances of peaceful intent with what would seem to be unnecessary qualifying phrases.

"In the informal conversations there was tentatively arrived at a formula in regard to economic policy (Section V of the draft understanding), which provided that Japanese activity and American activity in the Pacific area shall be carried on by peaceful means and in conformity with the principle of non-discrimination in international commercial relations. In the Japanese Government's proposals of September 6 and in subsequent communications from the Japanese Government the commitments contained in that formula were restricted to the countries of the Southwest Pacific area (not the Pacific area as a whole). In reference to China, the Japanese Government states that it will respect the principle of non-discrimination, but the explanation given in regard to this point would seem to be open to the implication that the Japanese Government has in mind some limitation upon the application of this principle occasioned by reasons of Japan's geographical propinquity to China.

"Obviously, it would not be likely to serve the purposes affirmed by the Japanese Government or by this Government if either the United States or Japan were to pursue one course or policy in certain areas while at the same time pursuing an opposite course or policy in other areas.

"This Government has noted the views of the Japanese Government in support of its desire to station troops for an indeterminate period in certain areas of China. Entirely apart from the question of the reasons for such a proposal, the inclusion of such a provision in the proposed terms of a peaceful settlement between Japan and China at a time when Japan is in military occupation of large areas in China is open to certain objections. For example, when a country in military occupation of territory of another country proposes to the second country the continued stationing of troops of the first country in certain areas as a condition for a peaceful settlement and thus for the withdrawal of the occupationary forces from other areas, such procedure would seem to be out of keeping with the progressive and enlightened courses and principles which were discussed in the informal conversations and thus would not, in the opinion of this Government, make for peace or offer prospects of stability.

"It is believed that a clear-cut manifestation of Japan's intention in regard to the withdrawal of Japanese troops from China and French Indochina would be most helpful in making known--in particular to those who might be inclined to be critical--Japan's peaceful intentions and Japan's desire to follow courses calculated to establish a sound basis for future stability and progress in the Pacific area.

"With reference to the attitude of each country toward the European war, this Government has noted with appreciation the further step taken by the Japanese Government to meet the difficulties inherent in this aspect of the relations between the two countries. It is believed that it would be helpful if the Japanese Government could give further study to the question of possible additional clarification of its position.

"In the exchanges of views which have taken place between the two Governments in an effort to reach an agreement in principle upon fundamental questions in order to prepare the ground for the proposed meeting of the responsible chiefs of government, this Government has endeavored to make clear that what it envisages is a comprehensive program calling for the application uniformly to the entire Pacific area of liberal and progressive principles. From what the Japanese Government has so far indicated in regard to its purposes this Government derives the impression that the Japanese Government has in mind a program which would be circumscribed by the imposition of qualifications and exceptions to the actual application of those principles.

"If this impression is correct, can the Japanese Government feel that a meeting between the responsible heads of government under such circumstances would be likely to contribute to the advancement of the high purposes which we have mutually had in mind?

"As already stated, this Government welcomed the assurances contained in the statement of the Japanese Government which accompanied the Japanese Prime Minister's message to the President of the United States that the Japanese Government subscribed to the principles which have long been advocated by this Government as the only sound basis for stable international relations. This Government believes that renewed consideration of these fundamental principles may be helpful in our effort to seek a meeting of minds in regard to the essential questions on which we seek agreement and thus lay a firm foundation for a meeting between the responsible heads of the two Governments. The subject of the meeting proposed by the Prime Minister and the objectives sought have engaged, and continue to engage, the close and active interest of the President of the United States, and it is the President's earnest hope that discussion of the fundamental questions may be so developed that such a meeting can be held. It is also the President's hope that the Japanese Government shares the conviction of this Government that, if the Governments of Japan and of the United States are resolved to give those principles practical and comprehensive application, the two Governments can work out a fundamental rehabilitation of the relations between the United States and Japan and contribute to the bringing about of a lasting peace with justice, equity and order in the whole Pacific area." (Foreign Relations, Vol. II, p. 656-661)

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13457
EXHIBIT "I" - Affidavit of Joseph W. Ballantine, 24 June 1946

"TEXT OF BASIC JAPANESE TERMS OF PEACE WITH CHINA

"THE JAPANESE MINISTER FOR FOREIGN AFFAIRS (TOYODA)
TO THE AMERICAN AMBASSADOR IN JAPAN (GREW).

