

January 47
23 Minutes of the Court
Reviser

Jan 23

I N D E X
Of
WITNESSES
(none)

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1915B	2225		Excerpts from the Interrogation of the Accused HOSHINO, Naoki. (Original admitted for Identification as exhibit No. 453)		15962
915	2226		Informal Statement of Foreign Minister HIROTA, Koki, on the Occasion of Japan's Secession from the London Naval Conference (16 January 1936)	15977	
915	2226-A		Excerpts therefrom		15977
2946	2227		Outline of Japanese Army's Five-Year Plan (10 June 1937)		15980
1108	2228		Book entitled "Business Reports-1938, Vol. I Economic Relations in China" published by East Asia Ministry 1 December 1938	15982	
1108	2228-A		Excerpt therefrom ("Instruction by Minister HIROTA")		15982

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Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1505E	2229		Address of Baron HIRANUMA, Kiichiro, Prime Minister, taken from the March 1939 issue of the Tokyo Gazette	15987	
1505E	2229-A		Excerpt therefrom		15988
4043H	2230		Telegram from the German Foreign Minister to the German Ambassador in Tokyo dated 28 May 1939		15990
1918C	2231		An Excerpt of exhibit No. 2178 (for identification only) "A Summary of Argument at the Court of Appeals Trial of OKAWA, Shumei		15998
4095	2232		Telegram from Mackensen to the Foreign Minister in Berlin dated 2 September 1939		16003
2427	2233		Article written by the Defendant SHIRATORI, Toshio, entitled "Make This Mankind's Last War" published in the Magazine of Today (Gendai) 1 June 1942	16012	
2427	2233-A		Excerpts therefrom		16012
1616	2234		Discussion of the Japan-Germany-Italy Axis by SHIRATORI, Toshio		16027

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Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1840	2235		Outline of Speeches delivered by the Accused SATO on the 25th and 29th of August 1938 (tentative)		16069 16076 16082
2774	2236		Record of Proceedings of the Committee Meeting in the House of Representatives, Vol. 8, No. 79	16076 16103	
2774	2236-A		Excerpt therefrom		16076 16103
2775	2237		Record of Proceedings of the Committee Meeting in the House of Representatives, Vol. 8, No. 81	16080	
2775	2237-A		Excerpts therefrom		16080
2887	2238		Record of Interrogation of the Accused SATO	16083	
2887	2238-A		Excerpts therefrom		16083

1
2 Thursday, 23 January 1947

3 - - -

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

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

12 - - -

13 Appearances:

14 For the Tribunal, same as before.

15 For the Prosecution Section, same as before.

16 For the Defense Section, same as before.

17 - - -

18 The Accused:

19 All present except OKAWA, Shumei, who is
20 represented by his counsel.

21 - - -

22 (English to Japanese and Japanese
23 to English interpretation was made by the
24 Language Section, IMTFE.)
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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now in session.

THE PRESIDENT: Colonel Mornane.

LIEUT. COLONEL MORNANE (Reading):

"MAKE OUR EMPIRE'S ECONOMY HIGHER, WIDER AND STRONGER!"

I am starting on the wrong page, if the Court please.

"The Outline of Ten-Year Plan for Block Economy of Japan-Manchoukuo-China

(The Yomiuri, dated November 8, 1940.)

"MAKE OUR EMPIRE'S ECONOMY HIGHER WIDER AND STRONGER!"

"ESTABLISH A SOLID CO-PROSPERITY SPHERE!"

THE PRESIDENT: You are reading from exhibit No. 2224?

LIEUT. COLONEL MORNANE: Yes, this is from exhibit 2224, which was put in evidence last night.

"Our government previously concluded 'a summary of the fundamental national policy' immediately after the Cabinet was formed, and announced it on August 1st. The Government, since then, has been studying, principally with the Planning Board, how to embody 'the establishment of a Co-operative Economic Sphere' unifying Japan, Manchukuo and China

1 and embracing the Greater East Asia. And the draft
2 of 'the Outline of a Plan for Block Economy of Japan-
3 Manchukuo-China' was recently completed, and was made
4 public on the 5th instant, as follows: (The above
5 photo is the President HOSHINO of the Planning Board)."

6 Coming back to page 1:

7 "The Cabinet Intelligence Bureau announces:

8 "Our fundamental policy to establish Co-
9 Prosperity Sphere of Greater East Asia which aims to
10 form new order in the world, has now entered a new
11 stage, by the conclusion of the Tripartite Treaty
12 between Japan, Germany and Italy. In order to con-
13 form with this situation, our Government decided, at
14 the recent Cabinet meeting, upon the outline of Block
15 Economy of Japan-Manchukuo-China upon which our future
16 policies will be controlled and carried out. And aim
17 of this policy is to spur the progress of the Co-
18 Prosperity Sphere of Greater East Asia which is based
19 upon the synthetic development of new economic order
20 between Japan, Manchukuo and China.

21 "Now the world economy of free trade in
22 which all countries can trade their resources, is now
23 collapsing before our own eyes. Our economy, too,
24 must shake off its old system based upon the old order
25 and set up a new one, which will make it a higher,

1 broader and stronger one, so as to push up the living
2 standard of the nations in Greater East Asia and to
3 enable them to live in contentment and peace -- in
4 other words, 'higher' means to give greater pro-
5 ductive power to the nation's life; 'broader' means
6 to extend the economic sphere of reciprocal dependence,
7 from Japan, Manchukuo and China to Greater East Asia
8 and to establish a solid Co-Prosperity Sphere; and
9 'stronger,' to make the Imperial Economy depend to
10 the least possible degree upon other countries and
11 stand as firm as a rock in any situation.

12 "In order to make our economy thus higher,
13 broader and stronger, the whole nation must combine
14 their efforts and be resolute to overcome those
15 difficulties in the country which arise from the
16 reform and to reject any possible pressure or threats
17 from abroad. In the course of ten years we must
18 complete the new economic order in East Asia with
19 Japan as its leader. Only in this new order can
20 Manchukuo, China and all other countries in East
21 Asia look forward to a glorious development of their
22 economy.

24 "Main Points of Outline of Establishment of
25 the Economy.

"In order to accomplish our mission to

1 establish new order in East Asia and to maintain
2 permanent peace in the world, we must unify and
3 promote the process of reforming our national system
4 and the process of enlarging the sphere of our
5 existence. Accordingly our basic economic policies
6 must be established on a synthetic plan of the
7 following three big processes:

8 "1. To complete the reorganization of our
9 national economy.

10 "2. To organize and strengthen the Japan-
11 Manchukuo-China economy.

12 "3. To enlarge the scale of Co-Prosperity
13 Sphere of East Asia.

14 "Basic Policies.

15 "Japan -- will devote herself to developing
16 basic manufacturing industries.

17 "Manchukuo and China -- basic industries
18 and resources.

19 "1. The establishment of the Japan-Manchukuo-
20 China economy aims, in the course of ten years, at
21 obtaining economic independence for the three
22 countries as a whole and promoting the establishment
23 of the Co-Prosperity Sphere in East Asia, so as to
24 strengthen the position of East Asia in world economy.
25

"2. The Imperial spirit of guidance in the

1 establishment of the Japan-Manchukuo-China economy
2 lies in promoting co-existence, co-prosperity and
3 general welfare by means of the joint efforts of
4 Japan, Manchukuo and China in accordance with the
5 great spirit of 'hakko ichiu' / all peoples under one
6 roof/.

7 "3. In order to promote the establishment
8 of the Japan-Manchukuo-China economy, Japan will
9 enhance her national morale, reform her internal
10 state of affairs and try to enrich her national
11 power, and will help and support Manchukuo and China
12 in establishing their economy. For this purpose she
13 will devote herself to promoting an epoch-making
14 development of science, technical skill and pioneer
15 manufacturing industries.

16 "4. Manchukuo, quite inseparable from Japan,
17 is expected to rapidly arrange and develop her im-
18 portant basic industries.

19 "5. China is expected to cooperate with
20 Japan and Manchukuo, to develop her resources, to
21 revive her economy, and to devote herself especially
22 to the development of communications, smooth trade of
23 resources, basic industries and resources, and thus
24 to contribute to the establishment of the Co-Prosperity
25 Sphere in East Asia.

1 "6. In order to adjust and promote a com-
2 prehensive plan for the establishment of Japan-
3 Manchukuo-China economy, a structure will be set up
4 for a synthetic plan of the Japan-Manchukuo-China
5 economy.

6 "Since they form the backbone of the Co-
7 Prosperity Sphere in East Asia, Japan, Manchukuo and
8 China are under an obligation to regulate their
9 economic relations in very close combination. From
10 this point of view, the Government has decided upon
11 the basic policies of industry, labor, finance, trade
12 and communication of Japan, Manchukuo and China.

13 "DIVISION OF INDUSTRIES.

14 "Japan will promote high-degree precision-
15 tools industry.

16 "Manchukuo and China will develop mining,
17 electricity, and salt-manufacturing industries."

18 Turning now to page 4:

19 "Finance.

20 "Nationalistic Management shall be considered,
21 new financial facilities shall be established.

22 "In order to promote national-defense economy,
23 **finance** must function so as to meet national purposes.
24 It must enable the country to obtain materials of such
25 quality and quantities as it requires. We must decide

1 on a planned distribution of funds and keep such
2 financial facilities as practicable. It will be
3 necessary for us, we consider, to establish such a
4 financial system as important resources can be
5 stored in accordance with changes in equipments due
6 to future advances in skill and future allotment of
7 industries. The funds of Japan, Manchukuo and
8 China must, of course, depend upon the amount in
9 reserve, and so they must endeavor to increase and
10 utilize their reserves."

11 Turning to page 5, under the heading of
12 'Trade':

13 "Commercial-mindedness shall be put right,
14 and mutual relations between the three Powers that
15 form a whole will be established.

16 "The old theory of profit-taking commercialism
17 has to be overhauled in the new order of world economy,
18 that is to say, it must be replaced by the trade that
19 places production first; in other words, Japan,
20 Manchukuo and China, and all other territories in
21 the Co-Prosperity Sphere must establish such a mutual
22 trade relation as one body, as to obtain from all
23 countries, territories and economic spheres, the
24 resources which they respectively need for their
25 planned production, and to supply others with what

1 they want, and thus an agreement for special settle-
2 ment will be necessary to promote the close and
3 smooth trade of resources between Japan, Manchukuo,
4 China and all other territories in the Co-Prosperity
5 Sphere."

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1 Our next document is prosecution document
2 No. 1915-B, which consists of excerpts from the re-
3 cord of the interrogation of the accused HOSHINO.
4 The original record of the interrogation was admitted
5 for identification as exhibit 453, at page 5,119 of
6 the record.

7 I now tender prosecution document 1915-B
8 in evidence.

9 CLERK OF THE COURT: Prosecution's document
10 No. 1915-B will receive exhibit No. 2225.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 2225 and received in evidence.)

14 LIEUT. COLONEL MORNAME: I propose to read
15 all the extracts shown in this exhibit:

16 "28 January 1946, page 13.

17 "Q Did the General Affairs Bureau during the
18 period from 1932 when you were in Manchukuo up to
19 1936 have to approve the sale of stocks or bonds by
20 private corporations?

21 "A We rendered assistance when necessary in the
22 sale of stocks and bonds. These were in connection
23 with the sale of shares of electric power companies,
24 telephone companies, and others of that description."

25 The same date, page 8:

1 "Q As member of the KONOYE second cabinet, you
2 were chairman of the Cabinet Planning Board?

3 "A Yes.

4 "Q After you became Chief of this planning
5 board, did you promulgate or make any economic plans
6 for Japan?

7 "A The board made rough plans to be determined
8 by the cabinet meeting as I said before.

9 "Q When did the cabinet first adopt a plan
10 that you had suggested covering the economic situa-
11 tion in Japan?

12 "A November, 1940.

13 "Q Will you tell us just what that plan con-
14 templated?

15 "A It was to form various companies in a given
16 industry into one association, one group, so that
17 they could develop their industry as one group.

18 "Q Under that plan was it contemplated that the
19 government would appoint the head of the group?

20 "A The government would nominate one member
21 from among the companies as the head.

22 "Q And did the government appoint the heads of
23 each of these so-called 'control associations?'

24 "A Yes, the government did appoint the head -
25 usually the most senior member although there was no

1 legal procedure to appoint such a head.

2 "Q And did the man that the government appoint-
3 ed at the head of each of these control associations
4 have the final say as to how things should be carried
5 on?

6 "A Within certain limits he ran the control
7 association, the limits being set by the government.

8 "Q Was the plan that was adopted by the cabinet
9 in November 1940 ever revised?

10 "A There were no particular modifications.

11 "Q Did that method of handling the business of
12 Japan continue from November until the end of the war?

13 "A In general, yes."

14 The following page, page 9:

15 "Q In what way did the plan constitute a separa-
16 tion of capital from management?

17 "A This plan imposed certain new limitations
18 on capital, as to the management of the business, but
19 capital still retained certain prerogatives as to
20 hiring and firing and so on, so that you cannot say
21 that capital and management were separated.

