

Nov. 15 1946
Index With & Co
Record of Proceedings

of the
INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The United States of America, the Republic of China,
the United Kingdom of Great Britain and Northern Ireland,
the Union of 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; HIRO-
TA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA,
Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuni-
aki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI,
Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi;
OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHI-
GEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATO-
RI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO,
Hideki; UMEZU, Youshijiro;

-Accused-

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1 Friday, 15 November, 1946

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12
13 Appearances:

14 For the Tribunal, same as before with the
15 exception of the HONORABLE R. B. PAL, Member from
16 India, not sitting.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

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23 (English to Japanese and Japanese
24 to English interpretation was made by the
25 Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except OKAWA and SHIGEMITSU. We have a certificate
5 from the Prison Surgeon of Sugamo Prison certifying
6 that the accused SHIGEMITSU is ill and unable to at-
7 tend the trial today. The certificate will be re-
8 corded and filed.

9 Will Mr. Fihelly come to the lecturn, please?

10 Mr. Fihelly, the "Stars & Stripes" reports you
11 today as stating that the accused TOJO had made cer-
12 tain admissions. Sometime ago we pointed out that
13 such statements should not be made to the newspapers
14 if they amounted to telling the press what evidence
15 was about to be given by the prosecution or by the
16 defense. We don't know whether the statement you
17 made to the newspapers -- if you did make it -- falls
18 within that category. We would like to hear from you.
19 You may not have known of the statement made from
20 this Tribunal about that matter. The Tribunal's
21 statement did not appear in the "Stars & Stripes"
22 or in the "Nippon Times." You may not have been in
23 court when it was made and you may not have known
24 it had been made.

25 MR. FIELLY: Mr. President and Members of

1 the Tribunal, I read the article in the "Stars &
2 Stripes" this morning and I was as surprised about
3 it as probably you were to read it.

4 THE PRESIDENT: We will accept your state-
5 ment, Mr. Fihelly. We do not want to hear any more,
6 but we regret that such articles are published. We
7 resent them. They show an utter disregard for the
8 dignity of this Tribunal.

9 MR. FIELLY: I would like to say, Mr.
10 President and Members of the Tribunal, just as one
11 terse statement, I gave no interview to the press.

12 THE PRESIDENT: Dr. KIYOSE.

13 DR. KIYOSE: I wish to continue my cross-
14 examination.
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SHIRAO

CROSS

1 T A T E K I S H I R A O, called as a witness on be-
2 half of the prosecution, resumed the stand and
3 testified, through Japanese interpreters, as follows:

4 CROSS-EXAMINATION

5 BY DR. KIYOSE: (Continued)

6 Q. Towards the end of the session yesterday you
7 stated that you received orders to hold back the
8 message. By this did you mean that you received
9 orders from the General Staff or from some other
10 branch of the military?

11 A. I received orders from the General Staff.

12 Q. In your affidavit you mention TOMURA, Morio-
13 who was posted in the General Staff. That appears
14 in the third paragraph of the first page of your af-
15 fidavit. This TOMURA was the man who requested you
16 about the telegram. On page 2 in the first sentence
17 it is specifically said that he was a member of the
18 War Ministry.

19 THE MONITOR: "First sentence" should read
20 "first line."

21 Q. (Continued) Was this mention of War Min-
22 istry an error, then?

23 A. Yes, it is an error.

24 Q. Then, as TOMURA said, in delaying the
25 foreign telegram you received orders from the chief

SHIRAO

CROSS

1 of the section controlling foreign telegrams or wire-
2 less messages in general, Tele-Communication Bureau
3 Bureau of the Communications Ministry. Were you
4 later ordered, either by the Chief of the Tele-
5 Communications Bureau of the Communication Ministry,
6 or the Chief of the Foreign Cable Section of the same
7 ministry, to hold those telegrams, or did they ap-
8 prove of your action?

9 A Concerning the treatment of foreign cables,
10 either myself or the Chief of the Foreign Cable De-
11 partment received the request from the army and we
12 received orders from nowhere else.

13 Q I wish to ask another question. I refer
14 specifically to page 1, last line of the English
15 text, wherein you state that it may have been pos-
16 sible that the President Roosevelt's message to the
17 Emperor was carried away or taken back to the office
18 of Chief of the General Staff, or the Chief of the
19 Naval Staff, by either the Chief of the General
20 Staff or the Chief of the Naval Staff. Are you
21 certain that someone, either from the army or navy,
22 Army General Staff or the Navy General Staff, took
23 away that message?
24

25 THE MONITOR: Correction. "Last line, page
1," should read "last part, page 1."

SHIRAO

CROSS

1 A I don't remember exactly whether that
2 telegram, that is, the message of President Roosevelt,
3 was taken away or not. However, telegrams of such
4 nature were to be handed over either to the army or
5 to the navy, therefore I presume that Mr. Roosevelt's
6 message had been included among the telegrams sent
7 over to them.

8 Q Further elucidation, I ask you then you
9 didn't see anyone taking away the telegram, nor did
10 you hand over the telegram yourself.

11 A Just as you say.

12 Q One more question, then. Then I wish to
13 ask you specifically; now you said that according to
14 TOMURA the message from Roosevelt to the Emperor was --

15 THE MONITOR: Correction, please. You state
16 in your affidavit that you heard something about
17 Roosevelt's message from TOMURA. Are you sure of
18 this?

19 A Concerning this point, the only thing I can
20 say is that that is what I thought and I am not sure
21 of it.

22 THE PRESIDENT: Do you recollect what you
23 said in your affidavit about that? In case you have
24 forgotten, I will remind you. In your affidavit you
25 say this: "I do know, however, as I have already

SHIRAO

CROSS

1 explained, that Colonel TOMURA of the War Ministry
2 was telling me the contents of the telegram probably
3 by 4:00 o'clock and certainly by 6:00 o'clock that
4 evening." Have you any explanation of that?

5 A I tried to remember -- I tried hard to re-
6 member what happened at that time. However, I couldn't
7 remember; my memory was foggy and I couldn't remember
8 exactly what happened, therefore I put down that I
9 may have heard it from Colonel TOMURA.

10 Q As for delaying the message, had you re-
11 ceived previous request to do so? Did you get an
12 order to delay the telegram before the 7th? You did
13 get the order to delay the telegram before the 7th,
14 didn't you? The fact that further request for de-
15 laying the message was made on December 7th, does
16 this mean that at that time a message was expected
17 from President Roosevelt, or was it due to the fact
18 that censorship became more rigid at that time?

19 A I wouldn't be able to say anything about
20 that point.

21 Q You say in your affidavit that on the 8th
22 both MURAKAMI and TOMURA visited you. Is that a fact?

23 A If I remember correctly, I believe two men
24 came from the army on that day, on the 8th, and I be-
25 lieve one of them -- I thought that one of them was

SHIRAO

CROSS

1 Lieutenant Colonel MURAKAMI and the other Lieutenant
2 Colonel TOMURA. However, as to their exact identity
3 I am not sure now.

4 DR. KIYOSE: I conclude my cross-examination.

5 THE PRESIDENT: Witness, in your affidavit
6 you say the following: "On December 6th my orders
7 from Colonel TOMURA as to the delay in telegrams
8 was varied and, in future, I was told to delay the
9 delivery by five hours and ten hours on alternate
10 days." Was December 7th a five hour or a ten hour
11 day?

12 THE WITNESS: I don't recall exactly con-
13 cerning that point.

14 THE PRESIDENT: Well you may not recall
15 exactly. What do you think?

16 THE WITNESS: I believe it may have been a
17 ten hour day.

18 THE PRESIDENT: Captain Brooks.

19 CROSS-EXAMINATION (Continued)

20 BY MR. BROOKS:

21 Q Mr. Witness, in testifying by way of af-
22 fidavit, on page 2 of exhibit 1225, the next to the
23 last paragraph, you say you kept a diary and after
24 refreshing your memory from this diary you made this
25 present affidavit. On the 7th of December, as is

SHIRAO

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1 shown in document No. 2669-A of the prosecution,
2 which is the next one they have on their list for
3 introduction, is an extract from your diary.

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1 BRIGADIER NOLAN: Mr. President, it was not
2 the intention of the prosecution to introduce 2669A
3 as their document, or at all.

4 MR. BROOKS: I am sorry, your Honor, if I
5 misunderstood their intentions. I have it on my list
6 as the next one and I was going to refer to a remark
7 of the 7th of December in relation to his knowledge
8 of President Roosevelt's message as in direct contra-
9 diction of what he said in his affidavit.

10 THE PRESIDENT: But he says in his affidavit
11 that he bases his statements on his diary.

12 MR. BROOKS: That is right.

13 THE PRESIDENT: I was going to suggest, in
14 view of that, that he produce his diary.

15 MR. BROOKS: I was coming to that, your Honor.
16 I had that in mind for purposes of impeachment.

17 BRIGADIER NOLAN: Mr. President, the diary
18 is not here. Certain entries from it have been
19 processed. The prosecution has no objection to the
20 diary or to any part of it being used for the prosecu-
21 tion for any purpose they see fit.