Handwritten: Handed to State Dept 9/22/46

- "1. Neighborly friendship.
- "2. Respect for sovereignty and territorial integrity.
- "3. Cooperative defense between Japan and China.

"Cooperation between Japan and China for the purposes of preventing communistic and other subversive activities which may constitute a menace to the security of both countries and of maintaining the public order in China.

"Stationing of Japanese troops and naval forces in certain areas in the Chinese territory for a necessary period for the purposes referred to above and in accordance with the existing agreements and usages.

- "4. Withdrawal of Japanese armed forces.

"The Japanese armed forces which have been dispatched to China for carrying out the China Affairs will be withdrawn from China upon the settlement of the said Affairs, excepting those troops which come under point 3.

- "5. Economic cooperation.

"(a) There shall be economic cooperation between Japan and China, having the development and utilization of essential materials for national defense in China as its principal objective.

"(b) The preceding paragraph does not mean to restrict any economic activities by third Powers in China so long as they are pursued on an equitable basis.

- "6. Fusion of the Chiang Kai-shek regime and the Wang Ching-wei Government.

- "7. No annexation.

- "8. No indemnities.

- "9. Recognition of Manchoukuo."

(Foreign Relations, Vol. II, p. 633)

EXHIBIT "F" - Affidavit of Joseph W. Ballantine, 24 June 1946

1245C

"President Roosevelt's Reply to the Japanese Prime Minister (Prince Konoye), Handed to the Japanese Ambassador (Nomura) on September 3, 1941.

"I have read with appreciation Your Excellency's message of August 27, which was delivered to me by Admiral Nomura.

"I have noted with satisfaction the sentiments expressed by you in regard to the solicitude of Japan for the maintenance of the peace of the Pacific and Japan's desire to improve Japanese-American relations.

"I fully share the desire expressed by you in these regards, and I wish to assure you that the Government of the United States, recognizing the swiftly-moving character of world events, is prepared to proceed as rapidly as possible toward the consummation of arrangements for a meeting at which you and I can exchange views and endeavor to bring about an adjustment in the relations between our two countries.

"In the statement which accompanied your letter to me reference was made to the principles to which the Government of the United States has long been committed and it was declared that the Japanese Government 'considers these principles and the practical application thereof, in the friendliest manner possible, are the prime requisites of a true peace and should be applied not only in the Pacific area but throughout the entire world' and that 'such a program has long been desired and sought by Japan itself'.

"I am very desirous of collaborating with you in efforts to make these principles effective in practice. Because of my deep interest in this matter I find it necessary that I constantly observe and take account of developments both in my own country and in Japan which have a bearing upon problems of relations between our two countries. At this particular moment I cannot avoid taking cognizance of indications of the existence in some quarters in Japan of concepts which, if widely entertained, would seem capable of raising obstacles to successful collaboration between you and me along the line which I am sure we both earnestly desire to follow. Under these circumstances, I feel constrained to suggest, in the belief that you will share my view, that it would seem highly desirable that we take precaution, toward ensuring that our proposed meeting shall prove a success, by endeavoring to enter immediately upon preliminary discussion of the fundamental and essential questions on which we seek agreement. The questions which I have in mind for such preliminary discussions

involve practical application of the principles fundamental to achievement and maintenance of peace which are mentioned with more specification in the statement accompanying your letter. I hope that you will look favorably upon this suggestion."

(Foreign Relations, Vol. II, p. 591-592)

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Exhibit "F"

13458

EXHIBIT "H" - Affidavit of Joseph W. Ballantine, 24 June 1946

"/Enclosure 17

"JAPANESE PROPOSALS SUBMITTED TO THE AMERICAN AMBASSADOR IN
JAPAN (GREW) ON SEPTEMBER 25, 1941

"Tokyo, 7 September 25, 1941.