22 "Q In what way did the men that the government
23 put in control at the head of these associations con-
24 trol the method of development of their plants?

25 "A The plan does not take that into account,

1 but the Minister of Commerce and Industry would hold
2 particular conferences as the need arose with the
3 various control association heads. In relation to a
4 previous question - this rough plan did not go into
5 great detail about the management of the control
6 associations. It only set up the system of control
7 associations.

8 "Q Was the plan later revised so as to exercise
9 more control?

10 "A Gradually various laws and decrees were pro-
11 mulgated to exercise this control as the need arose.

12 "Q In what way in exercising this control was
13 the distribution of war materials controlled by the
14 government among the members of these associations?

15 "A As a member of the cabinet planning board I
16 had no access to that - the matter was handled by the
17 Minister of Commerce and Industry. The Cabinet
18 planning board set up a grand policy so that the
19 various ministries acted more or less under their own
20 authority in carrying out this plan."

21 Page 14:

22 "Q Did you as minister without portfolio ever
23 attend the Imperial Conferences?

24 "A Yes, once.

25 "Q When?

1 "A October, I think, 1940.

2 "Q What was that conference about?

3 "A About the Japan-Germany alliance, I think.
4 I do not remember exactly.

5 "Q Was it the triple alliance between Japan,
6 Germany and Italy?

7 "A Yes.

8 "Q And was that Imperial Conference held for the
9 purpose of approving that triple alliance agreement?

10 "A I do not remember exactly. There was some
11 discussion of the treaty but there were other matters
12 like mobilization which were discussed.

13 "Q Did you enter into the discussion at that
14 meeting?

15 "A Yes.

16 "Q What did you say at the time you took part
17 in that conference?

18 "A I don't remember but I outlined the condition
19 of various industries at that time.

20 "Q Did you approve the tripartite agreement?

21 "A Well, it was settled at the cabinet meeting,
22 so naturally I did not oppose it."

23 Page 18:

24 "Q Did you attend the first meeting at KONOYE's
25 house of the Imperial Rule Assistance Association?

1 "A I do not understand.

2 "Q It was the first meeting of the Imperial Rule
3 Assistance Association and I understand it was held
4 at KONOYE's house or official residence.

5 "A Yes, I attended."

6 Page 25:

7 "Q Was there an Imperial Conference held in the
8 early part of December?

9 "A Yes, I think there was.

10 "Q On what date?

11 "A I don't remember exactly.

12 "Q Was it the first day of December?

13 "A About the 1st or 2nd day of December.

14 "Q What was under consideration at that meeting?

15 "A If the negotiations did not succeed during
16 the first part of December, there would be war.

17 "Q Was there a cabinet meeting held before
18 this Imperial Conference?

19 "A I think there was.

20 "Q Were all of the ministers present?

21 "A Yes.

22 "Q Were you personally at the cabinet meeting?

23 "A Yes, as secretary.

24 "Q Was it at this cabinet meeting that the de-
25 termination to commence war if negotiations were not

1 completed in the early part of December was decided
2 upon?

3 "A Yes.

4 "Q Did you attend the Imperial Conference?

5 "A Yes.

6 "Q Was the emperor present at that conference?

7 "A Yes."

8 Page 27:

9 "Q Did you attend every cabinet meeting that
10 took place from the beginning of TOJO's cabinet until
11 after December 8, 1941?

12 "A Yes.

13 "Q When was the Privy Council's meeting held
14 in the Emperor's presence that declared war on the
15 United States - on what date?

16 "A On December 8th.

17 "Q At what time?

18 "A At about 9 o'clock.

19 "Q Did you attend it?

20 "A Yes.

21 "Q Were all of the cabinet members present and
22 were all of the Privy Council there?

23 "A Yes."

24 Page 28:

25 "Q What time of day did you say the meeting of

1 the Privy Council took place on December 8th?

2 "A At 9 o'clock in the morning.

3 "Q Was the Emperor present at that meeting?

4 "A Yes.

5 "Q So that the Privy Council and all members of
6 the cabinet including those without portfolio were
7 present at this meeting on December 8th at 9 o'clock
8 in the morning, and the Emperor was there?

9 "A Yes."

10 Pages 29 and 30:

11 "Q When was the formal declaration of war against
12 America made?

13 "A The foreign minister in consultation with
14 military authorities had fixed the time for delivering
15 the declaration of war. No one else knew anything
16 about this decision.

17 "Q I thought you said there could be no declara-
18 tion of war without the approval of the Privy Council,
19 is that so?

20 "A Well, yes, for a formal declaration of war,
21 the approval of the Privy Council is necessary.

22 "Q Had they had any meeting of the Privy Council
23 and Cabinet prior to December 8th, at which that matter
24 was considered and decided?

25 "A No."

31st of January, 1946, page 15:

1
2 "Q Did the General Affairs Bureau have anything
3 to do with the establishment of any of the industries
4 in Manchuria after you became Chairman of the Board,
5 I mean chief?

6 "A There are many cases in which the General
7 Affairs Bureau had connection with industries in Man-
8 chukuo.

9 "Q Does that mean with the establishment of in-
10 dustries?

11 "A Yes, in the establishment of industries - not
12 directly, of course.

13 "Q How were they connected with it?

14 "A The General Affairs Bureau was consulted in
15 many important matters concerning industry.

16 "Q Did the General Affairs Bureau interest
17 itself in trying to get capital invested in Manchukuo
18 for the purpose of developing it?

19 "A Yes."

20 11 February, 1946, pages 7, 8 and 9:

21 "Q Did the Cabinet take any action on the report
22 of this conference between Mr. Roosevelt and Mr. Hull
23 and Mr. NOMURA and Mr. KURUSU?

24 "A I believe the Cabinet got the impression that
25 the negotiation was not going to be carried through.

1 "Q At what meeting? When?

2 "A I do not recall exactly what Cabinet meeting
3 it was.

4 "Q Was there any special Cabinet meeting held
5 about that time?

6 "A I believe there was a Cabinet meeting in early
7 December concerning the negotiation.

8 "Q Why was it called?

9 "A I believe the special Cabinet meeting was
10 called because it got the impression that a treaty
11 would not be arrived at with the United States and in
12 the event that the treaty did not go through well what
13 steps they might take or would take.

14 "Q What steps did they decide to take if the
15 negotiations did not go along well?

16 "A That if the negotiation could not be made
17 then Japan would take free action.

18 "Q Was there any disagreement among the ministers
19 at the meeting about going to war with the United
20 States?

21 "A No."

22 Same date, pages 11, 12 and 14:

23 "Q When was the declaration of war submitted
24 to the Privy Council?

25 "A The morning of the 8th.

1 "Q And were you present at that meeting?

2 "A Yes.

3 "Q At the time of the meeting of the Privy
4 Council did you know whether or not Pearl Harbor had
5 been attacked?

6 "A Yes, I had heard.

7 "Q And did you hear it before the declaration
8 of war was approved by the Privy Council?

9 "A I believe that I had learned it.

10 "Q After the Privy Council had approved the
11 declaration of war did they send it to the Emperor?

12 "A Yes.

13 "Q And what did the Emperor do with it?

14 "A He signed it as he received this declaration
15 of war."

16 26 February 1946, pages 8, 9 and 10:

17 "Q I am advised, Mr. HOSHINO, that you were the
18 closest man in the Cabinet to General TOJO. How about
19 that?

20 "A As the Chief Secretary, I was the closest to
21 TOJO, however, I cannot say that I was the closest
22 adviser.

23 "Q When did you first know, Mr. HOSHINO, that
24 war had been determined upon by Japan with the United
25 States?

1 "A On the 26th or 27th of November I had heard
2 that a war with the United States was almost unavoidable.
3 It was stated that an ultimatum by the President of
4 the United States was received on the 26th and this
5 made it almost impossible to better American-Japanese
6 relations according to the Cabinet members.

7 "Q And who made the statement to the Cabinet
8 that this condition existed as of November 26, 1941?

9 "A I think Premier TOJO reported that to the
10 Cabinet.

11 "Q And was the full Cabinet in session at this
12 meeting?

13 "A I do not remember exactly, but I am quite
14 certain that they all attended and it took place, I
15 think, in the latter part of November or the first of
16 December.

17 "Q Who were the members of the Cabinet who were
18 present at this meeting at which Premier TOJO made
19 this statement?

20 "A I do not remember them all, but I am sure
21 they all were in attendance.

22 "Q Following this meeting at which this state-
23 ment was made by Premier TOJO, Mr. HOSHINO, what
24 happened then?

25 "A Following that there was an Imperial Conference

1 in which the Chief of Staff of the Army and the Navy
2 were present as well as the various ministers.

3 "Q Who was the Chief of Staff of the Army
4 present at the Imperial Conference?

5 "A The Chief of Staff of the Army was SUGIYAMA
6 and the Chief of Staff of the Navy was NAGANO.

7 "Q Was any statement made at the Imperial Con-
8 ference by Premier TOJO or any one else in connection
9 with the probability of war with the United States or
10 the determination to embark upon war with the United
11 States?

12 "A I think TOJO did make a statement, however, I
13 do not recall as to what was said.

14 "Q In view of the importance of this Imperial
15 Conference, Mr. HOSHINO, can you not, from your re-
16 collection, state in effect what was said, if not the
17 exact language?

18 "A I cannot say as to what was stated at that
19 time, but I think that he did infer that a war with
20 the United States was inevitable and, therefore, we
21 must make all necessary preparation.

22 "Q Is it not a fact that both the Chief of Staff
23 of the Army General SUGIYAMA and Admiral NAGANO
24 stated at this meeting that both the Army and the Navy
25 were preparing to attack the United States and had

1 made all plans to do so in preparation for war?

2 "A I cannot recall as to what exactly was said,
3 however, I think he did say that preparation had
4 already been made.

5 "Q And when you say he, whom do you mean?

6 "A I do not remember exactly, however, I think
7 both of these Chiefs of Staff made that statement.

8 "Q Was the Emperor present at this Imperial Con-
9 ference?

10 "A Yes, he was."
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1 Page 11:

2 "Q Is it not a fact, Mr. HOSHINO, that upon
3 instructions of the Cabinet that you actually wrote
4 up the declaration of war and prepared the same as
5 Secretary of the Cabinet?

6 "A It is hard to state as to exactly who wrote
7 the document, however, being as it does come out
8 under the name of the Premier I did help compile part
9 of it."

10 The 1st of April, 1946, page 1:

11 "Q Mr. HOSHINO, when I interrogated you some
12 time ago you stated that you had written some part
13 of the declaration of war. That was correct, was it
14 not?

15 "A I cannot say I wrote the whole thing but
16 it was compiled by me.

17 "Q When you speak of the declaration of war,
18 Mr. HOSHINO, do you mean the note that was submitted
19 to the United States or the declaration of war that
20 was signed by the Emperor?

21 "A It is the Imperial Rescript and not the
22 note given to the United States on December 7."

23 Mr. Comyns Carr will now carry on the
24 presentation of the prosecution's case, if the Tri-
25 bunal pleases.

1 THE PRESIDENT: Mr. Comyns Carr.

2 MR. COMYNS CARR: If it please the Tribunal,
3 I now offer in evidence certain additional documents
4 to supplement the case against the accused HIROTA.
5 First, prosecution document No. 915, a statement
6 issued by him on the occasion of the withdrawal of
7 Japanese delegates from the London Naval Conference,
8 16 January, 1936, which I offer in evidence.

9 THE PRESIDENT: Admitted on the usual terms.

10 MR. COMYNS CARR: First of all, I should
11 offer the book itself, in which the document is
12 printed, for identification.

13 CLERK OF THE COURT: Prosecution document
14 No. 915 will receive exhibit No. 2226 for identifi-
15 cation only; and the excerpt therefrom, bearing the
16 same document number, will receive exhibit No. 2226A.

17 (Whereupon, document No. 915 was
18 marked prosecution's exhibit No. 2226
19 for identification, and the excerpt there-
20 from was marked prosecution's exhibit No.
21 2226A and received in evidence.)

22 MR. COMYNS CARR: (Reading)

23 "It being the immutable policy of the
24 Japanese Government to contribute toward the mainten-
25 ance and promotion of international peace, we gladly

1 participated in the present Naval Conference at
2 London.

3 "The aim of our Government at the conference
4 was to establish the security of national defense by
5 concluding a fair and equitable agreement on naval
6 disarmament, and simultaneously to lighten the tax
7 burden of the peoples concerned, promoting thereby
8 the peace and amicable intercourse among nations. In
9 order to realize this object, our delegates made a
10 proposal looking to a reduction of armaments which,
11 without impairing the sense of security of each Power
12 in its national defense, would make it difficult for
13 any Power to attack another but easy to defend it-
14 self. For that purpose, our proposal provided for the
15 establishment of a common upper limit for all the
16 navies, to be fixed at the lowest possible level.
17 It also provided for the abolition of the armaments
18 of offensive nature, such as capital ships and air-
19 craft carriers, and for a drastic reduction in the
20 first class cruisers. Thus we hoped to achieve a
21 thorough-going disarmament and to establish the
22 principle of non-menace and non-aggression among
23 nations.