22 THE PRESIDENT: Brigadier Nolan.

23 BRIGADIER NOLAN: The last word, sir, should
24 have been "for the defense"-- should have been
25 "defense" not "prosecution."

SHIRAO

CROSS

1 MR. BROOKS: If the Tribunal please, the
2 prosecution has the document No. 2669A before them
3 and I would like for it to be -- it is an extract
4 from the diary of SHIRAO, Tateki, the witness on the
5 stand -- and I would like for him to place ~~that~~ before
6 the Court now in evidence. I would like to have it
7 placed before the Court in evidence.

8 THE PRESIDENT: Cross-examine on it.

9 BY MR. BROOKS (Continued):

10 Q Now, Mr. witness, in your diary, on the
11 document previously referred to as 2669A, on the 7th
12 of December you make the statement that "the situation
13 apparently has become most difficult as it has been
14 reported that President Roosevelt high-handedly sent
15 a personal message to his Majesty," etc.

16 Now, you said in the affidavit that you knew
17 the contents of this message. I want to ask you; did
18 you ever see this message, actually?

19 A No.

20 Q How then did you learn of its contents and
21 when?

22 A As I said before, my memory concerning that
23 point is foggy. By my diary -- according to entries
24 in my diary -- I heard it sometime in the afternoon
25 of the 7th of December from somewhere, but as to the

SHIRAO

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1 place from where I heard the news, I am not sure.
2 Therefore, I can suppose that I either heard it from
3 Lieutenant Colonel TOMURA or from press telegrams.

4 Q Was there a radio in the office where you
5 worked that afternoon?

6 A No, there was no radio.

7 Q Did you hear of any news broadcast on that
8 afternoon of such a message of the President's?

9 A No, I didn't hear it over the radio.

10 Q Did you know that it was broadcast over the
11 radio that afternoon?

12 A I don't know whether it was broadcast or not.

13 Q At the time that you gained this knowledge
14 as to the message, do you or do you not know where the
15 message itself was? Was it still in your office?

16 A I didn't know about the whereabouts of that
17 telegram at that time.

18 Q In fact, did you ever pay any particular
19 attention to this particular message?

20 A As I did not expect to receive such an incoming
21 message, I did not pay any attention to it.

22 Q Now, in your diary of the 29th of November,
23 Showa 16, "After returning home in the evening I
24 talked over the telephone with Major TOMURA about the
25 measures to delay foreign telegrams and gave instructions

SHIRAO

CROSS

1 to the central telegraph office accordingly." You
2 recall that.

3 Now, on November the 29th in your affidavit
4 you say this was based on security reasons -- these
5 orders that were given for delay. What were the
6 security reasons, if you know, and why was it necessary
7 for those to be placed in affect at that time? I
8 would like a report on it.

9 A I only received the order to delay the
10 telegrams; for what reason I don't know.

11 Q Well, now, in your affidavit: Paragraph 3.
12 "My friend Lieutenant Colonel TOMURA" -- skipping down
13 to where he says, starts -- "told me that for security
14 reasons all foreign telegrams were to be delayed."

15 At that time in Paragraph 2 of your affidavit
16 you were in charge of the Department of Censorship. Now,
17 do you mean to tell me that you do not know what the
18 security measures were about messages?

19 A (No response.)

20 Q Well, did you know anything about the security
21 measures at that time or not?

22 A (No response.)

23 Q Do you understand my question?

24 A The purport of your question is not clear to
25 me.

SHIRAO

CROSS

1 Q As the one in charge of the Department of
2 Censorship you were dealing with certain orders based
3 upon security measures to be taken for the protection
4 of information, were you not?

5 A The duties of the Censorship Division were
6 to prevent secrets from leaking out and also to
7 prevent espionage activities.

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1 Q All right. Then, that was part of the
2 security, and one of the reasons for delaying delivery;
3 is that correct?

4 A When telegrams are delayed censorship can be--
5 we can censor them **that much** more thoroughly, and in
6 that sense it would mean a stricter enforcement of
7 censorship.

8 Q Now, this rule that was put in effect at
9 that time was not an unusual rule, was it, or a
10 special application for any particular reason?

11 A I believe it is only a common practice in
12 making stricter control, enforcing stricter control
13 over tele-communication.

14 THE MONITOR: "Control" should be "censorship."

15 THE PRESIDENT: The delay of five hours
16 ordered on the 29th of November 1944 was not a common
17 practice, was it?

18 1941, I should say.

19 THE WITNESS: I don't quite understand your
20 question. Will you repeat it again?

21 MR. BROOKS: I will ask him.

22 THE PRESIDENT: Can you recollect any other
23 occasion in 1941 when a delay of five hours was
24 ordered in relation to messages from abroad?

25 THE WITNESS: No.

1 THE PRESIDENT: Was the delay of ten hours
2 ordered on the 6th of December 1941 for alternate
3 days a common practice?

4 MR. BROOKS: If the Court please, I would
5 like to call to the Court's attention this order
6 applied to all, and I have not been trying to show
7 that that was a common practice but that previous to
8 that time there had been censorship of some -- not all,
9 but some -- and that some was a normal procedure.

10 THE WITNESS: There was no such measures taken
11 before that date.

12 Q Was there any censorship of any type before
13 November 29, any system of spot-checking?

14 A The censorship of telegrams and telephone
15 conversations was begun in July of that year and was
16 continued thereafter until November, when these spe-
17 cial measures were taken.

18 THE MONITOR: "Until the end of November."

19 Q Now, in the last paragraph on page 1 you
20 state it was the custom of the Foreign Office to send
21 a messenger once a day to take away copies of telegrams
22 in code which they thought might interest them. When
23 did this custom start; what month, what year?

24 A This practice was begun several years ago
25 but I cannot remember the exact year since it was

SHIRAO

CROSS

1 before my entry into the Communication Ministry, several
2 years prior to that year.

3 THE PRESIDENT: Have you finished cross-
4 examining on the excerpt from his diary for the 7th
5 of December, Mr. Brooks?

6 MR. BROOKS: No, I have not, your Honor.

7 THE PRESIDENT: We require you to tender it
8 as soon as you have done so.

9 Q This practice started several years ago, and
10 yet you say that censorship was only placed on tele-
11 grams, and so forth, from July, is that correct?

12 A Yes, it is correct.

13 Q Then, I gather from that statement that cen-
14 sorship had been going on actually for years, by
15 taking away copies of messages?

16 A I don't think it is possible to call it
17 censorship as far as the Ministry of Communications
18 is concerned.

19 Q In other words, the difference lies in that
20 there was no delay of the message, is that correct?

21 A I do not think so.

22 Q And at this time it became necessary to delay
23 messages because of the critical period needed to
24 decode them and find out what was going on, is that
25 correct? And if a message contained any information

SHIRAO

CROSS

1 of a military nature it would be stopped and not be
2 allowed to be sent, is that correct?

3 THE PRESIDENT: How does that bear on
4 President Roosevelt's message to the Emperor?

5 MR. BROOKS: Just to show that it was not a
6 deliberate plan to delay any messages to the Emperor
7 or any movement of any body or group trying to act in
8 any way to intercept, for a specific purpose, any of
9 the information being carried on between the two
10 nations.

11 THE PRESIDENT: Well, all that is irrelevant.
12 We are dealing with the treatment of the President's
13 message to the Emperor and the reasons for that treat-
14 ment. The treatment of other messages is wholly
15 immaterial and irrelevant.

16 MR. BROOKS: The prosecution, if your Honor
17 please, is trying to place, through this witness in
18 this affidavit, stress upon the fact, I think and I
19 have been led to believe, that this message was given
20 a special treatment. And in my position, I think the
21 cross-examination has shown it was treated just the
22 same as any other message, and he as such did not have
23 any knowledge of it as a special item.

24 THE PRESIDENT: In order to enable certain
25 members of the staff to meet the requirements of the

SHIRAO

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1 War Office, we will adjourn now until half past one.

2 (Whereupon, at 1030, a recess was
3 taken.)

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1 AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at
4 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Mr. Logan.

8 MR. LOGAN: If the Tribunal please, on
9 November 12, 1946 an order was issued with respect
10 to security measures to be enforced at Sugamo Prison
11 and affecting the accused in this case. While we
12 have no desire whatsoever to interfere or to make any
13 recommendations respecting security measures, we do
14 wish to call the Tribunal's attention to the fact
15 that part of the measures taken appear to us to be
16 unreasonable and closely connected with a fair trial
17 to the accused.
18

19 From time to time we attorneys submit to the
20 accused documents affecting them for their opinions
21 and consideration. It is our understanding that all
22 of the documents of the accused, with the exception
23 of six books, booklets or pamphlets, have been taken
24 from them and put in a box away from their cell so
25 that they do not have free access to them. When they
desire a document, it is necessary to call one of the

1 jailers to secure the document, and they have diffi-
2 culty in describing it, and in some instances they
3 are unable to obtain the document they require. Of
4 course, any measure that is taken which would inter-
5 fere with the close cooperation between the attorney
6 and his client in so far as the client is unable to
7 secure the document would affect a just trial.
8

9 In addition, the accused wish that the order
10 be relaxed with respect to certain articles of cloth-
11 ing, bedding and personal effects which they con-
12 sider desirable and necessary from the standpoint of
13 sanitation and personal health. I again wish to im-
14 press upon the Tribunal that we of the defense do not
15 wish in any manner to interfere with proper security
16 measures to be taken, but we ask that they be reason-
17 able, fair and in no way tend to defeat the ends of
18 justice in so far as this trial is concerned.

