

KIDO

The particulars with regard to him are to be found on p. 329 of the Summary. To para. 3, the Exhibit numbers of extracts from his diary now have to be added: 1985, 1986, 1987, 2191, 2192, and 2251-2280. Exhibit 2250 is a writing by him, and Exhibits 266, 1189, which is replaced by 2249, and 1193 particularly refer to him.

These documents are the main source of information about him. In our submission when one reads them (as a whole and not by quoting half-sentences, as in the motion) one is driven to the following conclusions:

1. He was a strong and influential character. From the beginning, when he held the comparatively minor office of Chief Secretary to the Lord Keeper of the Privy Seal he was frequently consulted by people then more important than himself, who took his advice. Every office that he held he made more important than it would have been in the hands of most men. In his later offices he was almost always consulted, not only about policy, but frequently about appointments to Cabinet office.

2. He was a cautious man. He was not so much concerned with the right or wrong of any policy as with the risks accompanying it.

3. His particular concern was always to avoid internal quarrels in Japan. He did not so much mind what they agreed upon as long as they agreed. He was in the early days against constitutional innovations, but changed this attitude later.

4. His attitude to the Emperor was to dissuade him from taking a firm line about anything for fear it should bring him into controversy.

5. He was a whole-hearted adherent of Konoye until Konoye fell, when he transferred his allegiance to Tojo.

6. He was or became in favor of Japanese aggression, but also of caution and delay in applying it.



In the beginning he was anti-militarist and we do not suggest that he was one of the original conspirators. Even then, however, the above-mentioned attitudes are illustrated by Exhs. 179E of September 10th, 1931, 179 I of September 22nd and 2251 of January 28th, 1932, which show that he was not against the Manchurian aggression on principle, but because the Army was getting too powerful, and was against the Emperor doing anything to stop it.

We submit that he fully joined the conspiracy in 1937, when he became Education Minister on 22nd October and Welfare Minister on 11th January 1938 (concurrent until 26th May). By the time he joined, the domination of Manchuria was complete, the cabinet was fully committed to the extension of the China aggression, having decided on 11th July to send more troops and push forward although the original incident was being settled locally. The cabinet was also committed to the 5-year plan in Japan and Manchuria. The offices held by Kido had no direct connection with war policy, but Exhs. 2255-61 show that he took a prominent part in it and approved of all the fatal decisions taken. Exh. 2257 in particular shows that he knew this was an offensive operation, and that the talk of self defense was all humbug.

It is remarkable that he makes no reference to the horrors of Nanking, although they were in full force from 11 December 1937 to 6 February 1938, when the situation began to improve. The indignation of the world cannot have been unknown to him and the cabinet, but nothing was done to stop them until Matsui was recalled on 5 March and made an adviser to the cabinet of which Kido was a member on 20 July. Kido may not have been responsible for the outbreak of this orgy of atrocities, but he was certainly to blame for its continuance.

During his time as Minister of Education it published in the Tokyo Gazette Exh. 266 "The Japanese Spirit". We submit that it is inconceivable that this would have appeared without



the full knowledge and approval of the Minister, especially a man of Kido's character as revealed by his diary. The article preached full support of all that had happened in China down to and including the refusal to deal with Chiang Kai-shek. Also, the ideal of Greater East Asia under Japanese leadership, and the welding of all Japanese into a unified state. That these were his opinions is shown by the diary extracts quoted.

He continued in the Hiranuma cabinet as Home Minister, thus having an unbroken period of cabinet office from 22 October 1937 to 30 August 1939. We submit that he has a general responsibility for all the events of this period, shown on pp. 55-100 of the Summary. In particular for the two aggressions against the U.S.S.R., in the summers of 1938 and 1939. During this period the following Exhs. show his activities in support of military alliance with Germany and Italy and his knowledge of Germany's aggressive intentions: 2262, 2268-71, 775.

We submit that if his activities had stopped here there is ample material on which he should be convicted on the conspiracy and the Counts relating to China. These are in fact the guide to understanding later events.

Kido was one of the protagonists in the formation of the new one-party political system in Japan on the Fascist model. Exhs. 2263, 2274-6. He would have been its Vice-President under Konoye, had he not decided on 1 June 1940 (Exh. 2276) to accept the office of Lord Keeper of the Privy Seal instead. His position in this office was largely made by himself. His views as to the duties of his position are to be found in Exhs. 2273 and 1066; it amounted to this, that the Lord Keeper was the Emperor's principal adviser, especially on foreign affairs. He developed a new function, that of advising the Emperor on the choice of every new premier, with the assistance of the ex-premiers and the president of the Privy Council. When he was out of office (Exh. 2273) he thought the Lord Keeper should not



interfere in this, but when he became Lord Keeper he dropped this idea and took upon himself the duty of advising the Emperor on this question, attaching such weight as he thought fit to the views of the ex-premiers and managing to bring at least a majority of them to the view he had usually formed in advance. By these means he was responsible for the choice of Konoye on 17 July 1940 (Exh. 532) and again on 17 July 1941 (Exh. 1117); of Tojo on 17 October 1941 (Exh. 2250); of Koiso on 18 July 1944 (Exh. 1278); and of Suzuki, Kantaro, on 5 April 1945 (Exh. 1282).