24 "But, in spite of the earnest endeavours of
25 our delegates, these fair and reasonable basic claims

1 of our Government were not accepted by the other
2 Powers; and moreover, the earnest proposal of our
3 Government was also rejected, in which it was pro-
4 posed to conclude such agreements as might be pos-
5 sible at the conference, and to terminate the confer-
6 ence in an amicable manner after making for the purp-
7 ose of forestalling naval competition a joint declara-
8 tion to the effect that the Powers concerned would
9 not enter upon an armament race. In the light of
10 these circumstances, it became unavoidable that our
11 delegates should withdraw from the conference.

12 "However, it is needless to say that our
13 Government, devoted to the principle of non-menace
14 and non-aggression, have not the slightest intention
15 of doing anything to stimulate an armament race,
16 irrespective of whether or not there exists a treaty
17 for disarmament. Furthermore, there is not the
18 slightest change in the cherished desire of our
19 Government to cooperate for the realization of
20 disarmament for the cause of world peace. It is our
21 fervent wish that all the Powers concerned will soon
22 come to appreciate the sincerity of our Government
23 in proposing a thorough-going limitation and reduction
24 in armament."

25 Having regard to the nature of the Japanese

1 proposals, it is our submission that these words
2 must have been uttered with the tongue in the
3 cheek.

4 Next, prosecution document 2946, a draft
5 by the Army of the Five Year Plan submitted to
6 HIROTA on 13 July, 1937 with a covering letter.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 2946 will receive exhibit No. 2227.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 2227 and received in evidence.)

13 THE PRESIDENT: Mr. Logan.

14 MR. LOGAN: If the Tribunal please, I
15 move to strike out the gratuitous remark of Mr.
16 Carr after he finished reading the document. If
17 he has any proof of what he said, let him offer it.

18 MR. COMYNS CARR: The proof of the nature
19 of the Japanese proposals is already in evidence
20 and has been fully dealt with by Naval witnesses.

21 THE PRESIDENT: What comment did Mr. Comvns
22 Carr make on the last document? I did not hear it.
23 I put the document aside. I read it ahead of him,
24 and I did not assume any contribution would be made
25 by him.

1 MR. COMYNS CARR: The comment I made, your
2 Honor, was that, having regard to the nature of the
3 Japanese proposals, it is the submission of the
4 prosecution that the words in the document must
5 have been uttered with the tongue in the cheek.
6 That is an inference which we ask the Tribunal
7 to draw from the evidence already given as to the
8 nature of the proposal.

9 THE PRESIDENT: It is not an explanation
10 of the document, really. The suggestion comes too
11 early for me, Mr. Carr. It will be open to you to
12 make it later. For the time being, the Tribunal
13 has decided to disregard the observation.

14 MR. COMYNS CARR: Now, exhibit 2227. The
15 draft itself does not differ materially from
16 exhibit 842 already in evidence, and I will not
17 read it. The point is to prove by the covering
18 letter on page 6, which I will read, that HIROTA,
19 as Foreign Minister, was a party to it.

20 (Reading) "To Mr. HIROTA, Koki, July 13,
21 1937.

22 "This report enclosed herewith is an ex-
23 tract from the note shown to me confidentially by
24 the Army side. Every Ministry will set to make a
25 draft through this line. And, as soon as the

1 programs have been drafted, they should be submitted
2 to the Cabinet Planning Board (Kikakucho) for execu-
3 tion. I am sure you may get a general idea of the
4 future administration of the country. Please keep
5 this report top secret.

6 "P. S. The national productive power of
7 the year 1936 shows an increase of 216.3 per cent
8 in comparison with the basic year 1931.

9 "Yours respectfully,

10 "Secretary

11 "AKIYAMA."

12 The accused KAYA was Finance Minister at
13 that date.

14 The last is prosecution document No. 1108
15 which I offer in evidence. First of all, the book
16 which I offer for identification.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 1108 will receive exhibit No. 2228 for identifi-
20 cation only; and the excerpt therefrom, bearing the
21 same document No., will receive exhibit No. 2228A.

22 (Whereupon, document No. 1108 was
23 marked prosecution's exhibit No. 2228 for
24 identification, and the excerpt therefrom
25 was marked prosecution's exhibit 2228A and

1 received in evidence.)

2 MR. COMYNS CARR: It is an instruction
3 issued by HIROTA as Foreign Minister on some date
4 in 1938 as to the preferential treatment to be
5 given to Germany in North China.

6 (Reading) "As for the aforesaid German
7 proposal for economic cooperation in China, our
8 government intends, for the economic development of
9 China, to solicit foreign capital with which to
10 replenish, on one hand, the capital and goods
11 necessary for such development, and to contribute,
12 on the other hand, to the improvement of inter-
13 national relations. This was already made clear in
14 the policy for the economic development of North
15 China, decided by the Cabinet meeting. Especially,
16 as regards the participation of Germany and Italy,
17 it will mean that special consideration is required
18 from the political point of view as well. However,
19 as a practical question, it is difficult for us to
20 reach a conclusive opinion, unless the general plan
21 for North China development is set up, and develop-
22 ment companies and other business firms have been
23 established, thus enabling us to have some pros-
24 pects for those enterprises and investments.

25 "However, if Germany, as already mentioned,

1 desires the establishment of general rights concern-
2 ing the economic development of North China before
3 getting into concrete problems, we regard it neces-
4 sary to make due correction /T.N. of the German
5 views/ at an early stage. Although we must give
6 Germany and Italy the greatest consideration as re-
7 gards the economic development of North China, we
8 cannot allow them a position equal to us or even
9 inferior, if it gives them preference which would
10 threaten to cut off entirely the economic partici-
11 pation of England and America in the future.
12 Accordingly, I think the cooperation of Germany
13 and Italy in the economic development of North
14 China will be accomplished chiefly by Germany's
15 cooperative investment in various important indus-
16 tries. The methods are:-

17 "(a) Investment in the Development Com-
18 pany and its sub-companies (Provided that it does
19 not affect the managing rights of the business.)

20 "(b) Subscription of debentures.

21 "(c) Supply of machinery on credit or by
22 delivery of shares.

23 "(d) Joint management by Japan and
24 Germany, or by Japan, Germany and China, of some
25 kind of enterprise.

1 "Among the above methods, since (a) and (b)
2 will not be considered important by Germany for the
3 time being, (c) and (d) methods will be chiefly
4 adopted. As regards (c), we may have to depend
5 largely upon Germany for railroad and other trans-
6 portation materials, mining and iron manufacturing
7 machinery, and electrical machinery and materials,
8 etc. Concerning (d), we may ask Germany, for
9 example, to supply us with patent rights and lique-
10 faction machinery for coal liquefaction enterprises,
11 to be carried out by the joint management of Japan
12 and Germany or of Japan, Germany and China. The
13 Army, also, considers this entirely possible.
14 Further, in view of the necessity of taking into
15 consideration at this juncture the efforts made in
16 Germany by Foreign Minister Ribbentrop, Ambassador
17 TOGO will offer the following proposal at an approp-
18 riate opportunity: 'In view of the fact that Germ-
19 any has consistently shown a favourable attitude
20 towards Japan in the present incident, that the said
21 attitude of Germany will not only be continued in
22 the future but will be more and more strengthened, and
23 that the political and economic cooperation due to
24 the anti-Communist orientation of the two countries,
25 Japan and Germany, will become closer, the Imperial

1 Government, on the promise that Germany will approve
2 Japan's special position in China, will endeavor not
3 to put Germany in a position inferior to that of
4 other countries hereafter as far as Germany's
5 economic activities in North China are concerned.
6 Furthermore, in every case which may happen in the
7 future, Japan will try to give her the best pos-
8 sible preference.' Besides, as the said proposal
9 of Germany lays stress not only on her enterprises
10 in China, but also on securing and expanding her
11 trade in China, we have given instructions to
12 answer Germany to this effect, that 'We consider
13 that, in principle, both countries, Japan and
14 Germany, should stand equal in the Chinese market.
15 Therefore, we will strive to our utmost so that
16 both countries may enjoy equal treatment so far as
17 the Chinese Customs System is concerned. However,
18 as Japan actually is responsible for the mainten-
19 ance of the currency system in North China, it will be
20 inevitable that some special position will accrue
21 to her. Be that as it may, in setting up any im-
22 port and export system, Germany's interests will be
23 fully respected and will be given preference over
24 any third country.'"

1 Exhibits 2208-A, -B and -C, put in by
2 Colonel Woolworth as part of the case against UMEZU,
3 are also relevant to the case against HIROTA.

4 And that completes the prosecution case
5 against HIROTA.

6 THE PRESIDENT: Mr. Higgins.

7 MR. HIGGINS: Mr. President, I offer for
8 identification IPS document No. 1505-E, which is
9 an address taken from the March 1939 issue of the
10 Tokyo Gazette, certified as to origin and authenticity
11 by prosecution's exhibit No. 448.

12 This address was delivered before the Diet
13 on 21 January 1939 by the accused Baron HIRANUMA, as
14 a statement of governmental policy, upon assuming
15 office as Prime Minister.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's docu-
18 ment No. 1505-E will receive exhibit No. 2229 for
19 identification only, and the excerpt therefrom, bear-
20 ing the same document number, will receive exhibit
21 No. 2229-A.
22

23 (Whereupon, the document above
24 referred to was marked prosecution's ex-
25 hibit No. 2229 for identification, and
the excerpt therefrom was marked prose-

1 cution's exhibit No. 2229-A and received
2 in evidence.)

3 MR. HIGGINS: I read prosecution's exhibit
4 No. 2229-A.

5 "In regard to the China Affair upon which
6 both the Government and the people are concentrat-
7 ing their endeavours, there exists an immutable
8 policy, for which Imperial sanction was obtained by
9 the previous Cabinet, and in accordance with which
10 the necessary steps have been taken in various
11 directions. As the present Cabinet is, of course,
12 committed to the same policy, it is determined to
13 proceed at all costs to the achievement of the final
14 purpose. To lay the foundation of prosperity and
15 progress in East Asia through the political,
16 economic and cultural cooperation of Japan, Man-
17 choukuo and China with full mutual understanding
18 between the three countries, for the realization
19 of mutual helpfulness, neighbourly amity and
20 solidarity, is, needless to say, to manifest the
21 very spirit in which our nation was founded.
22 Therein lies Japan's national purpose, which alone
23 can insure the permanent peace of East Asia, and
24 which can contribute to the progress of the world.

25 "Obviously no lasting peace can be hoped

1 for unless Japan, Manchoukuo and China, the three
2 countries responsible for the stability of East
3 Asia, are speedily united in the realization of
4 the above-mentioned common objective - the establish-
5 ment of a new order to replace the old. 'Overcome,'
6 said the Emperor MEIJI, 'the evil ways of the past,
7 and follow the just principles of nature.' Here
8 we have, I believe, what must be the basis of
9 government in our country. Here is the ideal which
10 was handed down from time immemorial by the Imperial
11 Ancestors, and in accordance with which all the
12 Imperial Successors have ruled the land. To
13 'follow the just principles of nature' means in
14 the last analysis to enable all entities to find
15 their own proper places, and therein lie also,
16 I believe, the essentials of government. And this
17 principle applies equally to internal politics and
18 international relations. The construction of the
19 new East Asiatic order should proceed on the basis
20 of this ideal.

22 "I hope the above intention of Japan will
23 be understood correctly by the Chinese so that they
24 may cooperate with us without the slightest appre-
25 hension. Otherwise, the construction of the new
order would be impossible. As for those who fail

1 to understand to the end and persist even hereafter
2 in their opposition against Japan, we have no other
3 alternative than to exterminate them."

4 Mr. Tavenner will continue for the prose-
5 cution.

6 THE PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: May it please the Tribunal:
8 Prosecution's document No. 4043-H is a captured
9 German document. It is a telegram from the German
10 Foreign Minister to the German Ambassador in Tokyo,
11 under date of 28 May 1939, relating to the refusal
12 of the accused OSHIMA to carry out certain instructions
13 from his government. The War Minister at this time
14 was the accused ITAGAKI.

15 I offer it in evidence.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's docu-
18 ment No. 4043-H will receive exhibit No. 2230.

19 (Whereupon, the document above
20 referred to was marked prosecution's ex-
21 hibit No. 2230 and receive in evidence.)

22 MR. TAVENNER: "Berlin, 28 May 1939.
23 Diplogerma. Tokyo. No. 174. Telegram in cipher
24 (Secret Cipher Procession).

25 "Exclusively for the Ambassador personally.

Re your telegrams No. 213 and 217.

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"1. The formal communication made to you
20 May at the request of War Minister, General
MAJIRI, that the Foreign Minister there would have
us informed at the latest on Sunday, 21 May of the
positive new decision of the Japanese Cabinet
Conference has proved to be without effect. The
local Japanese Embassy has up to today not been in
a position to make any official communication at
all regarding the state of affairs.