19 As every minute of preparation for the trial
20 counts, we certainly would appreciate if the Tri-
21 bunal would give this matter its prompt attention.

22 THE PRESIDENT: Dr. UZAWA.

23 DR. UZAWA: Mr. President and Members of the
24 Tribunal, as representative of the Japanese counsel,
25 may I be permitted to make one request? As Mr.

1 Logan has said, we wish in no way to interfere with
2 measures concerning the rules of the prison. As,
3 Mr. President, you stated at the beginning of this
4 trial, this trial is not held for the purpose of
5 judging a Verrus or a Hastings, but the honorable
6 Members of this Tribunal have come here in order to
7 give fair and impartial judgment as representatives
8 of the victor nations in order to insure future
9 peace and righteousness for all, and to set out a
10 fair trial based on justice. The defense counsel
11 and the accused, being of the defeated side which
12 has surrendered, respectfully obey all the orders of
13 the Tribunal, and it is their earnest hope that this
14 trial will be concluded in accordance with a world-
15 wide concept of justice.
16

17 Therefore, in connection with the accused
18 who are in prison, may I request that steps be taken
19 so that, while they obey the regulations of the
20 prison, at the same time they may, according to
21 their conscience, make preparations for their
22 trial. Although, of course, I do not know how these
23 trials will be concluded, the accused will continue
24 to obey the regulations of the prison; and I hope,
25 therefore, that no measures that are unreasonable
will be taken. I conclude my request. The rest is

1 as Mr. Logan has said.

2 THE PRESIDENT: Major Furness.

3 MR. FURNESS: If the Court please, I would
4 like to stress briefly the fact that some of these
5 measures with respect to clothing, bedding, and
6 so forth, affect vitally the health of these men who
7 are on trial.

8 THE PRESIDENT: This Court has no responsi-
9 bility for security measures and will not interfere
10 with those who have responsibility for them. We
11 assume that those responsible will not do anything
12 to prejudice the fair trial of the accused.

13 After reading what counsel for the defense
14 have had to say this afternoon, we will see that what
15 counsel said is brought to their knowledge, and they
16 may give you the measure of relief that you are
17 seeking, if it is called for.

18 MR. FURNESS: My point is that it does
19 affect the fairness of the trial, sir. That is the
20 only point we are trying to make.

21 MR. BROOKS: Mr. President, Members of the
22 Tribunal.
23

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SHIRAO

CROSS

1 T A T E K I S H I R A O, called as a witness on
2 behalf of the prosecution, resumed the stand
3 and testified through Japanese interpreters as
4 follows:

5 CROSS-EXAMINATION

6 BY MR. BROOKS (Continued):

7 Q Mr. Witness, did you receive any special
8 order in regard to President Roosevelt's message to
9 make a special effort to withhold it or delay it?

10 A No, I never received a special order.

11 Q Now, referring to prosecution document No.
12 2669-A, on the 8th of December -- words extracted
13 from your diary -- at about 4:30 or 4:50 -- it is
14 hard to decipher -- a.m. "I was called to the tele-
15 phone by Foreign Telegram Section Chief NAKAYAMA
16 who told me that a request had been received from
17 the Army to stop all telegraphic communication with
18 foreign countries." Continuing the quotation:

19 "Hence, I immediately took the proper steps and
20 hastened to my office. Lieutenant Colonel MURAKAMI
21 came and informed me of the outbreak of war against
22 America and Britain. We discussed practical meas-
23 ures for control of communications, and immediately
24 began to put them into effect."
25

Now, Mr. Witness, had any of these war

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1 measures for security been in effect previous to
2 that date?

3 A As I have already said, security measures
4 were begun in July of that year; and, therefore,
5 security measures with regard to communications were
6 enforced from that time in order to prevent leakage
7 of telegrams.

8 Q That the practical measures for control of
9 communications in a war situation were not begun
10 until the 8th of December, is that correct?

11 THE PRESIDENT: He mentioned July previously.

12 A Yes.

13 Q Now, on exhibit 1225, at the bottom para-
14 graph you state that "December 7th was a day of great
15 excitement." Was that Tokyo time?

16 A Yes.

17 Q What was the great excitement of December
18 7 that required messengers in and out all day?

19 A That day was not -- I was not in a state of
20 great excitement on that day.

21 Q Then your affidavit is incorrect, is that
22 right?

23 A I believe it is somewhat exaggerated.

24 Q Now, in the paragraph just preceding that
25 you state, "I cannot remember, for certain, who told

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1 me, but I think it was Colonel TOMURA." And then
2 in the paragraph below you state, "I do know, how-
3 ever, as I have already explained, that Colonel
4 TOMURA of the War Ministry was telling me the con-
5 tents of the telegram probably by four o'clock."
6 That is a direct contradiction, Mr. Witness. Which
7 one of those statements is correct?

8 A As I have already said, I had no clear
9 recollection concerning whether or not it was
10 Lieutenant Colonel TOMURA who told me, and, there-
11 fore, I believe that the previous statement, the
12 one in which I say I am not sure, is correct.

13 THE MONITOR: Slight correction: There-
14 fore, when I say "I am sure," that is not correct.
15 I should have said "I am not sure."

16 Q Now, do you have in your possession your
17 diary referred to in this affidavit?

18 A No. I have presented it. It is with the
19 Tribunal.

20 MR. BROOKS: I have just been informed
21 that the prosecution does have the original diary.

22 THE PRESIDENT: It is not in evidence yet.

23 Q I notice on the 7th of December in an ex-
24 tract from your diary, at the end of that day you
25 said you had collected the material for tomorrow's

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1 extra lecture. Was that on security measures? What
2 was the subject of the lecture?

3 A They are the text of lectures to be given
4 at school, and they have nothing to do with this
5 question here.

6 THE MONITOR: They were.

7 Q What kind of a school?

8 A It is a school belonging to the Communica-
9 tions Ministry named "The Training Institute for
10 Officials of the Communications Ministry."

11 Q This lecture had nothing to do with any
12 orders received or emergency measures to be taken,
13 did it?

14 A They had no connection.

15 Q You say that, in your affidavit in the third
16 paragraph, Lieutenant Colonel TOMURA called you and
17 told you about the delay in foreign telegrams. Was
18 that an order or a request that he made?

19 A It was not an order but a request.

20 MR. BROOKS: If the Tribunal please, if
21 the prosecution would be so kind as to furnish me
22 a copy of this document 2669-A, I would like to
23 offer it in evidence for the purpose of impeachment.
24

25 THE PRESIDENT: Admitted on the usual terms.

MR. BROOKS: Since most of the relevant

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1 matters therein have been referred to in my cross-
2 examination, I will not read that.

3 CLERK OF THE COURT: Document No. 2669-A,
4 issued by the prosecution and introduced by the
5 defense, will be given exhibit No. 1226.

6 (Whereupon, the document above re-
7 ferred to was marked defense exhibit No.
8 1226 and received in evidence.)

9 THE PRESIDENT: Major Furness.

10 CROSS-EXAMINATION (Continued)

11 BY MR. FURNESS:

12 Q As I understand it, you heard of this mes-
13 sage some time between four and six in the after-
14 noon, is that correct?

15 A I believe that on the whole it was around
16 that time.

17 Q When you heard of it, did you make any
18 inquiry as to whether it had come into your depart-
19 ment?

20 A That telegram didn't come to me at that
21 time.

22 Q All such messages by telegram or cable from
23 abroad must necessarily come through your depart-
24 ment, must they not, at that time?

25 A The telegram itself does not come to my

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1 office but to the Communications Ministry. Only the
2 copies came there, and from there we would send it
3 to the War Ministry, the Navy Ministry and the
4 Foreign Affairs Ministry.

5 Q But, did you have authority to delay the
6 delivery of the telegram?

7 A Following the request of the Army, I sent
8 an order to the Telecommunications Bureau to do so.

9 Q Well, then, did you consult your superiors
10 or anyone else when you found that that message had
11 come to Tokyo to decide whether the delivery of such
12 an important message should be held up in accordance
13 with the general orders?

14 A Since I did not know about this so-called
15 message itself, I could not consult with my super-
16 iors about whether to delay it or not.

17 Q But you testified that you had heard from
18 someone that such a message, which must necessarily
19 come by cable and, therefore, be such to such orders,
20 had been received in Tokyo; is that correct?

21 A I did hear from somewhere that the message
22 had come, but I did not think of that. I did not
23 couple the fact that it had come with the question
24 of whether to delay it or not, in my mind.
25

Q Then, allowing it to follow that general

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1 course, wanting it to be delivered specially because
2 of its important nature, was your responsibility
3 alone; isn't that correct?