"The Governments of Japan and of the United States accept joint responsibility for the initiation and conclusion of a general agreement of understanding as expressed in a joint declaration for the resumption of traditional friendly relations.

"Without reference to specific causes of recent estrangement, it is the sincere desire of both Governments that the incidents which led to the deterioration of the amicable sentiment between their countries should be prevented from recurrence and corrected in their unforeseen and unfortunate consequences.

"It is the earnest hope of both Governments that, by a cooperative effort, Japan and the United States may contribute effectively toward the establishment and preservation of peace in the Pacific area and, by the rapid consummation of an amicable understanding, encourage world peace and arrest, if not dispel, the tragic confusion that now threatens to engulf civilization.

"For such decisive action, protracted negotiations would seem ill-suited and weakening.. Both Governments, therefore, desire that adequate instrumentalities should be developed for the realization of a general understanding which would bind, meanwhile, both Governments in honor and in act.

"It is the belief of both Governments that such an understanding should comprise only the pivotal issues of urgency and not the accessory concerns which could be deliberated later at a conference.

"Both Governments presume to anticipate that they could achieve harmonious relations if certain situations and attitudes were clarified or improved; to wit:

- "1. The concepts of Japan and of the United States respecting international relations and the character of nations.
2. The attitudes of both Governments toward the European War.
3. Action toward a peaceful settlement between Japan and China.
4. Commerce between both nations.
5. Economic problems in the Southwestern Pacific area.
6. The policies of both nations affecting political stabilization in the Pacific area.

"Accordingly, the Government of Japan and the Government of the United States have come to the following mutual understanding and declaration of policy:

Exhibit "H" - cont'd - affidavit of Joseph W. Ballantine

"I. The concepts of Japan and of the United States respecting international relations and the character of nations.

"Both Governments affirm that their national policies are directed toward the foundation of a lasting peace and the inauguration of a new era of reciprocal confidence and cooperation between the peoples of both countries.

"Both Governments declare that it is their traditional, and present, concept and conviction that nations and races compose, as members of a family, one household living under the ideal of universal concord through justice and equity; each equally enjoying rights and admitting responsibilities with a mutuality of interests regulated by peaceful processes and directed to the pursuit of their moral and physical welfare, which they are bound to defend for themselves as they are bound not to destroy for others; they further admit their responsibilities to oppose the oppression or exploitation of other peoples.

"Both Governments are firmly determined that their respective traditional concepts on the character of nations and the underlying moral principles of social order and national life will continue to be preserved and never transformed by foreign ideas or ideologies contrary to those moral principles and concepts.

"II. The attitudes of both Governments toward the European War.

"Both Governments maintain it their common aim to bring about peace in the world, and, when an opportune time arrives, they will endeavor jointly for the early restoration of world peace.

"With regard to developments of the situation prior to the restoration of world peace, both Governments will be guided in their conduct by considerations of protection and self-defense; and, in case the United States should participate in the European War, Japan would decide entirely independently in the matter of interpretation of the Tripartite Pact between Japan, Germany and Italy, and would likewise determine what actions might be taken by way of fulfilling the obligations in accordance with the said interpretation.

"III. Action toward a peaceful settlement between Japan and China.

"Both Governments, taking cognizance of the fact that the settlement of the China Affair has a vital bearing upon the peace of the entire Pacific area and consequently upon that of the world, will endeavor to expedite a rapid realization of the settlement of the said Affair.

"The Government of the United States, recognizing the effort and the sincere desire on the part of the Japanese Government concerning the peaceful settlement of the China Affair, will, with the intention of facilitating the realization of the settlement, render its good offices in order that the Chungking Government may promptly enter into

Exhibit "H" - cont'd - Affidavit of Joseph W. Ballantine

negotiations with the Government of Japan for a termination of hostilities and a resumption of peaceful relations, and will refrain from resorting to any measures and actions which might hamper the measures and efforts of the Government of Japan directed toward the settlement of the China Affair.