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"2. OSHIMA reported the following in
yesterday's strictly confidential and unofficial
conversation: He has received a telegram from
ARITA, according to which the Japanese Government
wishes to reserve entrance into a state of war in
case of European conflict. In a very energetic
telegram to ARITA OSHIMA has refused to pass this
point of view on to the German Government at all.
Thereupon the War Minister requested OSHIMA by
wire to hold off until later against ARITA in
order not to disturb the discussions among the
various factors in Tokyo. The Army is firmly
resolved to fight the matter out quickly and even
at risk of a cabinet overthrow.

"3. I request you without making use of

1 the aforementioned confidential communications of
2 OSHIMA's to make it clear to your authorities
3 that the absence of the communication formally
4 announced to you as well as of every other communi-
5 cation has produced great astonishment in us and in
6 the Italians. It is unavoidable that as a result
7 of this silence the Japanese attitude is now beginning
8 to be regarded with distrust. We can no longer
9 understand here what can be going on in Tokyo and for
10 what reasons the Japanese Government at this advanced
11 stage of the negotiations is still further heightened
12 by the attitude of the Japanese delegation at the
13 World Postal Congress in Buenos Aires.

14 G.F.M.

15 /German Foreign Minister/"

16 THE PRESIDENT: Counsel SHIMANOUCI.

17 MR. SHIMANOUCI: I respectfully call the
18 Tribunal's attention to the following two points
19 regarding this document:

20 Mr. Tavenner has just said that the accused
21 OSHIMA refused to convey instructions from the
22 Japanese government to the German government, but a
23 prosecution document introduced last October makes
24 it clear that these instructions were delivered to
25 the German government soon after.

1 Second, I wish to call the Tribunal's
2 attention to the fact that German documents can
3 not be regarded as accurate. For instance, in the
4 beginning of the document just presented by Mr.
5 Tavenner, we find the words "War Minister MAJIRI."
6 There has never been a War Minister called MAJIRI
7 in Japan, nor has there ever been a War Minister
8 whose name even slightly resembles such a name.

9 Mr. Tavenner himself has just said that the
10 War Minister at the time was General ITAGAKI.

11 For these reasons I respectfully call the
12 Tribunal's attention to the value of captured German
13 documents -- the dubious value.

14 THE PRESIDENT: Your representations come
15 too early. All the matters you mention are for
16 proof by the defense later in the course of their
17 case. It is time you understood that.
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1 MR. TAVENNER: I desire to offer in evi-
2 dence prosecution's document 1918C. It is an
3 additional excerpt from exhibit 2178.

4 THE PRESIDENT: Admitted on the usual
5 terms.

6 CLERK OF THE COURT: Prosecution's docu-
7 ment No. 1918C --

8 MR. BROOKS: Just a minute. We have not
9 been served with that, if your Honor please -- what
10 we asked for. It is not on the front of this list
11 and therefore we do not have it with us. We don't
12 know how to check against it.

13 THE PRESIDENT: A similar objection was
14 raised recently within the last few days without
15 justification, Captain Brooks, it must be observed.

16 MR. TAVENNER: I think if counsel will
17 permit, and the Court will permit, my completed
18 description of the document, it will be apparent
19 that the 24-hour rule does not apply as to this.
20 However, we did make distribution of this document
21 yesterday. My recollection is that three o'clock
22 was the exact hour in which distribution was made.

23 THE PRESIDENT: For the time being we have
24 to take your word for it, Mr. Tavenner.

25 MR. TAVENNER: Completing the description

1 of the document --

2 MR. SHINAMOUCI: Is this a document concern-
3 ing the accused OSHIMA?

4 MR. TAVENNER: No, it speaks for itself.
5 If you will let me describe it you will see what it
6 is.

7 THE PRESIDENT: Do not come to the lecturn
8 to find out those things. Ask the prosecution
9 independently.

10 MR. TAVENNER: As I started to state, this
11 is an additional excerpt from exhibit 2178, Proceed-
12 ings of Tokyo Court of Appeals, and is offered for
13 the purpose of showing that exhibit 2178B, hereto-
14 fore read in evidence, was filed in the record of
15 the Tokyo Court of Appeals by counsel for the accused
16 OKAWA. This document is supported by the affidavit
17 of the translator that this document, and also ex-
18 hibit 2178B, are true and accurate translations of
19 the record of this proceeding, which has been filed
20 for identification as exhibit 2178.

21 MR. BROOKS: If the Court please, I ask
22 the benefit of the 24-hour rule. If this was served,
23 as the prosecution says, at three o'clock yesterday,
24 our services wouldn't have it in our baskets this
25

1 morning. I haven't had a chance to check it, and I
2 think it is important to check it.

3 MR. TAVENNER: I would like to call the
4 Tribunal's attention to our position, that the 24-
5 hour rule is probably not applicable to a situation
6 of this kind where the question arose in connection
7 with the introduction of the document which was
8 read and which, I take it, the Tribunal would have
9 permitted me to have pointed out at the moment had
10 I been able to put my finger upon it. However, I
11 have given all the notice it was possible to give
12 them and as full a notice as was possible to give
13 them.

14 MR. BROOKS: The Court can see I haven't
15 even had a chance to know if the prosecution is
16 correct in that statement without study. I will
17 try my best over the noon hour to go into this
18 matter so that he may raise it this afternoon, if
19 you will defer it. I would like to be able to point
20 out at the time anything that is possible.

21 THE PRESIDENT: We can waive our own rules
22 in special circumstances, that is to say, where the
23 defense are not prejudiced and where nothing would
24 result but delay if we did not waive the rule.
25 Nothing will result here but delay. The case might

1 be closed in the next hour but for this; and if your
2 objection were upheld, fancy delaying the closing
3 of the prosecution's case for no purpose at all,
4 just for bare compliance with the rule.

5 MR. BROOKS: If the Tribunal please, my
6 objection is not based on mere compliance with the
7 rule -- failure to comply. If this document had
8 been called to my attention, because the prosecu-
9 tor knew he was serving it less than the 24-hour
10 period, I would have gone out of my way and stayed
11 up any period of time last night to study it and be
12 prepared to offer my cooperation this morning. But
13 I have the right --

14 THE PRESIDENT: There is no possibility of
15 prejudice to the defense.

16 MR. BROOKS: That I cannot say, your Honor,
17 because I haven't studied it, and it is a position
18 I don't want to take -- not make a snap judgment
19 on.

20 THE PRESIDENT: Well, it is possible to deny
21 anything, even the obvious. These rules do not
22 obtain for the protection of the defendants in any
23 other court but this and they apply only except as
24 far as we otherwise order, as the rules expressly
25

1 state.

2 The document is admitted on the usual terms.

3 MR. TAVENNER: I would like to state that
4 we were not requesting the waiving of any rule.

5 It was our position that the rule would probably
6 not apply where the situation arose as this did.

7 CLERK OF THE COURT: Prosecution's docu-
8 ment 1918C, which is an excerpt from court exhibit
9 No. 2178 for identification only, is given exhibit
10 No. 2231.

11 (Whereupon, the document referred to
12 above was marked prosecution's exhibit 2231
13 and received in evidence.)

14 MR. TAVENNER: I will read exhibit 2231:

15 "Page 1288.

16 "A Summary of Argument at the Court of
17 Appeals Trial of OKAWA, SHUMEI (II)

18 "To KIIYOSE, ICHIRO.

19 "Page 1310, line 7.

20 "I have caused the Manchurian Railroad
21 Investigation Bureau to investigate and report the
22 OKAWA'S participation in the present question. I
23 am now going to mention only the cardinal points,
24 and the rest I ask you to refer to the document
25 itself. I shall read the headings.

1 "1. His contribution in separating the
2 East Asia Economic Research Bureau from the South
3 Manchuria Railway Co.

4 "2. His exertions in reforming the sub-
5 stance of the Bureau after the separation.

6 "3. Research work.

7 "4. Establishment of policies toward Man-
8 churia and stimulating, guiding and unifying of the
9 people's opinion.

10 "5. His activities after the incident.

11 "6. His contributions in establishing
12 Manchukuo.

13 "The above are the items mentioned. But
14 please keep in mind that this was not investigated
15 by myself, that is, this is the authentic investiga-
16 tion made by the Research Bureau ***."

17 I will not read the affidavit attached
18 thereto.

19 THE PRESIDENT: We will recess now for
20 fifteen minutes.

21 (Whereupon, at 1045 a recess was
22 taken until 1100, after which the proceedings
23 were 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 MR. TAVENNER: If it please the Tribunal,
4 I now desire to read in evidence a part of docu-
5 ment No. 1908B, heretofore filed as exhibit 2177A, which
6 is Minutes of the Third Trial of OKAWA. The part I
7 desire to read is as follows: "The below mentioned
8 counsels for the defense were present." I will read
9 only the name of the one concerned: KIYOSE, Ichiro.

10 THE PRESIDENT: What is the point in reading
11 that? We accept him as counsel here.

12 MR. TAVENNER: I have just shown by the
13 record that KIYOSE, Ichiro filed this paper on behalf
14 of OKAWA. This connects him as the counsel for OKAWA.

15 THE PRESIDENT: I still fail to see the
16 significance of it.

17 MR. BROOKS: If the Tribunal please, in
18 reference to exhibit 2231 the pages 1310 of this do
19 not, in my mind in the examination I have made in the
20 last fifteen minutes, I can't find where that is
21 connected with the documents which the Court has
22 asked for to the matter which was in issue. This
23 appears to be a matter that was put in in rebuttal
24 and to clear up certain evidence that was presented
25 as far as I can see at this time. I want to call it

1 to the Court's attention for its consideration and
2 study.

3 MR. TAVENNER: We introduce in evidence IPS
4 document 685A as exhibit 2182A, constituting excerpts
5 from the book entitled "The Establishment of Order in
6 Greater East Asia." The certificate did not include
7 the date of publication of this book. I desire, there-
8 fore, to offer in the form of a correction to the
9 certificate the affidavit of the translator showing
10 that there appears on the flyleaf of the said book the
11 statement "Published August 25, 1943," and that the
12 Court direct the clerk to attach this affidavit to
13 exhibit 2182A.

14 THE PRESIDENT: We direct accordingly.

15 CLERK OF THE COURT: Prosecution document
16 685 will be attached to Court exhibit No. 2182A
17 according to order of the Court.

18 MR. TAVENNER: Mr. McKinney will now address
19 the Court.

20 THE PRESIDENT: Mr. McKinney.

21 MR. MCKINNEY: If it pleases the Tribunal,
22 the prosecution has further documentary evidence to
23 offer against the defendant Toshio SHIRATORI. Two
24 of these documents were written by the defendant,
25 published and distributed to the general public in

1 Japan. These documents prove that the defendant was
2 not satisfied with his position as a career diplomat
3 but desired to soar to a much higher level, in fact
4 to become a leader in establishing the Greater East
5 Asia Co-Prosperity Sphere. He was in favor of wars
6 of aggression, expansion, and conquest, and by his
7 writings attempted to convert the Japanese public to
8 accept and adopt his views.

9 I now offer in evidence International Prosecution
10 Section document No. 4095 which is a telegram from
11 Mackensen to the Foreign Ministry in Berlin dated
12 September 2, 1939, in regard to SHIRATORI's recall,
13 from his post as Ambassador to Rome, and conferences
14 with SHIRATORI in which he, SHIRATORI, promised to
15 work in Tokyo in furtherance of the closer collaboration
16 of the Axis Powers. This document also contains a
17 memorandum by von Plessen about a conference with the
18 defendant SHIRATORI in which SHIRATORI promises to
19 work for an alliance of Japan with Germany and Italy.
20 He also discusses his reluctance to present the
21 Japanese protest against the non-aggression pact entered
22 into between Germany and Russia and expressed his view
23 that Japan should enter into a like treaty, and among
24 other things he discusses a general war.

25 THE PRESIDENT: That is a rather lengthy

1 explanation. Admitted on the usual terms.

2 MR. CAUDLE: If it please the Tribunal, I
3 make a motion to have that stricken. I think the
4 document is the best evidence. It speaks for itself.

5 CLERK OF THE COURT: Prosecution document
6 No. 4095 will receive exhibit No. 2232.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 2232 and received in evidence.)

10 MR. McKINNEY: I will now read exhibit
11 2232:

12 "Rome, 2 September 1939. Foreign Berlin.

13 "Quite Secret. For German Foreign Minister.

14 "No. 404 of 2 September.

15 "Japanese Ambassador visited me today to
16 inform me that he had now received his expected re-
17 call. Expects to depart in about three weeks would
18 particularly welcome /opportunity/ to have detailed
19 talk with German Foreign Minister on homeward trip
20 which he may take via Moscow. He seemed to be of the
21 opinion that with a new Japanese Cabinet there was a
22 well-founded chance for successful continuation of
23 the stalled further rapprochement with the Axis Powers.
24 For this very purpose of being able personally to work
25 more effectively than was possible from Rome he was

1 going to Tokyo. Ambassador mentioned further that
2 opinion was growing in Japan for a certain settlement
3 with Russia which, if carried through in stages and
4 via economic conversations, might eventuate in a non-
5 aggression pact. Question was for us, too, of consider-
6 able significance, for a Japan freed from a Russian
7 threat was in a position to reduce a possible tendency
8 of the United States to intervene in Europe. Ambassador
9 remarked finally that the ill feeling against us after
10 conclusion of the German-Russian Non-Aggression Pact
11 had improved considerably with the Cabinet change.