4 A If you say it was my responsibility, you
5 can say so. But, since I was simply mechanically
6 following out a request from the Army, I believe it
7 is a question whether I should bear sole responsi-
8 bility or not.

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Q Your following out was due to a general order applying to all telegrams from abroad, is that correct?

A Yes.

Q Which you had at the request of a Lieutenant Colonel on the General Staff?

A Yes.

THE PRESIDENT: Copies of that last exhibit should be made for the Judges. Do you propose to call Colonel TOMURA, Brigadier, if he is available? A colleague desires to know that.

BRIGADIER NOLAN: We don't know the whereabouts of that officer, but I will make inquiries at once.

THE PRESIDENT: He may or may not be prepared to help you. We have that in mind.

BRIGADIER NOLAN: Copies of the last exhibit, Mr. President, are now available for the Court.

We now offer in evidence, Mr. President, IPS document No. 1420, the affidavit of F. C. Parr, which proves item 9 of the Time Chart, exhibit 1222, the first overt act of hostilities in the Pacific War, and also item 18 of exhibit 1222.

THE PRESIDENT: I assume you are finished with this witness, Brigadier?

1 BRIGADIER NOLAN: I beg your pardon.

2 THE PRESIDENT: He is released on the usual
3 terms.

4 (Whereupon the witness was excused.)

5 THE PRESIDENT: This document is admitted on
6 the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 1420 will receive exhibit No. 1227.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1227 and received in evidence.)

12 BRIGADIER NOLAN: I read from exhibit 1227:

13 "I, FREDERICK CHARLES PARR, British Subject, of
14 13, The Bund, Shanghai in the Republic of China,
15 MAKE OATH and say as follows:-

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

19 "2. I was on duty on the Shanghai Settlement
20 Bund on the night of December 7th and the morning of
21 December 8th, 1941. At 2345 on the night of December
22 7th, 1941, I saw Japanese personnel dressed in
23 khaki crossing the Garden Bridge over Soochow Creek
24 and running military telephone lines as they went.
25 They ran the wires alongside the Bund garden and along

1 the Bund pontoons.

2 "3. As they reached each pontoon the Chinese
3 Maritime Customs' Officers withdrew and the Japanese
4 did not cross the said Bridge in any large party but
5 in small groups, and the Japanese military were ac-
6 companied by Japanese gendarmerie.

7 "4. To the best of my knowledge and belief
8 there was no actual fighting on The Bund and no
9 Allied person was then or there shot or injured. The
10 Chinese who were standing in the neighbourhood, par-
11 ticularly those who were gathered near the Custom
12 House, were herded by the Japanese up the streets
13 leading off The Bund and thus The Bund was cleared
14 of civilians.

15 "5. The Japanese personnel were armed with
16 small arms but had no armed vehicles and the taking
17 over of The Bund continued until 0300 on December
18 8th, 1941. Prior to that time Officers of the
19 Chinese Maritime Customs returned to the Custom
20 House and reported that they had been driven from
21 their pontoons by Japanese and one of those
22 Officers reported to me that the launches at the
23 Customs Jetty had been shifted by the Japanese.

24 "6. At about 0250 on December 8th, 1941, I
25 proceeded to the Jetty for purposes of investigation

1 and found that the launches had been shifted and that
2 the Customs Jetty had been occupied by Japanese
3 soldiery.

4 "7. At 0330 on December 8th, 1941, the Customs
5 guard outside the Customs Jetty informed me that a
6 Japanese destroyer had berthed outside the Customs
7 Jetty. I proceeded to the Jetty to investigate this
8 report and was told by the Japanese that I could not
9 enter the Jetty area.

10 "8. Prior to this and at about 0230 I had
11 heard a noise behind the Custom House. I investigated
12 the cause of this noise which I found to be caused by
13 three howitzers drawn on tractors which must have
14 crossed Szechuen Road bridge and were passing along
15 Szechuen Road to Avenue Edward VII. These guns
16 were mounted at the foot of Avenue Edward VII and
17 pointed towards the river and H.B.M. Gunboat
18 'Peterel.'

19 "9. At 0415 I left the Custom House to visit
20 the Customs Jetty and gave orders that the large
21 bronze gates should be closed and also ordered all
22 gates leading into the Custom House to be locked.
23 At 0420 I heard a heavy detonation South of the Cus-
24 tom House which I attributed to the howitzers opening
25 fire. Very soon I saw fire aboard H.M.S. 'Peterel'

and she was soon a mass of flames.

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

"11. H.M.S. 'Peterel' was then a mass of flames and was the target for Japanese guns of all calibre, so that it is probable that seamen endeavoring to leave the burning 'Peterel' 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 H.M.S. 'Peterel' might have been dealt with. I also rang up the Harbor Master but was unable to locate him.

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

1 "14. A Chinese Maritime Customs Officer who was
2 stationed at Kin Lee Yuan Wharf at the material time
3 reported to me later on that a number of British
4 sailors had landed barefooted on Kin Lee Yuan Wharf
5 and had been taken prisoners by the Japanese.

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

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

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

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

19 THE PRESIDENT: Mr. Logan.

20 MR. LOGAN: If the Tribunal please, the
21 defense asks that this witness be produced for cross-
22 examination.

23 THE PRESIDENT: The Tribunal will consider
24 the application.

25 BRIGADIER NOLAN: In connection with item

1 18 of exhibit 1222, being the Time Chart, we now
2 offer in evidence IPS document No. 1421, the affidavit
3 of Edward Austern Irwin Crowder, R.N.V.R., which gives
4 the name of one fatal casualty in the loss of H.M.S.
5 Peterel. Clearly there were many others, but their
6 names cannot be traced with certainty.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 1421 will receive exhibit No. 1228.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 1228 and received in evidence.)

13 BRIGADIER NOLAN: With the permission of the
14 Tribunal and if there is no objection from counsel
15 for the defense, I will not read this document in
16 its entirety but summarize it for the convenience
17 of the Tribunal. It discloses the names of three
18 casualties of H.M.S. Peterel admitted to the hos-
19 pital Ste. Marie at Shanghai on 8 December 1941, all
20 suffering from gunshot wounds, and that Engineer
21 James Dunbar, wounded by shrapnel in the left femur,
22 died in that hospital on the 12 December 1941.

23 THE PRESIDENT: Admitted on the usual terms.

24 BRIGADIER NOLAN: With your permission, Mr.
25 President, may I go on?

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THE PRESIDENT: You may proceed.

CLERK OF THE COURT: Prosecution's document

No. --

THE PRESIDENT: I have admitted this affidavit,
that is all. I haven't seen any further document to
admit.

1 BRIGADIER NOLAN: We now offer in evidence
2 IPS Document No. 1577, the affidavit of General
3 Percival, which proves items 10, 12 and 20 on exhibit
4 1222. I might mention that items 10 and 12 on the Time
5 Chart were also dealt with in the evidence of Colonel
6 Wild at pages 5352 to 5355 of the record on the 10th
7 of September last, and that Colonel Wild also proved
8 item 14 of the Time Chart at pages 5355 to 5357 of the
9 record of this Tribunal.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 1577 will receive exhibit No. 1229.

13 (Whereupon, the document above referred
14 to was marked prosecution's exhibit No. 1229 and
15 received in evidence.)

16 BRIGADIER NOLAN: I read from exhibit 1229:

17 "I, Major-General Arthur Ernest Percival, CB,
18 DSO, OBE, MC, of 'Westfield', Westland Green, Little
19 Hadham in the County of Hertford make oath and say as
20 follows:-

21 "1. From May 1941 until my capture by the
22 Japanese in February 1942 I was General Officer Command-
23 ing Malaya.

24 "2. At about 2345 hours on the 7th December
25 1941, beach defence troops on the Badang and Sabak

1 Beaches, the point of junction of which at Kuala Paamat
2 was about one-and-a-half miles northeast of Kota Bharu
3 Airfield, reported ships anchoring off the coast.

4 "3. Shortly after this beach artillery
5 opened fire and the Japanese ships started shelling
6 the beaches.

7 "4. At about 0025 hours on the next day
8 (8th December 1941), the leading Japanese troops landed
9 at the junction of Badang and Sabak Beaches.

10 "5. By about 0100 hours after heavy fighting
11 they had succeeded in capturing the adjacent pill-boxes,
12 manned by troops of the 3rd/17th Dogras.

13 "6. The garrison of the pill-boxes during
14 the fighting inflicted very heavy casualties upon the
15 enemy before they were eventually wiped out almost to
16 a man.

17 "7. At about 0430 hours on the 8th December
18 1941, a Japanese air formation raided the Singapore
19 Area. It had probably come from French Indo-China, a
20 distance of about 700 miles. The air-raid warning
21 had been sounded, but Singapore was not completely
22 blacked-out when the aircraft arrived.

23 "8. Bombs were dropped by this formation on
24 the Seletar and Tengah airfields, and in the city area.
25 Damage, however, was slight.

1 "9. This was the first indication that
2 citizens of Singapore had that war had broken out in
3 the Far East."