"The Government of Japan maintains that the basic general terms of peace for the settlement of the China Affair will be in harmony with the principles embodied in the Konoye statement, and those agreements between Japan and China and those matters which have been put into effect in accordance with the said statement; that the economic cooperation between Japan and China will be carried on by peaceful means and in conformity with the principle of non-discrimination in the international commercial relations and also with the principle of especially close relationship which is natural between neighboring countries; and that the economic activities of third Powers in China will not be excluded so long as they are pursued on an equitable basis.

"Note: There is appended a draft of the basic terms of peace between Japan and China.

"IV. Commerce between Japan and the United States.

"Both Governments agree to take without delay measures necessary for resuming normal trade relations between the two countries.

"Both Governments guarantee each other that they will, as the first of the measures envisaged in the preceding paragraph, discontinue immediately the measures of freezing assets now being enforced, and that they will supply mutually such commodities as are, respectively, available and required by either of them.

"V. Economic problems in the Southwestern Pacific area.

"Both Governments mutually pledge themselves that the economic activities of Japan and the United States in the Southwestern Pacific area shall be carried on by peaceful means and in conformity with the principle of non-discrimination in the international commercial relations in pursuance of the policy stated in the preceding paragraph, both Governments agree to cooperate each with the other towards the creation of conditions of international trade and international investment under which both countries will have a reasonable opportunity to secure through the trade process the means of acquiring those goods and commodities which each country needs for the safeguarding and development of its own economy.

"Both Governments will amicably cooperate for the conclusion and execution of agreements with the Powers concerned in regard to the production and supply, on the basis of non-discrimination, of such specific commodities as oil, rubber, nickel, and tin.

"VI. The policies of both nations affecting political stabilization in the Pacific area.

Exhibit "H" - cont'd - Affidavit of Joseph W. Ballantine

"Both Governments, taking cognizance of the fact that it is a matter of vital importance to stabilize promptly the situation in the Southwestern Pacific area, undertake not to resort to any measures and actions which may jeopardize such stabilization. The Government of Japan will not make any armed advancement, using French Indo-China as a base, to any adjacent area thereof (excluding China), and upon the establishment of an equitable peace in the Pacific area, will withdraw its troops which are now stationed in French Indo-China.

"The Government of the United States will alleviate its military measures in the Southwestern Pacific area.

"Both Governments declare that they respect the sovereignty and territorial integrity of Thailand and Netherland East Indies, and that they are prepared to conclude an agreement concerning the neutralization of the Philippine Islands when its independence will have been achieved.

"The Government of the United States guarantees non-discriminatory treatment of the Japanese nationals in the Philippine Islands." (Foreign Relations, Vol. II, p. 637-640)

"The Government of Japan and the Government of the United States have agreed that toward eliminating chronic political instability, preventing recurrent economic collapse, and providing a basis for peace, they will actively support and practically apply the following principles in their economic relations with each other and with other nations and peoples:

"(1) The principle of non-discrimination in international commercial relations.

(2) The principle of international economic cooperation and abolition of extreme nationalism as expressed in excessive trade restrictions.

(3) The principle of non-discriminatory access by all nations to raw material supplies.

(4) The principle of full protection of the interests of consuming countries and populations as regards the operation of international commodity agreements.

(5) The principle of establishment of such institutions and arrangements of international finance as may lend aid to the essential enterprises and the continuous development of all countries and may permit payments through processes of trade consonant with the welfare of all countries.

"Section II

"Steps To Be Taken By the Government of the United States and by the Government of Japan.

"The Government of the United States and the Government of Japan propose to take steps as follows:

"1. The Government of the United States and the Government of Japan will endeavor to conclude a multilateral non-aggression pact among the British Empire, China, Japan, the Netherlands, the Soviet Union, Thailand and the United States.

"2. Both Governments will endeavor to conclude among the American, British, Chinese, Japanese, the Netherland and Thai Governments an agreement whereunder each of the Governments would pledge itself to respect the territorial integrity of French Indochina and, in the event that there should develop a threat to the territorial integrity of Indochina, to enter into immediate consultation with a view to taking such measures as may be deemed necessary and advisable to meet the threat in question. Such agreement would provide also that each of the Governments party to the agreement would not seek or accept preferential treatment in its trade or economic relations with Indochina and would use its influence to obtain for each of the signatories equality of treatment in trade and commerce with French Indochina.