12 Signed: "Mackensen."

13 "ROME, 4 September 1939 Secret!

14 "Note.

15 "After previous appointment by telephone I
16 visited the local Japanese Ambassador today. After
17 Mr. SHIRATORI, referring to his conversation with the
18 Ambassador on 2 September, had told me why he wished
19 to speak to me, he stated in the course of the conversa-
20 tion -- which lasted a good half hour -- approximately
21 the following:

22 "As is known to me, the conclusion of the
23 German-Russian Non-Aggression Pact came as a severe
24 blow and made a great sensation in Japan. The friends
25 of Germany had since then been laboring to counteract

1 this effect. He himself, who belongs to this circle,
2 had been trying ever so long to induce the Japanese
3 Government to conclude an alliance with us (and pre-
4 sumably also with Italy). This was the aim of his
5 office here. Since this aim was not attained, he
6 requested recall and was now returning to Japan, for
7 he believes he can be of more use in the aforesaid
8 direction there than here.

9 "Mr. SHIRATORI went on to say /these words
10 crossed through in original/ the German Foreign
11 Minister von Ribbentrop proposed to him during his
12 (SHIRATORI's) presence in Berlin on the occasion of
13 the Fuehrer's birthday that Japan should enter into a
14 closer alliance relationship with Germany. He sent
15 this proposal on to Tokyo at the time without, however,
16 receiving a reply from there. When he again saw the
17 German Foreign Minister 16 June, the latter told him
18 Germany would now conclude a non-aggression pact with
19 Russia, since Japan had not agreed to our proposals.
20 He reported this to Tokyo, too. The Japanese
21 Ambassador in Berlin, OSHIMA, who as a military man
22 understands naught of these matters, reported to Japan
23 at the time that it was out of the question that
24 Germany would conclude a pact with Russia. The Tokyo
25 Government believed the German Foreign Minister

1 /von Ribbentrop crossed through/ had only 'bluffed'.
2 It had also spread this around Tokyo with the addition
3 that he (SHIRATORI) and OSHIMA had been led around by
4 the nose. Two months had passed without Tokyo's answer-
5 ing him (SHIRATORI) and finally we had concluded the
6 pact with Russia. Thereupon the Japanese Government
7 had resigned and he had put in four times for recall
8 until it was finally accepted.

9 "As for the supposed Japanese protest against
10 the German-Russian Non-Aggression Pact, Mr. SHIRATORI
11 told me OSHIMA had doubtless received instructions to
12 protest. He (SHIRATORI) had been informed thereof at
13 the same time. He had then got in touch with the
14 Japanese Embassy in Berlin by telephone in order to
15 stop the protest action if possible. Some official --
16 the embassy counselor, if I am not mistaken -- told
17 him that OSHIMA had already gone to the Foreign Office.
18 State Secretary von Weizsacker did not accept the pro-
19 test there. On his return to the Embassy OSHIMA found
20 the news of his (SHIRATORI's) telephone call and then
21 reported to Tokyo that he considered a protest inopportu-
22 tune. In spite of this he received instructions from
23 Tokyo to carry out the step. This has, however, not
24 yet taken place.

25

1 "Concerning the present state of Japanese-
2 Russian relations (here I come to the most important
3 part of the conversation) Mr. SHIRATORI informed me
4 the Japanese Ambassador in Moscow had received in-
5 structions a few days ago to make the following pro-
6 posals to the Russian Government:

7 "1. To settle by diplomatic means the
8 dispute on the border between Mongolia and Manchoukuo,
9 where for a considerable time a regular battle has
10 been in progress;

11 "2. To appoint a commission for the settle-
12 ment of the border problems there in general;

13 "3. To conclude a trade treaty. If in the
14 course of the discussions of the trade treaty Russia
15 should make known her desire to conclude a non-
16 aggression pact with Japan, Ambassador TOGO should
17 enquire first whether Russia were disposed to deny
18 help to Chiang Kai-Shek.

19 "He (SHIRATORI) does not consider these in-
20 structions to the Ambassador in Moscow fortunate, even
21 /deems them/ dangerous. Russia, indeed, had never of
22 her own accord proposed a non-aggression pact. The
23 proposal for the German-Russian Non-Aggression Pact,
24 too, had originated with us. In his opinion, the only
25 way to secure a non-aggression pact with Russia --

1 which he also considered highly desirable -- was with
2 Germany's mediation. He had therefore proposed to
3 General OSHIMA, on his own, without instructions from
4 Tokyo, to request Germany's good offices. All this
5 had taken place a few days earlier. General OSHIMA
6 had not yet been able to see the German Foreign Min-
7 ister, since he /GFM/ had had no time to receive him
8 before his departure for the front where he had gone
9 with the Fuehrer. The Fuehrer had received General
10 OSHIMA before his departure, but that was only a matter
11 of a very short visit during which the Fuehrer de-
12 clared Germany wished to maintain the old, friendly
13 relations with Japan, but during which OSHIMA had no
14 opportunity to broach the question of German mediation
15 between Japan and Russia. He (OSHIMA) wished to attempt
16 to speak to the German Foreign Minister after his
17 return to Berlin.

18 "Regarding these latest developments Berlin
19 was not yet officially informed. He (SHIRATORI) wanted
20 to keep us au courant here and considered it appropriate
21 that we inform Berlin.

22 "To a remark from me that he had, so far as
23 I understood it, the wish to speak to the German For-
24 eign Minister on his return trip to Japan Mr. SHIRATORI
25 replied that his travel plans were not yet definite.

1 He would presumably return to Japan via Scandinavia
2 and America and would of course be happy to talk to
3 the German Foreign Minister in case the latter wished
4 it. I got the impression that Mr. SHIRATORI did not
5 wish to ask for a conference on his own initiative,
6 so to speak, probably out of regard for General OSHIMA.
7 He expressed the view that the latter was to be found
8 in Berlin.

9 "In the course of the conversation Ambassador
10 SHIRATORI mentioned that in connection with the Anti-
11 Comintern Pact a secret accord was concluded between
12 Germany and Japan to the effect that the two countries
13 were not to conclude a non-aggression pact with Russia.
14 The whole situation had since then completely altered
15 through the developments in Europe and no one could
16 demand from any country that it commit suicide for a
17 treaty's sake. At the time in question Russia appeared
18 the chief enemy to us as well as to Japan. For both
19 countries, however, (as a further development after the
20 Tientsin Incident) England had now become the chief
21 enemy, who absolutely has to be beaten. The advantage,
22 to us also, of a cleansing or an amelioration of Russian-
23 Japanese relations was self-evident, for America would
24 in this case decide with much greater difficulty to
25 intervene in the present conflict. The goal of Japanese

1 policy in China remains, now as then, the establishing
2 of a new order there, with which was linked the expul-
3 sion of England from China. In order to attain this
4 goal Japan was hoping for financial help from America.

5 "We then came to speak of the present conflict.
6 Mr. SHIRATORI believed that after the overpowering of
7 Poland the opportunity of an understanding with France
8 and England might present itself. Germany and Italy
9 were not at present in a position, and France and Eng-
10 land were not disposed, to wage a war on a truly large
11 scale. If it should come to a general conflict into
12 which Italy, the United States, Russia and Japan would
13 then necessarily be drawn, it would simply be a catas-
14 trophe whose extent could not be conceived.

15 "In reply to a question of Mr. SHIRATORI's as
16 to Italy's attitude, I strongly emphasized that Italy
17 was proceeding in closest accord with us and that her
18 attitude corresponded to our intentions in every respect.
19 Signed Plessen."

20 I now offer in evidence International Prosecu-
21 tion document No. 2427, which is an article written
22 by the defendant SHIRATORI, entitled "Make this Man-
23 kind's Last War" published in the Magazine of Today,
24 (Gendai) dated 1 June 1942, wherein he pictured Japan
25 as a super-race with a divine mission to rule the world.

1 He predicts as of June 1942 inevitable victory for
2 the European Axis, but intimates that even they must
3 eventually come under the sovereignty of Japan.

4 MR. CAUDLE: I still enter a motion that it
5 be stricken. I think the article will speak for itself.

6 I would also like to call to the attention of
7 the Tribunal that on each page of this document, both
8 at the top and at the bottom there appears the word
9 "Confidential" which indicates the article might have
10 been of some secret nature. However, Mr. McKinney
11 has explained it was published in a magazine, as appears
12 on the top part of the first page and also on the cer-
13 tificate. I thought it might be best to call it to
14 your attention.

15 THE PRESIDENT: If Mr. McKinney proposes to
16 read the whole document, the explanation, perhaps, is
17 not too lengthy. Nothing turns on the use of the word
18 "Confidential."

19 The document is admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 2427 will receive exhibit No. 2233 for identifica-
22 tion only, and the excerpts therefrom will receive
23 exhibit No. 2233-A.

24 (Whereupon, the document above re-
25 ferred to was marked prosecution's exhibit

1 No. 2233 for identification, the excerpts
2 therefrom being marked prosecution's exhibit
3 No. 2233-A and received in evidence.)

4 MR. MCKINNEY: (Reading) "MAKE THIS MANKIND'S
5 LAST WAR. SHIRATORI Toshio, Former Foreign Office
6 Adviser and Ambassador to Italy, in Magazine of Today
7 (Gendai) 1 June 1942.

8 "Taking a general view of the present war
9 situation, we can not only say that the Greater East
10 Asia War is progressing most satisfactorily, but also
11 that the European War is going very well for the Axis
12 nations. It is now simply a matter of time before the
13 malign influence of the United States and Great Britain
14 will be expelled from the territories of Greater East
15 Asia, and Chungking, now gasping her last breath, will
16 no doubt capitulate soon. On the other side of the
17 world, the Axis armies of Germany and Italy can be
18 expected to achieve supremacy in Europe this year.
19 Even the insatiable British Empire must expect her
20 inevitable doom within the following year at the latest.
21 The so-called 'Old Powers' of the world will in all
22 probability flee to the American continent, which they
23 plan to use as a base for their final resistance.
24 Meanwhile America, rich in resources, protected by
25 the Atlantic and the Pacific, is desperately expanding

1 her armaments. Thus if we are to bring her completely
2 to her knees, we will need a considerable amount of
3 time. It is for this reason that everyone predicts
4 a long war. Long war though it may be, with the fall
5 of Britain armed hostilities will wane and become
6 chiefly a series of delaying actions, subsequently de-
7 veloping into economic and ideological warfare. There-
8 fore the question becomes: How much force can the
9 Allied Nations bring to bear upon the Axis? In other
10 words, how great is America's internal strength? On
11 the answer to this will depend the outcome of a long
12 war.

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1 "In studying the war from this point of
2 view, one can only conclude that the Axis enjoys a
3 decided advantage. The internal structure of Germany
4 and Italy, already tested through many years, is
5 sounder than ever. Although the strength of these
6 two nations has been sapped in many respects by the
7 war, their successes have given them more than
8 enough in the way of resources. This means that
9 the remainder of their struggle should be considerably
10 easier. As for Japan, her internal unity and the
11 morale of her people are, needless to say, unmatched
12 by any other nation in the world. Furthermore, in
13 the matter of resources, she has the vast and rich
14 territories of Greater East Asia at her disposal.
15 If she progressively develops this source, she need
16 have no concern on this score regardless of how long
17 the war may last. Japan's might will become ever
18 greater, her morale ever higher.

19 "In contrast, what will be the future
20 developments in America's internal conditions? If we
21 study her present trends we see that America, as has
22 ever been the case, is a nation following an irre-
23 sponsible policy, a nation hardly deserving to be
24 called a 'nation' in the true sense of the word. In
25 times of peace and normalcy her people are content,

1 but under the duress of modern war their strength
2 for resistance is feeble indeed. Today, America's
3 finances are actually on the verge of bankruptcy.
4 Not even the cleverest manipulation by the most able
5 financial experts can extricate her from this condi-
6 tion. Even should the war end today, no makeshift
7 measures could be devised which could save her from
8 bankruptcy. To put it mildly, with her budget ranging
9 into astronomical figures, the burden on her people
10 can only increase, her debt grow larger, and her
11 standard of living become correspondingly lower. In
12 a situation where America has both of her oceans
13 blockaded, and finds herself cut off from the rest
14 of the world with her supply of critical materials
15 gradually diminishing, her leaders will be prone to
16 lose whatever confidence they have in their ability
17 to continue the war for any lengthy period. There
18 is no longer any doubt whatsoever that an internal
19 collapse is inevitable. In this light, even should
20 the 'old powers' of the world establish themselves
21 behind the walls of America, their power to resist
22 will be inconsequential. The Axis nations have only
23 to continue their steady application of pressure, and
24 calmly wait for America to bring about her own destruc-
25 tion.