4 Signed: "A. E. Percival, Major General.

5 "Sworn by the said Arthur Ernest Percival
6 at 6 Baldack Street, Ware in the County of Hertford
7 this 20th day of July 1946."

8 Before Hugh Gisby, a Commissioner of Oaths.

9 There are other certificated appended which
10 I will not read.

11 MR. LOGAN: The defense requests the production
12 of Major General Percival for cross-examination.

13 THE PRESIDENT: Mr. Logan, were the last two
14 applications for witnesses really serious? We know
15 they have testified to serious matters but is their
16 testimony seriously questioned? Have you any informa-
17 tion upon which you could hope to cross-examine with
18 any success? You will be confined in cross-examination
19 to matters arising out of the affidavit in each case.

20 MR. LOGAN: Our position, your Honor, is this,
21 that the prosecution has deemed the information con-
22 tained in this affidavit of sufficient importance to
23 prove before this Tribunal.

24 THE PRESIDENT: That isn't the test. Many
25 essential matters are matters about which no question

1 could seriously be raised.

2 MR. LOGAN: Secondly, we have consistently
3 opposed the introduction of evidence of this type through
4 affidavits where no statement is made by the prosecu-
5 tion as to whether or not the witnesses are available.
6 And, thirdly, your Honor, since we just received this
7 affidavit within the last few days we must preserve
8 our rights and we have to investigate to determine
9 whether the statements contained therein are true.

10 THE PRESIDENT: At present we see no necessity
11 for ordering the attendance of either of the two last
12 deponents, Major General Percival or Frederick Charles
13 Parr.

14 BRIGADIER NOLAN: We now offer in evidence
15 IPS document No. 1508, the affidavit of Wing Commander
16 Franklin, which proves the names of some of the earliest
17 British casualties to Khota Bharu. There were, as
18 appears from General Percival's affidavit, also Indian
19 casualties on the beach, but their names cannot be
20 identified.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 1508 will receive exhibit No. 1230.

24 (Whereupon, the document above referred
25 to was marked prosecution's exhibit No. 1230 and

received in evidence.)

BRIGADIER NOLAN: I read from exhibit 1230, being the affidavit of Wing Commander William Harry Franklin, No. 44442, Royal Air Force, late Senior Personnel Staff Officer, Far East Command, who makes oath and says as follows:

"1. The names contained in Paragraph 2 here- of 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:-

"Flight Lieutenant John Christopher Ramshaw.

"Flight Lieutenant John Graham Leighton Jones.

"Flying Officer Donald Alexander Dowie.

"Flying Officer Ronald Hewitt Siggins.

"Aus. 3382 Sgt. Coldrey Jeffrey Cyril.

"Aus. 407307 Sgt. Walters David Ward.

1 "Aus. 404294 Sgt. Hedges Graham John.

2 "Aus. 407309 Sgt. White, Garet Sidney.

3 "3. I have been informed by the Casualties
4 Staff, Overseas Headquarters, R.A.A.F., London, that
5 Flying Officer Donald Alexander Dowie was subsequently
6 reported Prisoner of War and has now been repatriated
7 to Australia."

8 "Sworn by the said William Harry Franklin at
9 29, Queen Anne's Gate in the City of Westminster this
10 sixth day of March 1946.

11 "Before me: F. G. Fletcher."

12 Signed: "W. H. Franklin."

13 We now offer in evidence IPS document No. 1500,
14 an affidavit of the Under-Secretary of State for Foreign
15 Affairs with its exhibit, to show the diplomatic rela-
16 tions of Great Britain and Japan at the time of these
17 attacks.

18 THE PRESIDENT: Mr. Smith.

19 MR. SMITH: If your Honor please, we object
20 to this affidavit. It consists entirely of conclusions.
21 It foreswears the issue in this case and determines
22 the very matter that the Court must determine as an
23 ultimate question of fact in this case. We make the
24 further point that the international treaties and con-
25 ventions referred to are inapplicable in the case of

a war for self-preservation and self-defense.

1 THE PRESIDENT: I think deponent is obviously
2 speaking from hearsay but that doesn't necessarily
3 exclude his affidavit. I can't say he draws conclu-
4 sions. I don't think that is a fair interpretation.

5 Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 will receive exhibit No. 1231.
8

9 (Whereupon, the document above referred
10 to was marked prosecution's exhibit No. 1231 and
11 received in evidence.)

12 BRIGADIER NOLAN: I read from exhibit 1231:

13 "I, Sir Orme Garton Sargent, K.C.M.B., C.B.,
14 Permanent Under-Secretary of State for Foreign Affairs,
15 hereby certify:-

16 "1. That the Japanese Government did not,
17 before the opening of hostilities by the Japanese forces
18 on December 8th, 1941, against the British territories
19 in South East Asia, have recourse to the good offices
20 or mediation of one or more friendly Powers, for the
21 purpose of effecting a settlement, by peaceful means,
22 as provided for in Article 2 of the Hague Convention
23 of 1899 for the Pacific Settlement of International
24 Disputes, of the differences that existed at December
25 8th, 1941, between the Japanese Government and the

1 Government of the United Kingdom and of other members
2 of the British Commonwealth of Nations, and that the
3 Japanese Government did not submit or offer to submit
4 these differences to mediation, enquiry, arbitration,
5 or any other method of peaceful settlement referred to
6 in the said Convention, except in so far as may appear
7 from negotiations or discussions which the Japanese
8 Government conducted with the Government of the United
9 States of America.

10 "2. That the Japanese Government did not,
11 before the said opening of hostilities on December 8,
12 1941, deliver to the Government of the United Kingdom
13 or to any representative of that Government, or to the
14 Government of any other member of the British Common-
15 wealth of Nations, any previous explicit warning in
16 the form either of a declaration of war, giving reasons,
17 or of an ultimatum with a conditional declaration of
18 war, in accordance with the provisions of the Hague
19 Convention of 1907 relative to the opening of hostili-
20 ties. A certified copy of a protest on this point,
21 addressed to the Japanese Charge d'Affaires, dated
22 the 8th December 1941, is annexed to this certificate
23 and marked 'A.'

24 "3. That the Japanese Government did not,
25 as provided for in the Treaty of 1921 between the

1 British Empire, France, Japan, and the United States
2 of America, relating to their Insular Possessions and
3 Insular Dominions in the Pacific Ocean, before December
4 8th, 1941, invite the Government of the United Kingdom
5 to participate with the Governments of the other High
6 Contracting Powers in a joint conference, to which the
7 whole subject of any controversy arising out of any
8 Pacific question and involving the rights of the High
9 Contracting Powers in relation to their insular posses-
10 sions and insular dominions in the region of the Pacific
11 Ocean could be referred for consideration and adjust-
12 ment.

13 "(SEAL)" Signed: "O.G. SARGENT"

14 "London

15 "Foreign Office, London, S.W. 1.

16 "25th March, 1946.

17 Exhibit A:

18 "Outfile

19 "Foreign Office, S.W.1.

20 "8th December, 1941

21 "Sir," (this is addressed to Mr. Shinich

22 KAMIMURA)

23 "On the evening of December 7th His Majesty's
24 Government in the United Kingdom learnt that Japanese
25 forces, without previous warning either in the form of

1 a declaration of war or of an ultimatum with a condi-
2 tional declaration of war, had attempted a landing on
3 the coast of Malaya and bombed Singapore and Hong Kong.

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

13 "I have the honour to be with high consideration,

14 "Sir,

15 "Your obedient Servant,

16 Signed: "Winston S. Churchill.

17 "I, Sir Orme Garton Sargent, K.C.M.G., C.B.,
18 Permanent Under-Secretary of State for Foreign Affairs,
19 Hereby certify that the foregoing is a true copy of a
20 document preserved in the Archives of the Foreign Office,
21 London."
22

23 Signed: "O. G. Sargent.

24 "London,

25 "Foreign Office, London, S.W.1.

"25th March, 1946."

1 MR. SMITH: If your Honor please, this affi-
2 davit is chiefly notable for what he omits. We ask
3 that this witness be called for cross-examination.

4 THE PRESIDENT: The Tribunal sees no reason
5 for calling him.

6 BRIGADIER NOLAN: The next two witnesses,
7 Mr. President, will be introduced by my colleague,
8 Mr. Fihelly.

9 THE PRESIDENT: Mr. Fihelly.

10 MR. FIEHELLY: Mr. President, Members of the
11 Tribunal:

12 Before going into the two documents, I would
13 like to correct in a slight manner exhibit 1194 which
14 was one of the intercepted messages introduced yester-
15 day. Mr. Logan called to our attention that our
16 English copy of that intercepted message has no time
17 translation data at the bottom. We checked with the
18 original intercepted book and there should appear at
19 the bottom symbol "F Navy Trans. 3 Nov. 1941" and
20 in parenthesis "C-TT." end of parenthesis.