"(3) The Government of Japan will withdraw all military, naval, air and police forces from China and from Indochina.

com 9.30 — 10.30

— Reading of:

Roosevelt's message —

Japanese Answer, Breaking off negotiations
From 10.30 to 4.

Cross examination of Witness Ballantine
by ~~counsel~~ ^{after} ~~objection~~ by Counsel Warren
to conclusion and summation of
affairs of the same

10 problems

- Effects of the Freezing on Jap imports
(Reduction of 75%)
- Encirclement of Japan by
ABCD + Australia (military
consultations)
- Initiative of negotiator
(2 catholic priests
2 Japs: 1 banker 1 colonel)
- Japanese attitude concerning
Tripartite pact. Few's letter
to Japs. Japs were ready to
reduce it to a dead letter
(Answer: no concrete proof of
this intention)

Conclusion: Prosecution, considering terms of last
Jap answer (delivered on 7th Dec.
objects to cross examination on subject
of Tripartite Pact) — upheld

MEMORANDUM OF CONVERSATIONS BETWEEN THE AMERICAN
AND JAPANESE DELEGATIONS, OCTOBER 29, 1934, AT
CLARIDGE'S

Present:

For the United States:

Mr. Davis

Admiral Standley

Mr. Wilson

Mr. Atherton

Mr. Dooman

Commander Schuirmann

Mr. Field

For Japan:

Mr. Matsudaira

Admiral Yamamoto

Captain Iwashita

Mr. Mizota

Mr. Kato

Mr. Matsudaira began by asking what should be discussed. Mr. Davis said that he supposed there was nothing much to be discussed since the Japanese had told us they had largely covered their position in the previous talk. He had a few questions, however, which he desired to ask for clarification. He desired to know for instance whether the common upper limit proposed by Japan would be the same also for France and Italy. Admiral Yamamoto replied that France and Italy should have the right to build up to the same limit although if they desired to come to some other arrangement as between themselves they should be free to do so since they are far removed from Japan and the United States. When Mr. Davis pointed to the proximity of Great Britain, the Admiral said Japan would have no objection to Great Britain also making special arrangements with France and Italy. Mr. Matsudaira emphasized that since Japan insisted on the principle of equality, she had no right to prevent others from claiming this also.

Mr. Matsudaira told the American Delegation that at the last meeting between the Japanese and British Delegations they had continued to talk about general principles. The British had asked questions to which the Japanese had replied.

They had subsequently had talks between Admiral Yamamoto and his experts and the First Sea Lord and his experts. Mr. Davis wondered whether the Japanese were prepared to give us the information they had given the British in their technical meetings. Mr. Matsudaira said that they were ready to do so but felt it would be better at a separate meeting. Admiral Yamamoto, on the other hand, said that while he would welcome an exchange of ideas on both sides, he could not see to what extent a discussion of details would contribute to a solution of fundamental questions. The most important part of their plan was the fundamental policy embodied therein and the details were intimately connected with this policy. Admiral Yamamoto stated that they had discussed technical details with the British only on the understanding that the latter had agreed to the basic principles of the Japanese proposal. Upon being questioned on this point, Mr. Matsudaira said we had misunderstood and that in the technical discussions with the British they had presented their technical views on the assumption of ultimate acceptance of the principles of their plan. Should these principles be rejected, the technical views - for instance, those relating to qualitative limitations - would have to be modified. "I look upon technical questions as of secondary importance. The question of policy and principles is of primary importance. While we are willing to proceed to our talk on technical questions, we look upon the question of the common upper limit as of paramount importance, so that we cannot consider the discussions of qualitative limitation, such as unit size, as being final unless a decision can be reached to fix a common upper limit." In response to the questions from Mr. Davis, Admiral Yamamoto clarified his position by stating that, "The discussion of details does not prejudice the attitude on general principlesBecause the principle of the common upper limit is looked upon as the most important feature by the Japanese Navy, we considered our position on other questions might have to be modified if the common upper limit is not accepted". Mr. Davis stated that there was no disagreement as to this point; neither side would commit itself in these technical discussions. It was simply a matter of a further elucidation and clarification of the Japanese position in order that we might give them a full and fair consideration. The United States, Mr. Davis explained, had no detailed technical proposals to advance. We were in favor of maintaining and continuing the two treaties except that we would advocate reductions and, if they were acceptable, we would be willing to discuss with an open mind the technical details of how to carry out this general program. Thus if there were an agreement for a 20%