His attitude towards the United States, Great Britain and the Netherlands appears from Exhs. 2272, 2277, 619, 1294, 627, 1065, 1095, 1125, 1129, 1130, 1146, 1239, 1276. It may be summarised by saying that it was at least from 1940 on, hostile though cautious. It is quite clear that he supported the expansionist policy at the expense of these countries but considered that Japan needed a longer period of preparation before putting it into effect. But when those favouring immediate action prevailed, he fell in with their view.

Perhaps the most important of these is Exh. 1130 where he advocates a ten-year postponement of the advance to the Southern regions, and meanwhile friendly relations with the United States while intensive preparations are pushed on. No doubt if his advice had been taken we should not be holding this trial today; and if he had resigned when it was rejected we might not have included him except with regard to China. He did not, and this document proves him an aggressor at heart. Even in Exh. 1270 of January 1944, when he was considering the possibility and necessity of a compromise peace, though he did nothing about it, he suggested that after peace Japan should build up cooperation with the U.S.S.R. and China against Britain and America.



An important aspect of his case centers round the appointment of Tojo as premier on October 17, 1941. It is quite clear from Exh. 2250 that he had determined on this before the ex-premiers met to consider it. He knew very well that Tojo had been pressing for immediate war, and was only restrained by the cautious attitude of the Navy. It is true that he succeeded in inducing Tojo to abandon the resolution of the Imperial Conference of September 6th for war in mid-October, and to prolong the negotiations, but he made no attempt to induce him to adopt an attitude towards them which would offer the slightest hope of their success. The crucial point is that in this dispute between the Army and the Navy, which was not concerned with the merits of war, but only with its prospects of success, he not only procured Tojo's appointment as premier, but induced the Emperor to give, or gave in the Emperor's name, an instruction to the Navy which could only mean that they should appoint a Navy Minister who would do whatever Tojo told them. They appointed Shimada--and he did. Kido was intelligent enough to know that there was not the slightest hope of or justification for the United States adopting any terms to which Tojo would agree, and that the arrangements which he made could not postpone war for more than a few weeks. It is significant that he makes it clear in Exhs. 1196 and 2250 that he rejected the appointment suggested by Wakatsuki and others, of General Ugaki the only man who might perhaps have averted war altogether. It is also significant that in Exh. 2250 written in November, he abandoned altogether the excuse for appointing Tojo which he had given the Emperor on 2 October (Exh. 1155).

On 26 November Nomura and Kurusu suggested to Togo (Exh. 2249 replacing Exh. 1189) that they should induce President Roosevelt to send a peace telegram to the Emperor (which he later did) and asked him to consult Kido. On 28 November Togo rejects the suggestion, saying that he had consulted him.



The entry which convicts Kido of entire complicity in the plot for the surprise attacks of December 8th is Exh. 1239, which shows that at the very time when he was taking part in the farce of delivering the President's long delayed telegram to the Emperor, if it was delivered even then, he knew very well of the plans for the surprise attack.

With regard to the B and C offences we submit that the guilt of Kido is shown not only by his position of adviser to the Emperor on foreign affairs, and by his knowledge of the way in which Japanese forces carried on warfare as shown at Nanking while he was in the Cabinet, but by Exhs. 1985-7, which show that he was well aware of what was happening. It is hardly conceivable that Togo and Shigemitsu should not have told him of the complaints coming in through the Swiss Legation, or that he should not have known of Eden's broadcast in January 1944, which was heard by Colonel Wild in the prison camp at Singapore (especially as he admits knowing of Eden's broadcast about the Hong Kong atrocities in 1942). We submit it was his duty to advise the Emperor to insist on having these outrages investigated and put right, and in any case to insist on adequate steps being taken to prevent a recurrence of what had happened earlier in China.

From start to finish it does not appear that he ever drew the attention of the Emperor, whose adviser he was to the moral aspect either of the initiation of the Pacific War or of the manner in which it was conducted. His whole mind was on expediency.

We submit that from at least October 1937 he was a member of this conspiracy and responsible for all that was done in pursuance of it.