21 We next offer in evidence International Prose-
22 cution document 220H which, in conjunction with
23 Mr. Ballantine's evidence, which will follow shortly,
24 will prove items 13, 16 and 17 of the Time Chart,
25 exhibit 1222. Mr. Ballantine will deal fully with the

1 Japanese document and demonstrate that it does not
2 approach or resemble a declaration of war. Item 15,
3 the attack on Pearl Harbor in the Time Chart, will be
4 fully dealt with in the testimony of Admiral Richardson
5 and partly, also, in the testimony of Mr. Ballantine
6 as to the time.
7

8 We offer International Prosecution document
9 No. 220H in evidence.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 220H will receive exhibit No. 1232.

13 (Whereupon, the document above referred
14 to was marked prosecution's exhibit No. 1232 and
15 received in evidence.)

16 THE PRESIDENT: Read it after the recess.
17 We will recess for fifteen minutes.

18 (Whereupon, at 1445, a recess was taken
19 until 1500, after which the proceedings were
20 resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Fihelly.

4 MR. FIELLY: We now read from prosecution
5 exhibit 1232:

6 "Extract from 'Papers relating to the Foreign Relations
7 of the United States. Japan: 1931-1941., Vol. II,
8 pp 786-7

9 "Memorandum of a Conversation

10 "('Washington), December 7, 1941

11 "The Japanese Ambassador asked for an appoint-
12 ment to see the Secretary at 1:00 p.m.; but later tele-
13 phoned and asked that the appointment be postponed to
14 1:45 as the Ambassador was not quite ready. The Am-
15 bassador and Mr. Kurusu arrived at the Department at
16 2:05 p.m. and were received by the Secretary at 2:20.

17 "The Japanese Ambassador stated that he had
18 been instructed to deliver at 1:00 p.m. the document
19 which he handed the Secretary, but that he was sorry
20 that he had been delayed owing to the need of more
21 time to decode the message. The Secretary asked why
22 he had specified one o'clock. The Ambassador replied
23 that he did not know but that that was his instruction.
24 The Secretary said that anyway he was receiving the
25 message at two o'clock. After the Secretary had read

1 two or three pages he asked the Ambassador whether
2 this document was presented under instructions of the
3 Japanese Government. The Ambassador replied that it
4 was. The Secretary as soon as he had finished reading
5 the document turned to the Japanese Ambassador and said:

6 "I must say that in all my conversations with
7 you (the Japanese Ambassador) during the last nine
8 months I have never uttered one word of untruth. This
9 is borne out absolutely by the record. In all my fifty
10 years of public service I have never seen a document
11 that was more crowded with infamous falsehoods and dis-
12 tortions on a scale so huge that I never imagined until
13 today that any Government on this planet was capable
14 of uttering them.'

15 "The Ambassador and Mr. Kurusu then took their
16 leave without making any comment.

17 "A copy of the paper which was handed to the
18 Secretary by the Japanese Ambassador is attached.

19 "J(oseph) W. B(allantine)."

20 That copy will be treated by Mr. Ballantine.

21 At the bottom appears a footnote:

22 "*The Japanese attack on Pearl Harbor, Hawaii,
23 took place on December 7, 1941, at 1:20 p.m., Wash-
24 ington time (7.50 a.m., Honolulu time), which was Dec-
25 ember 8, 3.20 a.m. Tokyo time. On December 8 at 6 a.m.

1 Tokyo time (December 7, 4 p.m. Washington time), the
2 Japanese imperial headquarters announced that war be-
3 gan as of 'dawn' on that date."
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1 We next offer in evidence the International
2 Prosecution document 1424, the affidavit of Secretary
3 of State Byrnes, which deals with the diplomatic
4 position of the United States and Japan at the time
5 of the Pearl Harbor attack.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 1424 will receive exhibit No. 1233.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1233 and received in evidence.)

12 MR. FIHELLY: I now read prosecution exhibit
13 No. 1233:

14 "DEPARTMENT OF STATE

15 "UNITED STATES OF AMERICA

16 "DISTRICT OF COLUMBIA, TO WIT:

17 "I, James F. Byrnes, Secretary of State, being
18 first duly sworn, do hereby, according to my best know-
19 ledge and belief, make affidavit as follows:

20 "1. That I am the duly designated and quali-
21 fied Secretary of State of the United States of America.

22 "2. That the Japanese Government in 1941
23 approached this Government with a proposal for an agree-
24 ment providing for a pacific settlement covering the
25 whole Pacific area, and accordingly conversations were

1 entered into. Various drafts and counterdrafts of pro-
2 posals were exchanged, but no reconciliation of views
3 on a number of fundamental points was reached. While
4 the conversations were still in progress the Japanese
5 Government on November 20 presented this Government
6 with an extreme proposal which this Government could
7 not accept. It offered the Japanese Government on Nov-
8 ember 26 as an alternative a plan of a broad but simple
9 settlement as a basis for further conversations looking
10 to an agreement. On December 7 the Japanese Govern-
11 ment made a reply announcing its intention to break
12 off negotiations, but more than an hour prior to de-
13 livery of that reply it attacked without any warning
14 American territory in Hawaii.

15 "3. That Japan did not on or before December
16 7, 1941, so far as the Government of the United States
17 is aware, have recourse to the good offices or media-
18 tion of any friendly power, or to arbitration of pend-
19 ing questions at issue with the Government of the United
20 States prior to Japan's making an armed attack
21 on the United States.

22 "4. That the Government of Japan did not on
23 or before the time of the attack on Pearl Harbor deliver
24 to the Government of the United States any previous or
25 explicit warning either in the form of a declaration of

1 ~~war or an ultimatum~~ with a conditional declaration
2 of war.

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

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

9 James F. Byrnes
10 Secretary of State

11 "Suscribed and sworn to before me, a Notary"
12 and date.

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1 THE PRESIDENT: Mr. Smith.

2 MR. SMITH: If the Court please, at the time
3 the event as sworn to by Mr. Byrnes occurred he was
4 a senator of the United States and occupied no office
5 in the State Department. So, on the general grounds
6 which I so often said, we ask that this witness be
7 called for cross-examination.

8 THE PRESIDENT: The application is refused.

9 MR. FIHELLY: Mr. President and Members
10 of the Tribunal, my colleague, Brigadier Nolan, will
11 carry on at this point.

12 THE PRESIDENT: Brigadier Nolan.

13 Mr. Logan.

14 MR. LOGAN: If the Tribunal please, in view
15 of the refusal to call Honorable James F. Byrnes,
16 may we ask that paragraphs 4 and 5 of this affidavit
17 be stricken out as conclusions and, further, that they
18 endeavor to decide issues which are before this Tribunal.

19 THE PRESIDENT: I suppose you are claiming
20 he is swearing to an issue; a breach of the Geneva
21 Convention of 1907. The Court will consider the applica-
22 tion.

23 BRIGADIER NOLAN: May it please the Tribunal,
24 item 19 on exhibit 1222 has lost much of it's importance
25 in view of the evidence of Colonel Wild as to the

1 earlier invasion of Siam at Singora and Patani as a
2 means of getting behind the British defenses on the
3 Malayan border, and for the purposes of the record
4 we withdraw item 19 from exhibit 1222.

5 I now call as a witness to prove Item 21,
6 TATENO, Morio, whose affidavit we will offer to the
7 witness, IPS document No. 2543.

8 THE PRESIDENT: I understand that item 19
9 was withdrawn yesterday.

10 BRIGADIER NOLAN: I did withdraw it, Milord.
11 but it did not go over the radio in Japanese and I
12 was asked to make another statement to that effect.
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TATENO

DIRECT

1 M O R I O T A T E N O , called as a witness on
2 behalf of the prosecution, being first duly
3 sworn, testified through Japanese interpreters
4 as follows:

5 DIRECT EXAMINATION

6 BY BRIGADIER NOLAN:

7 Q What is your full name, please?

8 A My name is TATENO, Morio.

9 Q And where do you live?

10 A I live in Tokyo-to Suginami-ku Koenji
11 7 Chome 986.

12 Q And what is your occupation in the month of
13 December, 1941?

14 A I was then an announcer of the Tokyo Radio
15 Station.

16 Q I show to you International Prosecution
17 document No. 2543. What is the document which has
18 been handed to you by the Marshal of the Court?

19 A I cannot understand what you mean very well.
20 This is my affidavit.

21 BRIGADIER NOLAN: I offer in evidence, Milord,
22 International Prosecution document 2543, being the
23 affidavit of TATENO, Morio, sworn to on the 24th day
24 of July, 1946.
25

THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's document
2 No. 2543 will be given exhibit No. 1234.

3 (Whereupon, the document above re-
4 ferred to was marked prosecution's exhibit
5 No. 1234 and received in evidence.)

6 BRIGADIER NOLAN: I read from exhibit No.
7 1234:

8 "I, TATENO, Morio, do swear on my con-
9 science that the following is true:

10 "I, TATENO, Morio, was on the night of
11 December 7th/8th, 1941, employed as a announcer at
12 Radio Tokyo. My hours on duty that night were from
13 6:00 p. m. on the 7th to 10:00 a. m. on the 8th of
14 December. During the night, the Chief of the News
15 Section, YOKOYAMA, Shigetou, made an inspection of
16 all personnel on duty and gave us to believe that
17 important news would be given at any moment.