1 "Thus, although the consensus of opinion
2 tends to favor a long war, the above factors justify
3 the belief that the war will not last too long. If
4 the present war were anything like wars in the past --
5 merely a clash of material interests -- peace negotia-
6 tions could be commenced immediately upon the enemy's
7 capitulation, and with this all armed hostilities
8 should cease. But this war is 'mankind's last war' --
9 a war to end all wars -- whose objective is the
10 complete eradication of the old Anglo-American world
11 policy, and the establishment of an idealistic world
12 based on a new policy. Any makeshift variety of peace
13 is unthinkable. Moreover, between the old order and
14 the Axis, there are no grounds upon which a compromise
15 could be considered. For these reasons, the war to
16 establish world order and peace will inevitably require
17 a considerable amount of time.

18 "Section 2

19 "The immediate objective is to repulse and
20 destroy the enemy and to gain the final victory.
21 Victory alone, however, does not insure the war's end.
22 Only when we have completely realized all our new
23 undertakings along with victory can we rejoice in triumph.

24 "Every citizen accepts the brilliant successes
25 and the heroic efforts of the Imperial armed forces

1 with gratitude and praise. We need not harbor any
2 fear of our armed forces letting us down. Before
3 us, who shoulder the responsibility of exploitation,
4 still lies the important portion of the task. It will
5 demand from us the utmost in effort. We cannot forget
6 that, aside from the important duty of producing and
7 supplying, directly or indirectly, the materials neces-
8 sary to war, we have the heavy responsibility of
9 establishing the New World Order.

10 "Though the words 'New World Order' have been
11 heard frequently enough, it seems that their exact
12 meaning has yet to be authoritatively explained. Up
13 to now it has been generally chorused that the New
14 World Order based on totalitarianism must be introduced
15 in the place of the Anglo-American individualism, but
16 the outbreak of the Greater East Asia War has made
17 this inadequate. The new Italo-German Order in place
18 of the old Anglo-American Order explains only the
19 character of the War in Europe. That Italo-German
20 political principles and economic systems are far
21 superior to those of Anglo-American and are extremely
22 close to Japan's Nationalism, we will for the moment
23 agree. Yet to make this war the war to end all wars,
24 the Italo-German totalitarian ideals in themselves do
25 not provide an adequate foundation. With vast economic

1 spheres in Europe, the American and Greater East Asia
2 existing and opposing each other in the future world,
3 can a permanent peace on this earth be guaranteed?
4 Even though this is a great step forward when compared
5 to the world of the past, we must conclude that that
6 is still far from perfect. There is an order in all
7 things. First to establish the Greater East Asia
8 Sphere, then to strive for its co-prosperity with the
9 European-American economic sphere, is certainly a
10 logical procedure. If there is no other way out, this
11 set-up can be considered temporarily satisfactory.
12 However, an ideal situation will require even more
13 than this.

14 "Section 3

15 "At this point we must re-examine our national
16 polity. KOKUTAI MEICHO (Clarification of Japanese
17 National Polity) is a phrase that has been quoted in
18 relation only to Japan proper, and used in a very
19 limited sense. The MEIJI Restoration, which overthrew
20 the TOKUGAWA Shogunate, was introduced, as to be
21 expected, by KOKUTAI MEICHO. The present members of
22 the faction supporting 'KOKUTAI MEICHO' reason that,
23 since in the Japan of today there exists a kind of
24 force quite similar to the TOKUGAWA Shogunate, such a
25 force must be eradicated by the clarification of

1 national polity.

2 "If such a force does exist within Japan, it
3 must be eradicated. However, in the SHOWA Restoration,
4 this force does not exist within the nation. It comes
5 from the outside. The American-Anglo Jewish influence
6 is this force. To preach renaissance at this time will
7 only invite public censure, since it is evident that
8 those who preach it do not fully understand the national
9 structure of Japan.

10 "If the Ancient Chronicle (KOJIKI) and the
11 Nippon Annals (NIPPON SHOKI) are correctly interpreted
12 and understood, you will probably be able to realize
13 that the rule of the Sun Goddess AMATERASU OMIKAMI was
14 not restricted to the narrow islands of the Japanese
15 Archipelago. Her direct descendants, the Emperors,
16 who are the incarnation of God, extended their August
17 Virtues not only to the Japanese nation and the Japanese
18 people but to the universe. The Emperor is deeply con-
19 cerned about the world for the sake of humanity. He
20 said in his Imperial Rescript at the conclusion of
21 the Axis Agreement, 'The world shall be united', and
22 again, 'Each nation shall have its place in the Sun and
23 all human beings shall live in peace.'

24 "We must thoroughly clarify the origin of
25 Japan, the true meaning of the descent to earth of

1 the descendants of the Sun-Goddess, and the true
2 nature of the Emperor, the incarnation of God.

3 "Emperor JIMMU, prior to his departure on a
4 expedition to subjugate Eastern Japan, said, 'Since
5 the descent of Prince NINIGI about 1,792,470 years
6 ago, we have unobtrusively lived in Western Japan,
7 and have there, developed our culture and promoted
8 justice, etc.'. Since then, for a period of 2,600
9 years, the history of Japan shows that she has un-
10 obtrusively developed her culture and promoted justice
11 only within the East Asia Sphere.

12 "In keeping with divine policy, the authority
13 of the Emperor has been restrained while Japan has
14 fully absorbed foreign culture. Throughout this
15 time, she has been earnestly awaiting the fulfillment
16 of her destiny.

17 "If a philosophic view is taken of world
18 conditions today, it is evident that the time for that
19 fulfillment has come. This Holy War can be said to be
20 something greater than the Eastern Expedition of Emperor
21 JIMMU, that is, this is the prelude to the opening of
22 the Rock Cave. (TN: The opening of the Rock Cave is
23 an allusion taken from Japanese mythology. According
24 to the legendary account, the Sun Goddess hid in a
25 cave after being insulted by her brother. This plunged

1 the whole world into darkness and the evil deities
2 became active. When she was finally persuaded to
3 come out of the cave by the good deities the universe
4 was again enlightened. The modern analogy is that
5 the world is again in darkness, and Japan's mission is
6 to bring light once more to a world overcome with evil.)
7 If the Japanese polity is fully interpreted, this is
8 the only possible conclusion.

9 "Today, for this reason, our national polity
10 should be clarified and shown to the world. I firmly
11 believe that the time has come to advocate permanent
12 world peace and world co-prosperity.

13 "This is the real purpose of the present
14 war -- the basic idea behind the establishment of the
15 New Order. It is the mission of the Japanese people.
16 KOKUTAI MEICHO today is the motivating force of World
17 Restoration.

18 "With this stupendous task confronting the
19 Japanese people, it should be clear to you how you
20 must be prepared to meet any internal or external
21 emergency. It is undoubtedly necessary to undertake
22 a complete reform of our national polity. However,
23 the foreign materialistic reforms of the past cannot
24 accomplish this purpose. Rather, they tend to obscure
25 the national polity.

1 "Section 4

2 "In the past, I have resided in foreign
3 countries for a long time and have associated with
4 all classes of people -- intelligentsia, proletariat,
5 students, etc. -- and I have found the Japanese to
6 be superior to all foreigners. Physical characteristics
7 such as flat nose and yellow skin matter little, since
8 these are due to the influences of weather, custom and
9 food. They naturally cannot be taken as standards.
10 The value of man lies in his soul. The soul is
11 invisible, but it is in evidence whenever a crisis
12 occurs. On the battle field, where risk of life is
13 great, the existence of the soul is especially evident.
14 In this war, the Japanese spirit has been thoroughly
15 displayed everywhere.

16 "Through numerous praiseworthy deeds and
17 miracles on the field of battle and the homefront the
18 Japanese people have admirably proven they are a super-
19 ior race unequalled in this world. If the Japanese
20 conform to their inherent nature, they inevitably will
21 be endowed with the divine blessing of Providence.
22 Those who do not believe in Providence are not true
23 Japanese. And if we do not receive the divine blessing,
24 it is because we are acting contrary to the national
25 polity.

1 "KOKUTAI MEICHO on the homefront is very
2 important. The duty of the Japanese on the homefront
3 is primarily to clarify the national polity. Lately,
4 there have been many who favor using the Diet to assist
5 the Emperor, and advocate assistance to Imperial Rule.
6 Regrettably, there are still some who do not comprehend
7 the true significance of Imperial Rule. It is Imperial
8 Rule when the Emperor graciously presides over the
9 government. In America, where Roosevelt assumes the
10 reins of government, it is simply politics. The two
11 forms of government differ in essence and significance.
12 There is a basic difference between the essence of
13 foreign governments and the significance of the Imperial
14 Rule of Japan.

15 "The benevolent rule of His Majesty, The
16 Emperor, is not only bestowed upon Japan itself, but
17 extends to all mankind. This is the reason why it is
18 defined as 'The Divine Mission'. You are to assist in
19 this 'Divine Mission'; so, as Japanese, you must have
20 a superior mental attitude. If you are to employ a
21 foreign political ideology to assist this 'Divine
22 Mission,' it will be merely an exercise of the privilege
23 of suffrage.
24

25 "The basic principle of Imperial Rule is that
it be extended over the earth. Therefore, since you

1 are to assist in this, it must take on a deeper
2 significance. Not comprehending its essence, there
3 are some who have lost their interest in assisting
4 the Imperial Rule.

5 "The present Greater East Asia War is the
6 Divine Will of God. The time has come now to open
7 the Rock Cave on this earth. Japan, during this war,
8 is able to nurture her strength and spirit, while
9 materialistic foreign countries are faced with decline.
10 That is natural since, from a materialistic viewpoint,
11 war exhausts a nation's strength. Therefore, the
12 longer the war is prolonged, the greater will be the
13 difference between the strength of our country and
14 that of foreign countries, until finally the stage
15 will probably be reached where their only hope will
16 be to respectfully request the sovereignty of His
17 Majesty, The Emperor, the Incarnation of God.

18 "We Japanese must not view this war material-
19 istically. This Holy War is not a war of men and
20 materials. If this war is fought on a basis of man-
21 power and material strength alone, the attrition of
22 war will exhaust friend and foe alike, and eventually
23 all mankind will be prostrate. But if there should be
24 a race of people who have a true God presiding over
25 them, and who are fighting a holy war in his name, these

1 noble people will inevitably be bestowed with the
2 Divine Blessing of Providence. Therefore, there
3 will be a marked difference in the national strength
4 of countries which are guided by God and those which
5 are not. The race which is fighting under the
6 guidance of God must be Japan. Otherwise, there would
7 be no justification for the sanctification of the
8 Japanese national polity. In this light our national
9 polity should be thoroughly understood by all Japanese.

10 "When Emperor JIMMU went on a punitive ex-
11 pedition to Ada, the rebel resistance was strong.
12 Moreover, many of his soldiers fell ill, and Prince
13 ITSUSE was pathetically killed in action. Even the
14 Emperor himself became sick and underwent terrible
15 hardships. At this point he solemnly offered suppli-
16 cation to the Gods of Heaven and Earth, and as a
17 result he was able to successfully conclude the ex-
18 pedition against Ada without having to depend on arms.

19 "In order to conclude the war successfully,
20 we must first follow the historical example of Emperor
21 JIMMU and offer supplication.
22

23 "The Emperor is the incarnation of God, and
24 is the personification of the Sun Goddess, AMATERASU
25 OMIKAMI. Therefore, if the Japanese people worship
their Emperor, they are, in reality, worshipping God.

1 "If the proper state of mind is developed
2 to perfection, the spiritual and materialistic as-
3 pects of the war will take care of themselves; the
4 internal structure of Japan will be strengthened and
5 the New World Order will be firmly established. Each
6 nation will have its place under the sun, and for the
7 first time a permanent peace and security will be
8 assured all mankind."

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1 Captain Sandusky will now offer further evidence
2 to the Court.

3 MR. CAUDLE: If it please the Tribunal, on
4 page 4 of this document which has just been read, the
5 last paragraph starting with the 5th line, there appears
6 to be a translator's note there down to the next to the
7 last line. It is all in parenthesis and I think it
8 ought to be stricken from the record.

9 THE PRESIDENT: Are you really prejudiced
10 by it?

11 MR. CAUDLE: Well, sir, I don't think so. I
12 just think it ought not be in here. If we are going
13 to let the translators give evidence we might get in
14 the habit of it.

15 THE PRESIDENT: Captain Sandusky.

16 MR. SANDUSKY: Mr. President, I continue the
17 case against the accused, SHIRATORI and offer in evidence
18 IPS document No. 1616.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 1616 will receive exhibit No. 2234.

22 (Whereupon, the document above
23 referred to was marked prosecution's ex-
24 hibit No. 2234 and received in evidence.)

25 MR. SANDUSKY: This document consists of 7

1 articles and lectures which I hasten to add will be
2 read only in part.