reduction, it would be a problem for our experts to examine how to carry it out in the various categories, but there was no use of our going into details of this sort unless there were agreement on general principles.

Admiral Yamamoto here objected that if only the Japanese were to explain their technical views, it would not be very useful to have a meeting of experts. Mr. Davis asked whether the British had given the Japanese their technical views, to which Mr. Matsudaira replied, "Oh, yes, clearly". The Japanese insisted that the last meeting with the British had consisted largely of a presentation of the detailed program of the British. Mr. Matsudaira continued, "We are not particularly anxious to have these technical matters, but we thought you might have some views to present just as in the case of the British". [Admiral Yamamoto, in further explanation of his position regarding technical discussions, repeated that the Japanese attitude on technical matters was very immediately related to the fundamental spirit of their proposals; to illustrate, they were advocating the abolition of aircraft carriers; if they had aggressive designs in the Far East, nothing would be more useful than the retention of aircraft carriers.] Similarly, if they intended aggression, they would favor abolition of submarines since they are useful only for defense of their home waters. "I consider that the real aim of our proposal goes beyond the setting of a common upper limit. I look upon the spirit of our proposal as being to reduce the menace of war and to make it more difficult to wage war. In technical discussions, on the other hand, we consider the problem of how to carry on war most advantageously, which is the opposite of the purpose of our discussions." Mr. Davis was in hearty accord with the idea of removing the incentive of fighting. He said that our idea had always been to give each of the three principal Powers equality of security and to remove the cause for their going to war against each other.

Mr. Davis then inquired whether the American views were so very different from those of the British, to which Mr. Matsudaira replied that the Japanese did not know exactly what the British thought of the Japanese program. At this point he emphatically declared that it was the Japanese intention to denounce the Washington Treaty before the end of the year and then to try to find some basis for an agreement satisfactory to all.

In reply to Mr. Matsudaira's question as to what we would discuss with the British in the afternoon, Mr. Davis explained that this would be our first meeting since last July and that we had no definite agenda. We had not come to London with any plan for an entirely new agreement on a new basis, but merely with the idea of continuing the Treaties or of concluding a new one which would continue the purposes of the Washington and London Treaties. Mr. Matsudaira here injected that we had surely given the British our detailed program last summer, since we had had technical discussions at that time. Mr. Davis stated that the British had given to us their views on technical questions but that we did not present our technical views since we did not have any to present. Our program then as now had simply been for a 20% reduction, the details to be worked out later.

The two delegations then continued to consider the possibility of technical discussions. Mr. Davis advanced the suggestion that Admiral Standley and Admiral Yamamoto sit down together and talk the matter over in detail. He explained that while he did not believe that there was any opportunity to try to reach an agreement on technical questions, his idea was simply to enable Admiral Standley to obtain a clear understanding of what the Japanese proposals meant in practice. Mr. Matsudaira, speaking in Japanese to Mr. Dooman, stated that they did not have any hard and fast technical program. Their idea was that as the conversations went forward the technical problems on both sides would develop in such a manner as to make it possible to bring the opposing technical views closer together and to reconcile them.