18 "A few minutes before 7:00 a. m. on
19 December 8, TANAKA, Junnosuke, whose duty it was to
20 receive the news by telephone from the Imperial
21 Headquarters and prepare the script for broadcast-
22 ing, answered the telephone in my presence. I wit-
23 nessed his listening on the telephone and writing
24 something down in his own handwriting. What he had
25 written was handed to me as my script with instructions

TATENO

DIRECT

1 to broadcast it at 7:00 a. m., December 8th.

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

20
21 "Refreshing my memory by listening to
22 Document 1633, I believe the following is a fair
23 translation in English which language I understand
24 sufficiently to read of the script which I read on
25 the radio at 0700 on December 8, 1941. I have
noticed that on the actual record the time of my

TATENO

DIRECT

1 I offer in evidence IPS document No. 1633,
2 a phonograph record of the broadcast which this
3 witness made at 0700 hours on December 8th.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 1633 will be given exhibit No. 1235.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1235 and received in evidence.)

10 BRIGADIER NOLAN: We offer in evidence
11 OPS document No. 1633-A, a transcription of the word-
12 ing of the last mentioned exhibit which was No. 1235.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 1633-A will be given exhibit No. 1235-A.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1235-A and received in evidence.)

19 BRIGADIER NOLAN: We offer in evidence IPS
20 document No. 1657, being the official log of the
21 broadcasting section division, news section of Radio
22 Tokyo.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 1657 will be given exhibit No. 1235-B.

TATENO

DIRECT

(Whereupon, the document above
referred to was marked prosecution's exhibit
No. 1235-B and received in evidence.)

BRIGADIER NOLAN: We offer in evidence IPS
document No. 1657-A, being the official log of news
broadcasts of the morning of December 8, 1941.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document
No. 1657-A will receive exhibit No. 1235-C.

(Whereupon, the document above
referred to was marked prosecution's exhibit
No. 1235-C and received in evidence.)

BRIGADIER NOLAN: I now read from exhibit
1235-A: --

THE PRESIDENT: Brigadier Nolan, there may be
some confusion in the numbering of the documents. We
are not sure.

BRIGADIER NOLAN: Milord.

CLERK OF THE COURT: Prosecution's document
No. 1633, to wit, a phonograph record was given exhibit
No. 1235. The translation of the record, prosecution's
document No. 1633-A was given exhibit No. 1235-A.

THE PRESIDENT: The "A" is missing here.

CLERK OF THE COURT: The radio log on the
record of broadcast, being document No. 1657, was

TATENO

DIRECT

1 given exhibit No. 1235-B.

2 THE PRESIDENT: 1235-B, is it not?

3 CLERK OF THE COURT: Yes, sir.

4 And the excerpts therefrom, noted as 1657-A,
5 was given exhibit No. 1235-C.

6 BRIGADIER NOLAN: Reading from exhibit
7 No. 1235-A: --

8 THE PRESIDENT: I understand that some of the
9 Judges have an exhibit No. 1236-B. Some of my brothers
10 say they have document No. 1657-B. I want to make
11 sure of that.

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BRIGADIER NOLAN: May I proceed?

THE PRESIDENT: You may.

BRIGADIER NOLAN: I now read exhibit No.

1235-A:

"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.

1 "'Special news will be announced.'

2 "'Special news will be announced.'

3 "Announcement by the Army and Navy Sections
4 of the Imperial General Headquarters, December 8,
5 6:00 A. M.

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

11 "Our forces commanded the attack on Hong-
12 kong before daybreak this morning.

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

18 "Next:

19 "Our forces carried out landing operations
20 on the Malayan Peninsula.

21 "Announcement by the Army and Navy Section
22 of the Imperial General Headquarters at 11:50 A. M.
23 Our forces under close Army-Navy cooperation, carried
24 out a surprise landing operation in the Malay Penin-
25 sula area early this morning of the 8th and are now

1 steadily expanding our battle achievements.

2 "Announcement by the Navy Section of the
3 Imperial General Headquarters:

4 "1. The Imperial Navy carried out a de-
5 termined air-raid against the U. S. Fleet and air
6 forces in the Hawaiian area before dawn today, the
7 8th.

8 "2. The Imperial Navy sank the British
9 gunboat, "PETORE" /phonetic/ at Shanghai before day-
10 break today, the 8th. The U. S. gunboat, 'WAKE,' also
11 surrendered to us at the same time.

12 "3. The Imperial Navy bombed Singapore
13 before daybreak today, the 8th, reaping huge war
14 successes.

15 "4. The Imperial Navy bombed enemy military
16 establishments in DAVAO, WAKE and GUAM early this
17 morning, the 8th.

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

20 "Our Army Air Force attacked en masse enemy
21 strategic points in the Philippines early this morn-
22 ing of the 8th, inflicting great damages upon them.

23 "The next is also an announcement made at
24 5:00 P. M.

25 "The Army Air Force in the South China Area

1 also raided enemy air-fields, early this morning of the
2 8th, north of Hongkong and strafing at low altitudes
3 on this airfield, they set fire to 12 of the 14 planes
4 on this field. We suffered no casualties.

5 "Our Army and Navy Air Forces reaped large
6 war successes in the air-raids made in the Philip-
7 pines.

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

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

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

20 "Under close cooperation, the Imperial Army
21 and Navy commenced friendly advancement into Thailand
22 /Siam/ this afternoon of the 8th. This is an announce-
23 ment made by the Army and Navy Sections of the Im-
24 perial General Headquarters at 9:00 P. M. Regarding
25 the passing of Japanese troops through her country,

1 Thailand facilitated their passage. This afternoon,
2 at 12:30 P. M., negotiations in regard to this has
3 been concluded between Japan and Thailand and the
4 Imperial Army and Navy commenced friendly advance
5 into Thailand this afternoon."
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TATENO

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I now read from exhibit No. 1235-C:

"Title - Log of Radio News Broadcasts Given
on Dec. 8 (Japanese Time), Japan Broadcasting 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 become frantic. How-
ever, recently, the general public of THAILAND 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

TATENO

DIRECT

1 telegram of the 30th, by the REUTER news agency,
2 threatens THAILAND by reporting that 50,000 Australian
3 soldiers have completed preparations for a THAILAND
4 invasion, and on the other hand it fabricated false
5 news against JAPAN, cunningly trying to create an anti-
6 Japanese atmosphere. However, the results were re-
7 versed; important officials in the THAILAND government
8 are extremely indignant at such malicious propaganda
9 by GREAT BRITAIN which they considered as being cal-
10 culated to disturb the strict neutrality of the coun-
11 try.

12 "Again, in the city of BANGKOK towards the
13 end of last month, rumours were current that the Japan-
14 ese were freely using yen notes at restaurants and
15 other places. However, in regard to this, a THAILAND
16 radio commentator denied the rumor by saying,

17 "'Although there is a rumour that the Japan-
18 ese are using yen notes, an investigation by govern-
19 ment authorities revealed that this was utterly false.
20 If yen notes are being used, perhaps a certain country
21 is probably using nationals who look like Japanese in
22 order to arouse anti-Japanese feelings.'

23
24 "He thus indirectly hinted at the British
25 false propaganda. Thus, at present, faith in GREAT
BRITAIN has suddenly been lost and anti-British feelings

TATENO

DIRECT

1 are spreading everywhere like wild-fire. GREAT BRITAIN,
2 being confused by this, is trying every means to alle-
3 viate anti-British feelings, and is extremely watchful
4 against the development of THAILAND's pro-Japanese
5 tendency.

6 "Political 4

7 "The second Central Joint Conference of the
8 Imperial Rule Assistance Association will finally meet
9 today for a scheduled 5-day period in the great con-
10 ference hall on the fourth floor of the headquarters.

11 "In view of the extreme urgency of the present
12 situation in the Southwest Pacific, the present con-
13 ference is a regular national meeting for preparedness,
14 which endeavors to concentrate the general will of
15 100,000,000 people, to unify the entire nation, and to
16 set up a system to overcome national difficulties.
17 Furthermore, the headquarters of the Assistance Associa-
18 tion, through these speeches are faced with the policy
19 of elevating the morale of the people to overcome nat-
20 ional difficulties, together with the unification of the
21 general will of 100,000,000 people. And since the
22 government is actively endeavoring to express their be-
23 lief and determinations in regard to the over-coming
24 of national difficulties, and to disseminate the Imper-
25 ial will to the people, the results of this present

TATENO

DIRECT

1 Joint Conference is attracting much attention.

2 "Today, on the first day of the conference, the
3 opening ceremony is to be held from 9:30 a.m., when
4 Prime Minister TOJO will make a formal address as Presi-
5 dent of the Assistance Association. At the general meet-
6 ing which is to be opened at 10, Foreign Minister TOGO
7 and Navy Minister SHIMADA is scheduled to request that
8 they be allowed to express their respective opinions in
9 order to stir up the people. Next, from 11:20 a.m.,
10 each representative will make a speech. Today, the dis-
11 cussions will be on the subjects: Part I, the elevation
12 of the national morale and the establishment of a nation-
13 al belief in the promotion of Asia, and Part II, the est-
14 ablishment of a system for national mobilization. After
15 their conclusion, the conference is scheduled to ad-
16 journ at 5:00 p.m. Now, on the one hand, President TOJO's
17 address at the opening ceremony will be relayed from the
18 Assistance Association conference hall at 9:30 a.m. to-
19 gether with the account of the opening ceremony, and the
20 speeches of each Minister of State will be recorded and
21 broadcast with the NEWS broadcast. On the other hand,
22 the speeches of the members at the Joint Conference will
23 be recorded if deemed fit and broadcast from 8:15 tonight.