3 Like the preceding documents, this document
4 will show further that the defendant, SHIRATORI, was
5 an ardent apostle of military collaboration with Germany
6 and Italy for the purpose of furthering Japan's aggressive
7 expansion in Asia. (Reading):

8 "Discussion of the Japan-Germany-Italy Axis
9 by SHIRATORI, Toshio, Special Advisor to the Foreign
10 Ministry.

11 "Preface" --

12 THE PRESIDENT: You are reading or propose
13 to read practically the whole of this?

14 MR. SANDUSKY: I beg your pardon, your Honor,
15 I did not hear.

16 THE PRESIDENT: According to the blue pencil
17 markings, you propose to read practically the whole
18 of this very lengthy document.

19 MR. SANDUSKY: Your Honor, excisions, substantial
20 excisions have been made since the time the document
21 was marked and I will be obliged to announce them as I
22 go along. I think that not more than one-third will
23 be read.

24 THE PRESIDENT: That will add about forty or
25 fifty pages to the transcript.

1 Yes, proceed, Captain Sandusky.

2 MR. SANDUSKY: (Reading)

3 "Preface

4 "I am presenting to my friends these various
5 lectures I have given all over the country and which
6 have appeared in newspapers and magazines since my
7 return to Japan last autumn. They are here organized
8 under one cover for publication.

9 "Seen in today's light, they constitute
10 opinions which might well be revised and since in the
11 light of later facts there are several chapters that
12 are false, I should perhaps be ashamed to offer this
13 to the public as it stands.

14 "However, it required considerable 'courage'
15 for me to offer them at the time I returned in an
16 atmosphere in which such ideas were being ridiculed by
17 certain groups saying 'Is it not like making a landing
18 in the face of the enemy?' Seen from such an historical
19 viewpoint, this may still have some reference value.

20 "However, now that the Tripartite Alliance
21 has become a reality, we should of course not wander
22 aimlessly over particulars of the past. The worldwide
23 significance of this Alliance, particularly as regards
24 the new view of the world and the New Order which is to
25 govern human society in the future, requires profound

1 explanation. It is hoped that through such efforts
2 by competent persons those results will one after another
3 be achieved in the world. I shall be happy if this book
4 results in presenting a small beginning to that end in
5 the future.

6 "SHIRATORI, Toshio

7 "November 1940

8

9

10 "I The Necessity of the Japan-Germany-Italy
11 Alliance

12 "(December 1939)

13 "Before we discuss present foreign policies,
14 we must firstly know the fact that the world is now on
15 the eve of a great revolution. The last world war was
16 not fought as the result of opposition between new powers
17 and old ones, but countries of similar character determined
18 their attitude toward the war according to old ideas
19 about their respective circumstances and interests.
20 Therefore, countries that were basically unable to
21 cooperate fought on the same side. A conspicuous example
22 is that Japan and Italy took sides with the old powers
23 including Britain, the United States, and France.
24 However, the Versailles Treaty reversed the course of
25 history and returned the order of the world to that of
one or two centuries ago, thus stimulating the rise of

1 new powers. Japan's launching upon her continental
2 policies, and Italy's and Germany's completion of their
3 totalitarian systems are evidence of this. At first these
4 new powers could not be said to have awakened to their
5 common mission, but, as the old powers, from the instinct
6 of self-preservation, showed a tendency to combination
7 and establishment of a united front, the new powers were
8 inevitably compelled to cooperate with each other.
9 Such is the present situation of the world.

10 "Hitherto, these two sides have been distinguished
11 as have nations and have-not nations. This is quite
12 right, for most of the rising nations have poor resources
13 with living spheres confined to too narrow areas, and
14 are greatly dissatisfied with existing conditions.
15 However, if the desires of these countries were for
16 mere improvement of their economic conditions, there
17 would be no difference between the existing struggle
18 and past international struggles for supremacy. However,
19 I think we can find higher significance in the present
20 opposition in the world.

21 "Now all our people know that Japan's advance
22 in the continent is not the result of a desire for mere
23 material gain, but aims at the realization of the
24 Japanese people's great ideal established at the time
25 of the foundation of our nation. This is clearly shown

1 in the phrase 'the new order in East Asia'. As is known,
2 the concept of the national structures of Italy and
3 Germany has something in common with the basic principle
4 of the foundation of our empire. It is needless to say
5 that the views of what in brief may be called totalitarian
6 nations regarding the universe and the state form a sharp
7 contrast to those of so-called democratic nations,
8 whose keynote is individualism. When we examine the present
9 situation of the world divided into two powers, the new
10 and the old, we must focus our attention on the conflict
11 of these ideas.

12 THE PRESIDENT: We will adjourn until half-past
13 one.

14 (Whereupon, at 1200, a recess
15 was taken until 1330.)
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AFTERNOON SESSION

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

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

6 THE PRESIDENT: Mr. Sandusky.

7 MR. SANDUSKY: Mr. President, before the
8 noon recess I was reading Document 1616 and had
9 reached the last paragraph on page 4. I omit the
10 next several paragraphs and continue on the last
11 paragraph on page 5.

12 (Reading): "If BRITAIN, AMERICA, FRANCE,
13 and others wish to maintain their immense economic
14 sphere which they themselves are at present enjoying,
15 is it not proper for them in magnanimity to recognize
16 that a superior race, no less inferior to them, should
17 hold an economic sphere of the same degree? The birth
18 of a new world cannot be realized without this. This,
19 I believe, is the immediate problem confronting the
20 world. To bring forth this new world, such ideas as
21 natural rights of man, racial self-determination, and
22 sovereign rights of nations must be considerably re-
23 formed and at the same time the so-called have nations
24 should be prepared to sacrifice themselves. To put it
25 plainly, the world hitherto has been divided into some

1 sixty odd nations, each insisting upon the absoluteness
2 of her sovereign rights, which has led all the more
3 to obstruction of the growth and development of
4 human society. Roughly, the aim of totalitarian
5 countries can be said to lie in the remedying of
6 this irrationality. In other words, their plan is
7 to divide the world into comparatively few groups
8 or blocs and within their respective spheres to enable
9 each race to lead a harmonious life of contentment
10 and peace. In the old concept of thought, this is a
11 drastic revolution and perhaps it cannot be realized
12 without great strife. An extensive war has been waged
13 in ASIA for these two and a half years, while in
14 EUROPE a great conflict has come into existence between
15 the new and the old powers and it is most likely to
16 increase its intensity and scale. However, a European
17 union has been advocated among the belligerent countries
18 of EUROPE, and in the Orient also there is a demand
19 for an EAST ASIA federation or bloc. Thus, we believe,
20 future world history will necessarily proceed along
21 the above-mentioned course.

22 "In the light of the aforementioned premises
23 as a whole, I feel there is no need for hesitation
24 in determining JAPAN's future foreign policy. In
25 fact, ever since JAPAN embarked on her continental

1 policy with the Manchurian Incident, her foreign policy
2 has been established and to back out of or swerve from
3 it now is not permissible. Still, the presence of two
4 different opinions in JAPAN today and the fact that
5 the people are hesitating between them is truly a
6 wonder of this world. However, this is a transitory
7 phenomenon. The inevitability of history cannot be
8 altered by human power. In the long run, that which
9 is bound to happen, will probably happen. However,
10 the domestic and foreign situations at present will
11 not allow hesitation and indecision for long."

12 I omit the next two paragraphs.

13 "Therefore, not only is it unnecessary for
14 JAPAN to change any of her program for establishing
15 the new order in East ASIA, but now she need not
16 hesitate in expanding and completing them.

17 "The new order of East ASIA is linked with
18 the new order of the world. The new order cannot be
19 realized in this part of the world alone, if the
20 rest of the world adheres to the old order, or goes
21 back in the opposite direction. It seems that JAPAN
22 is going to withdraw utterly from the problems of
23 EUROPE and make efforts to settle the CHINA Incident.
24 Unable to understand and explain correctly the new
25 phenomena which crop up one after another throughout

1 EUROPE, she dismissed them with the single comment
2 'Complicated and incomprehensible.' This amounts
3 to nothing more than seeking refuge in the popular
4 but common policy of devoting herself in the future
5 entirely to the problem of CHINA. However, the
6 present situation of the world does not permit such
7 an evasion. Problems of ASIA are inevitably those
8 of EUROPE and AMERICA. A bold and brave foreign
9 policy for new JAPAN should be established in a
10 dignified manner and should display understanding
11 of the international political situation which is
12 now at a turning-point in world history.

13 "II

14 "THE EUROPEAN WAR

15 "and

16 "The Attitude of JAPAN

17 "An address in November, 1939

18 "Before I went to ITALY, every one in JAPAN
19 talked of totalitarianism and of an anti-comintern
20 axis. Many people thought that the relationship
21 among JAPAN, GERMANY and ITALY did not end merely in
22 the Anti-Comintern Pact, but that this relationship
23 would be further strengthened. One of the reasons
24 is probably that the people themselves keenly felt,
25 in the light of present international relations, that

1 the settlement of the CHINA Incident would owe much
2 to GERMANY and ITALY. Before I went abroad, I ob-
3 served a rather widespread feeling among the people
4 that it would, therefore, be well if this anti-Comin-
5 tern relationship were further developed into a
6 military alliance. As regards the conclusion of a
7 generally unconditional military alliance of JAPAN,
8 GERMANY, and ITALY, it was definitely recognized
9 that the people in general desired an 'alliance,' the
10 type of alliance being a secondary matter. Thereupon,
11 I left for ITALY with the thought of doing my humble
12 best in this matter.

13 "JAPAN, however, seemed to be for the
14 settlement of the CHINA Incident by cooperating with
15 BRITAIN. Such being the attitude of JAPAN, GERMANY
16 and ITALY began to mistrust JAPAN on this point and,
17 finally giving up JAPAN, went as far as the RUSSO-
18 GERMAN Non-Aggression Pact. As there is not enough
19 time to explain in detail the circumstances which
20 led them to this Treaty, and as it also seems some-
21 what improper to make them all frankly known, I am
22 going to omit this part. However, I can affirm here
23 the indisputable fact that JAPAN also was perhaps
24 responsible and should indulge in introspection for
25 the course which led to conclusion of the RUSSO-GERMAN

1 Non-Aggression Pact.

2 "It is generally considered that GERMANY
3 betrayed JAPAN and is treacherous, but in my opinion,
4 GERMANY neither betrayed JAPAN nor was guilty of
5 treachery. Considering the circumstances leading to
6 her action, we cannot dare call GERMANY treacherous.
7 Moreover, Germany allied herself with the SOVIET UNION,
8 contrary to the spirit of the Anti-Comintern Pact
9 which naturally seemed mutually advantageous to both
10 JAPAN and herself. Furthermore, since this was a
11 step nearer to an alliance and not a mere non-aggression
12 treaty, it seems sensible that GERMANY's feeling toward
13 JAPAN will become cool. However, the truth is quite
14 the opposite. I can state as an absolute fact that
15 GERMANY, in spite of her alliance with the U.S.S.R.,
16 is now still offering JAPAN her friendship as profound
17 as ever. Of course ITALY has no reason to change
18 her feeling towards JAPAN. She still feels as ex-
19 ceedingly friendly as ever. Moreover, the relation
20 between ITALY and GERMANY is not at all aggravated
21 by this Non-Aggression Pact. The fact is that ITALY
22 preferred a GERMANY-U.S.S.R. rapprochement, and had
23 hitherto been recommending it to GERMANY.

24 "The JAPAN-GERMANY-ITALY Axis, therefore,
25 has not really undergone a change even today. However,

1 JAPAN seems to think GERMANY in some way betrayed
2 her, and that the latter's alliance with the SOVIET
3 UNION is suspect. In view of the international
4 situation in which JAPAN stands today, and from
5 practical necessity, it is desirable that JAPAN
6 cooperate with GERMANY and also go hand in hand with
7 ITALY. However, the general sentiment of JAPAN
8 seems to be that she cannot again put out her once-
9 rejected hand to GERMANY. Nevertheless, the bias of
10 JAPAN is such that the relationship between JAPAN,
11 GERMANY and ITALY can be brought back again to the
12 past not only in form but in fact.

13 "The GERMANY-U.S.S.R. Pact, concluded in
14 this way, is not due to GERMANY's ill will against
15 JAPAN and GERMANY alone must not be denounced for
16 a betrayer. Then, I feel we must consider coolly
17 whether the conclusion of this RUSSO-GERMAN Pact is
18 advantageous to JAPAN or not. The first fruit of
19 the GERMANY-U.S.S.R. Pact is the current BRITISH-
20 FRENCH War against GERMANY. If the GERMANY-U.S.S.R.
21 Pact had not been concluded, GERMANY would probably
22 not have adopted such a strong policy. It may be
23 said that the GERMANY-U.S.S.R. Pact was a direct
24 incentive to this war.
25

"I do not blindly consider the present war

1 in EUROPE as being a divine tempest or providential
2 help for JAPAN. However, I firmly believe that the
3 fact that this war has broken out can be developed
4 in favour of JAPAN according to her aims and policies."