After further discussions it was agreed that no decision should now be reached on the matter of a technical meeting, but that there would be another informal meeting between the two delegations at which the question could be dealt with. Mr. Davis said that the American Delegation would like to pay a return visit on the Japanese and would do so some time after the meeting scheduled for the afternoon with the British.

page 1*

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

C E R T I F I C A T E

I.P.S. No. 6250

Statement of Source and Authenticity

I, James O. Richardson, hereby certify that I am officially connected with the United States Government in the following capacity:

Admiral, United States Navy, Retired, on duty in the
Office of the Chief of Naval Operations, Navy Department,
temporarily assigned to duty with the Supreme Commander
for the Allied Powers in connection with the International
Military Tribunal for the Far East.

I further certify that as such official I have custody of the document hereto attached consisting of 7 pages, dated October 29, 1934, and described as follows: "Memorandum of Conversations between the
American and Japanese Delegations, October 29, 1934, at Claridges."

I further certify that the attached record and document is an official document of the United States Government and that it is part of the official archives and files of the following named Department:
Office of the Chief of Naval Operations, Navy Department,
United States Government.

Witnessed this 14th day

of November 1946.

/s/ JAMES O. RICHARDSON
Signature of Official

/s/ JAMES J. ROBINSON
Captain, USNR
#52853

Admiral, U.S. Navy, Retired
Official Capacity

1551A

(Title Page)

The Department of State
Conference Series No.24

THE LONDON NAVAL
CONFERENCE
1935

Report of the Delegates
of the United States of America
Text of the London Naval Treaty of 1936
and other Documents

(seal)

United States
Government Printing Office
Washington: 1936

HIDEKI

41-47

Shigenori Togo

From Min under

at time PTH

Letter from the Secretary of State to the President

April 24, 1936

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to submit to the President a certified copy of the Treaty for the Limitation of Naval Armament and the Exchange of Information concerning Naval Construction and the Protocol of Signature and Additional Protocol thereto with a view to their transmission to the Senate for advice and consent to ratification of the Treaty if the judgment of the President approve thereof.

The Treaty and the two Protocols were signed at London on March 25, 1936, by the plenipotentiaries of the President of the United States of America, the President of the French Republic, and His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India.

The Conference at which this Treaty was negotiated was held in compliance with Article 23 of the Treaty for the Limitation of Naval Armament signed at Washington on the 6th February, 1922, and of Article 23 of the Treaty for the Limitation and Reduction of Naval Armament signed in London on the 22nd April, 1930, to which Treaties the United States is a party.

I have the honor also to transmit the report of the American Delegation which participated in this Conference, together with the Annexes to that report containing the principal documents of the Conference.

Respectfully,

COPDELL HULL

Enclosures:

Certified copy of the London Naval Treaty, 1936, Protocol of Signature, and Additional Protocol;
Report of the American Delegation.

THE PRESIDENT,
The White House.

(Page 212)
MINUTES OF THE TENTH MEETING OF THE FIRST
COMMITTEE, JANUARY 15, 1936

Present:

The Right Hon. Viscount Monsell, G. B. E.,
First Lord of the Admiralty (in the Chair).

(Page 216, 218, 219)
JAPANESE PROPOSAL FOR A COMMON UPPER LIMIT OF
NAVAL TONNAGE.
(Resumption of Discussion)

Admiral NAGANO (Translation): I desire to state at the outset that we very much appreciate the opportunity that has been given us to-day to resume examination of the Japanese proposals and, to save time, I shall with your permission have the statement of the Japanese Delegation read to you in translation.

Moreover, in order to establish as complete a state of non-aggression and non-menace as possible, we advocate the complete abolition or drastic reduction of offensive armaments. To explain more fully, we advocate the abolition of aircraft-carriers and a drastic reduction in capital ships and "A" class cruisers. But if there were a general sentiment in favour of the abolition of capital ships also, we should be ready to give our support thereto.

III. In order to bring once more to the minds of the Delegations the principal features of the Japanese proposal, I would now undertake to set forth the framework of our formula, somewhat as follows:--

(2) Simultaneously with the determination of the global tonnage, there would be fixed for those categories

which are generally recognised to be predominantly offensive in character -- namely, capital ships, aircraft-carriers (in the event of their non-abolition), and "A" class cruisers -- a common maximum tonnage and a common number of units to be allowed to each Power in respect of each of the three categories separately.