24 "East 4

25 "PEKING - DOWEI -- Colonel William ASHERST,

TATIENO

DIRECT

1 the commander of the U. S. Marines stationed in
2 PEKING, and 119 men will finally make a general with-
3 drawal. Day after tomorrow, the 10th, the first party
4 consisting of 40 men, and on the 12th, the second party
5 consisting of 80, will take special trains leaving from
6 CHENMEN Station of Peking for CHINGHUANGTAO. There,
7 the party, together with 58 men who had previously
8 withdrawn from TIENTSIN, is scheduled to leave for
9 MANILA via SHANGHAI.

10 "Foreign 26

11 "BERLIN - DOMLI -- The German Headquarters
12 yesterday announced as follows:

13 "The Soviet forces on the outskirts of LENIN-
14 GRAD attempted to break through German positions with
15 the co-operation of tanks and fighter planes, but met
16 with failure by German counter-attack. German bom-
17 bardment of Leningrad's vital military installations
18 were also continued yesterday.

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

DIRECT

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

4 "German airforces executed a night bom-
5 bardment of English airbases on Malta, night before
6 last, and destroyed hangers and barracks.

7 "In the week of November 29 to December
8 5, the Soviet airforces lost 228 planes, 139 of
9 which were lost in air combats.

10 "The German Headquarters have made such
11 an announcement.

12 "HELSINKI-DOMEI -- The Finnish Head-
13 quaters announced night before last that Finnish
14 forces fighting in eastern Karelia captured KALMYK,
15 a strategic point on the MURMANSK railway north of
16 Lake Onega, and besieged and annihilated Soviet for-
17 ces in that area.

18 "Special News

19 7:00 and 7:18 a.m. broadcast

20 Broadcaster - Announcer TATENO

21 Announcement by the Army and navy Sections
22 of the Imperial General Headquarters, 6:00 a.m.,
23 December 8.

24 "The Imperial Army and Navy entered a state
25 of war with the armed forces of the U.S.A. and GREAT

TATENO

DIRECT

1 BRITAIN in the west Pacific before dawn today, the
2 Cth.

3 "This morning the Imperial General Head-
4 quarters announced to the above effect. Since impor-
5 tant news may follow, we request all listeners not
6 to switch off their radios.

7 "Special news

8 "7:41 and 8:30 a.m. broadcasts

9 Broadcaster - Announcer TATENO

10 "Special News

11 "December 8 (Monday)

12 7:41 and 8:30 a.m. broadcast

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

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

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

24 "The Army and Navy Sections of the Imperial
25 General Headquarters made announcements to the above

TATENO

DIRECT

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

TATENO

DIRECT

WASHINGTON. Then, at 7:45 a.m. he summoned British Ambassador CRAIGIE and explained to him the substance of this reply.

"December 8 (Monday)

"Foreign 3

"According to a Washington dispatch by Domei, Secretary of State HULL told Ambassadors NOMURA and KURUSU 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.

"December 8 (Monday)

"Foreign 2

"WASHINGTON - Domei - very urgent. -- Setting

TATENO

DIRECT

1 the date as of the 8th, U. S. Secretary of War STIMSON
2 announced, in the afternoon of the 7th, that he had
3 issued an order for general mobilization to the entire
4 U. S. Army.

5 "December 8 (Monday)

6 "Foreign 5

7 "President ROOSEVELT summoned an emergency
8 Cabinet meeting.

9 "WASHINGTON - Dorel -- President ROOSEVELT
10 summoned an emergency Cabinet meeting at 8:30 p.m.
11 of the 7th.

12 "After the closing of the Cabinet meeting,
13 President Roosevelt is expected to confer with Cong-
14 ressional leaders of the Democratic and the Republican
15 parties.

16 "December 8 (Monday)

17 "Foreign 27.

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

20 "NEW YORK - Dorel. -- very urgent.

21 "According to an AP telegram from HONGKONG
22 which reached NEW York, an order for general mobili-
23 zation has been issued in HONGKONG."
24
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CROSS

1 I will omit the reading of the usual
2 certificate.

3 That is all I have to ask the witness,
4 Mr. President.

5 THE PRESIDENT: Dr. KIYOSE.

6 CROSS-EXAMINATION

7 BY DR. KIYOSE (Continued):

8 Q I ask the witness concerning the announce-
9 ment of the news. Does announcement of news means
10 it was announced by the Army and Navy Section of
11 the Imperial General Headquarters?

12 A The time at which the news is announced
13 either at or by the Imperial Headquarters is to be
14 taken as the time of announcement of the Imperial
15 news.

16 THE INTERPRETER: Correction to previous
17 question: I am asking you concerning the time of
18 the announcement. Was not the time of the announce-
19 ment the time which was announced by Army and Navy
20 Section of Imperial General Headquarters?

21 Q I believe that it requires some time to take
22 the announcement to the broadcasting station after
23 the Imperial General Headquarters announced it, is
24 that so?
25

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1 A Yes.

2 Q Then I believe that if you received the news
3 at seven, seven would not be the time when the news
4 was announced, is that correct?

5 A It was customary to indicate time of release,
6 time of the news with respect to the news released
7 by either Army or the Navy.

8 Q I cannot understand. Your answer is not very
9 clear. What I am questioning you is this: The time
10 that you received the announcement, the press release
11 is not actually the time the press release was made,
12 and the time when the press release is actually made
13 is the time when Imperial General Headquarters
14 gathered members of the press and read the announce-
15 ment to them, is that not so?

16 A It is so in ordinary cases, but, as I told
17 you before, it sometimes so happens that time of
18 announcement is indicated beforehand by the Army
19 or the Navy.

20 THE MONITOR: When it concerns the Army news,
21 the time the news is said to be announced by the
22 Army is -- we are told by the Army what time to say
23 the Army released such and such a news.

24 Q That was also a question on which I intended
25 to ask you, but I shall pass to another question,

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1 which is this: Since you received the announcement
2 at seven o'clock, and since it takes some time to
3 receive an announcement at the broadcasting station
4 after such announcement is actually made, does it
5 not follow that the announcement was not made at
6 seven o'clock?

7 THE MONITOR: Slight correction: When you
8 receive the news from the Army General Headquarters,
9 the time that you received may be seven o'clock,
10 but the fact that a slight lapse of time takes
11 place after you receive it and when it is announced,
12 is it not true that seven o'clock in that case
13 cannot be considered the release time?

14 A It requires only a few minutes for the
15 news item to reach us from Imperial Headquarters.
16 Therefore, in ordinary cases, we would have announced
17 it as a news item released at six o'clock -- seven
18 o'clock. However, in this particular case, it was
19 indicated specifically that this news item was to be
20 released to be read to have been released at six
21 o'clock instead of seven.

22 Q. I may be repeating myself, but since in your
23 affidavit you say that you received orders to broad-
24 cast this at seven o'clock, it must follow that you
25 received the announcement itself before seven, even

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if it was only a few minutes before?

1 A As it is stated in my affidavit, I received
2 the telegram call -- rather we received a telephone
3 call from the Imperial Headquarters several minutes
4 before seven. We received a telephone call at
5 the Press Section -- from the Press Section of
6 Imperial Headquarters several minutes before seven.

7 Q Then when you say that it is true that the
8 announcement was broadcast at seven o'clock, but
9 that the rest is incorrect, that is also somewhat --
10 that is not a correct statement, is that not so?

11 THE PRESIDENT: In view of the fact that
12 the actual attack on Pearl Harbor took place
13 hours before, we fail to see the real significance
14 of this cross-examination.

15 DR. KIYOSE: Mr. President, I am questioning
16 him on this because I believe that we Japanese heard
17 the announcement somewhat earlier than seven, and I
18 do not believe that the Army would deliberately tell
19 a lie. However, I shall pass to my next question.

20 THE PRESIDENT: What is the difference between
21 six and seven for this purpose?

22 DR. KIYOSE: It would appear this witness'
23 testimony would give the impression that when he
24 made his announcement at seven, he was told to tell
25

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1 the world that the announcement was actually made
2 at six o'clock; that is to say, as if the Army
3 had deliberately instructed him to tell a lie,
4 and I believe that for the Army, this is an impor-
5 tant matter.

6 THE PRESIDENT: Well, it is nearly four
7 o'clock. We will adjourn now until half-past nine
8 on Monday morning.

9 (Whereupon, at 1557, an adjournment
10 was taken until Monday, 18 November 1946, at
11 0930.)

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