5 I omit the next two paragraphs, beginning
6 the middle of page 11.

7 "The same thing may be said about AMERICA,
8 I think. AMERICA is now very anxious about JAPAN's
9 rapprochement with the U.S.S.R. With BRITAIN, AMERICA
10 always hopes for deterioration of RUSSO-JAPANESE
11 relations. This is because she fears JAPAN's position
12 in the FAR EAST will be strengthened. If JAPAN
13 were to fight with the U.S.S.R., she would have to
14 relax her control of construction in CHINA. They
15 hope that JAPAN will find it necessary to give up
16 CHINA. The possibility of a compromise between JAPAN
17 and the SOVIET UNION is truly annoying to them. The
18 reason why AMERICA suddenly recognized the U.S.S.R.
19 after sixteen years' refusal is this: After the
20 outbreak of the MANCHURIAN Incident, JAPAN would
21 not listen to AMERICA in every matter, and, moreover,
22 AMERICA can do hardly anything to JAPAN. The U.S.S.R.
23 is the only country within reach of JAPAN. Therefore,
24 AMERICA adopted a policy of lending money, supplying
25 materials, and furnishing technical experts to the

1 U.S.S.R. in order to make her powerful so that
2 AMERICA could oppress JAPAN."

3 I omit to the second paragraph on page 13.

4 "What would happen if JAPAN had slaved for
5 the sake of the democratic countries to destroy the
6 totalitarian nations, and if the old powers of
7 democracy had come to dominate the world again?
8 To the eyes of BRITAIN, the UNITED STATES, and others,
9 JAPAN, today, is a rascal not inferior to GERMANY
10 and ITALY, and is considered as an aggressor. If
11 they win again, the result will not be as simple as
12 that of the last WASHINGTON Conference. I am sure
13 that they would force JAPAN to withdraw her army from
14 CHINA, to return MANCHURIA and, furthermore, to get
15 cut of KOREA and FORMOSA. They would probably even
16 insist that the whole Japanese Navy be sunk off
17 OSHIMA Island. Such is quite obvious.

18 "However, if GERMANY really is unable to
19 defeat BRITAIN and FRANCE, it is needless to say that
20 JAPAN must think the matter over deeply. It would be
21 unfortunate, but we cannot support those who are
22 destined to be defeated. However, as for my forecast
23 on this war, I simply cannot believe that GERMANY will
24 be beaten again this time."

25 "I omit to the last paragraph on page 14.

1 "Under such circumstances, Germany today will
2 never be defeated, even under the worst possible condi-
3 tions. Therefore, we reach the conclusion that there
4 will be no great danger, if Japan, today does show
5 good-will to Germany and fights on her side. Further-
6 more, if the countries that are trying to establish a
7 new order in Europe should not be able to win, it
8 would be impossible for the Japanese people to construct
9 a new order in Asia. Generally speaking, the old order
10 in Europe and Asia is represented by Britain and France.
11 If the countries that are endeavoring to maintain this
12 old order cannot be defeated, a new order cannot be
13 established either in the Occident or in the Orient.
14 Japan, Germany and Italy are all countries whose
15 mission it is to build in cooperation the new world
16 order. Even without concluding a treaty, the aim of
17 the three powers is one.

18 "The Germans used to say, 'By no means do
19 we ask for Japan to come and help us in Europe. She
20 has her own mission to carry out. Her obligation to
21 a treaty would be discharged by destroying the old
22 order and establishing a new one in Asia. Purging
23 British power from Asia by any means is actually what
24 we would expect from Japan as her duty in this Treaty.
25 We require nothing more than that.' As long as Japan

1 carries out that obligation, there is really no need
2 for an alliance and the like. They want Japan to
3 fight solely for the establishment of a new order in
4 Asia and press on towards the settlement of the
5 China Incident with a firm resolve never to compromise
6 with the old powers or make concessions to them."

7 I omit the remainder of this article and
8 resume at Part III on page 18:

9 "SOVIET-GERMAN COALITION PROBLEM AND GERMAN
10 POWER.

11 "(LECTURE GIVEN AT THE IMPERIAL UNIVERSITY
12 ALUMNI ASSOCIATION / GAKUSHI-KAI / IN FEBRUARY 1940.

13 "The recent diplomacy of Japan, before I
14 went abroad, was based on the Japan-German-Italy
15 Anti-Comintern Axis, which the government constantly
16 proclaimed and which all of the people believed. How-
17 ever, as the China Incident gradually progressed, the
18 people in general realized that German and Italian aid
19 to Japan was extremely effective so that the opinion
20 came to be expressed that a further step should be
21 taken to make it into a military Alliance."

22 I omit the next two paragraphs and resume at
23 the second paragraph on page 19:

24 "It cannot be denied that in the China
25 question Japan gradually became clearly pitted against

1 Britain. The anti-British movements throughout the
2 country relative to the Tientsin question clearly
3 demonstrate this. Particularly at that time it was
4 Japan's disposition to aim exclusively at the Soviet
5 Union, but should not Japan alter that idea in the
6 course of the China question? In view of the
7 inevitability of a clash between Japan and Britain
8 and the aforementioned attitude of Germany and Italy,
9 I felt that perhaps Japan should alter basically her
10 former attitude. However, Japan's feeling was still
11 determined to aim at the U. S. S. R. Since it was
12 the idea of influential quarters to compromise with
13 England if possible and in certain cases to be
14 friendly with America, I thought that it would be
15 extremely difficult to put my ideas into practice.

16 "In short, Germany, unlike Japan, has Britain
17 and France as their chief objects instead of U. S. S. R.
18 I could have asserted that although Germany would
19 fight the U. S. S. R. if absolutely necessary, she
20 took the old powers of democracy as the greatest
21 hindrance. But since the circumstances within the
22 country were as I have mentioned before, I submitted
23 to the Government my opinion that Germany would
24 inevitably ally with the U. S. S. R., only if Japan
25 hesitated to contract this alliance. However, a

1 nation-wide anti-British movement broke out with
2 respect to the Tientsin problem. And as I saw that
3 this was supported by the whole Japanese nation,
4 I thought that it was no time to hesitate and in
5 early July I notified the Government twice in
6 details as follows:

7 "Germany and Italy are not contemplating
8 a war against the USSR. If the Government is going
9 to conclude a Treaty on the assumption that war will
10 be waged against USSR, the idea had better be given
11 up. I believe the intention of Germany and Italy is
12 to draw Russia to their side after concluding an
13 alliance among Japan, Germany and Italy. In order
14 to establish a new order in China today, we must drive
15 out from China the old order which is represented by
16 Britain. Therefore, I believe that Japan should
17 conclude a treaty as soon as possible with Germany
18 and Italy in opposition to Britain and France, and
19 furthermore, for her to confront the USSR with the
20 combined powers of Japan, Germany and Italy; with the
21 aid of Russia wash their hands off of the East; to
22 have USSR stop the aid to Chiang Kai-shek, and to have
23 USSR withdraw the forces from the Manchurian-Soviet
24 border, and gradually effect the solution of the
25 pending problems favorably. I believe that this

1 policy is best suited to the occasion for Japan.

2 "At this moment if we do not conclude an
3 alliance with Germany and Italy, Germany will probably
4 league with USSR. Moreover, it is drawing near. It
5 is not the time for hesitation. If Japan tried to
6 solve the problem between her and USSR after the
7 alliance between Germany and USSR has been concluded,
8 wouldn't things become unfavorable for Japan as the
9 situation will have changed by them?'

10 I omit the next paragraph:

11 "Now Germany and Italy were of the opinion
12 that the policy adopted by Japan on the continent
13 since the Manchurian Incident and the establishment
14 of a new order in its place; in other words, that it
15 was Japan's continental policy to overthrow first in
16 the East the status quo of the world established by
17 the Versailles Treaty -- the Versailles order which
18 in the East is expressed as the Washington order --
19 is what Japan is trying to overthrow. They believe
20 that the Manchurian Incident, the renunciation of the
21 Naval Disarmament Pact, the establishment of a new
22 order in China now in question are all directed to
23 that object. Therefore, nothing seemed to them to
24 be more natural that Japan, Germany and Italy should
25 enter into an alliance to overthrow the old order of

1 the world in concert. They little dreamed of diffi-
2 culty in the negotiation. They looked upon that
3 treaty as all too natural and a matter of course.
4 But the negotiations dragged on, until at last in
5 June they came into possession of a report that Japan
6 was going to make terms with Great Britain, her
7 enemy nation, greatly to their astonishment. Besides,
8 this situation was brought about immediately after
9 nationa-wide anti-British movement. I suppose that
10 Japan's actions and her natural feelings must have
11 struck them as strange and complex."

12 I omit the next two paragraphs and resume in
13 the middle of page 22:

14 "Such being the case, the Russo-German
15 Treaty was concluded at last. At that time the
16 German authorities said that they felt deeply regret-
17 table and that they should have had Japan's understand-
18 ing beforehand, but if they had said such thing to
19 Japan, it would surely appear in all the papers of
20 the world within 48 hours. Since such cases have been
21 experienced number of times in the past, they were
22 unable to notify Japan beforehand. They entreated
23 us not to think ill of this action. They violated
24 the pact because they adhered to legalities and
25 formalities. They pleaded us not to say that it was

1 a breach of faith. In the pressing situation, it was
2 necessity that compelled them, so do not think ill
3 of them. They assured us that their feelings towards
4 Japan today have not changed the least. They still
5 hold expectations of bringing about intimacy of the
6 relations between the two nations. They have often
7 and repeatedly suggested to Japan to compromise with
8 the USSR, and if Japan is in that mood, they will
9 offer their services as mediator. In short, as I
10 have stated in the beginning this may be enough to
11 confirm the supposed intention that Germany has no
12 thought of fighting the USSR and when the Japan-
13 Germany-Italy Alliance is found, Germany had in
14 mind to attract the USSR into this camp."

15 I omit the material from here to the first
16 full paragraph on page 29:
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1 "To begin with the totalitarian system of Ger-
2 many and Italy is, to them, the representation of the
3 natural progress of history, while the system of
4 liberalistic individualism of the British and French
5 should perish. It will perish even if it is left
6 untouched. I believe they are of the view that mere
7 confrontation by the powerful German-Italian New
8 Order against the declining liberalistic order of Great
9 Britain and France will cause Britain and France to
10 lose faith. It seems that Germany will take stand in
11 the Siegfried Line and bent to exhaust the nerves of
12 Britain and France, while on the other hand, she will
13 aim to deal a finishing blow on them with her air
14 forces and submarines. Of course, in practice matters
15 will not be so simple, but I hold that a confronta-
16 tion of the old against new forces today will give
17 sufficient chances to the new powers to win this war.
18 Of course, if the USSR, Italy and Japan side with
19 the British and French, it will be of grave con-
20 sequence to Germany; but today, such things will not
21 happen. As to Italy, the people say that she is again
22 sitting on the fence. She had to side with Great Britain
23 in 1914 because of her various weaknesses.

24 "However, with the result of Mussolini's rise,
25 things have assumed a new aspect. Today Italy possesses
enough power that Britain and France cannot easily

1 sway her. The situation has changed so that Italy
2 of today is not what she had been in the last war,
3 when she was forced to run to the Allies by Britain
4 and France. Italy made full developments in her
5 political powers under 17 years of Fascist rule.
6 For further developments, there remains but ter-
7 ritorial expansion. As Mussolini puts it Italy must
8 expand or explode. There is no first-class power so
9 destitute of resources as Italy. Her population shows
10 a yearly increase of 450,000. She must either expand
11 or explode."

12 I omit the next four paragraphs to the
13 middle of page 31:

14 "We were sent on a mission to Europe and we did
15 what we were able to form the Triple Alliance. Since
16 an alliance is an important affair affecting the
17 fate of a State, we did all our best to investigate
18 and study fully their conditions. As a result we
19 arrived at the conclusion as we have explained above
20 on the actual strength and attitude of the powers
21 involved. As Japan did not join the Alliance and, on
22 the contrary, the Russo-German rapprochement has been
23 brought about, thus leading to the outbreak of the war,
24 the European situation may have more or less changed
25 since my return home. I will not decidedly affirm

1 that all future developments will become as what I
2 have stated. What I can say with confidence today is
3 that what Japan is doing in the East and what Germany
4 and Italy are trying to do in Europe bear resemblance
5 on the point that both possess the great historic
6 mission to establish a new order in the East which
7 is a national conviction in connection with the China
8 Incident, will help much, in a larger sense, what
9 Germany and Italy are trying to do in Europe.

10 "Consequently, should Japan compromise with the
11 old forces because of her consideration for resources
12 and others, the spiritual blows that will affect the
13 new rising power of Europe such as Germany and Italy
14 will be indeed great. Furthermore, it may tend to
15 weaken their determination. As above explained, it
16 is true that the Russo-German Pact and the current
17 hostilities have relieved Japan's international
18 position for the time being. However, to entertain
19 the idea that Japan should neither side with Germany
20 and Italy, nor bind itself with Britain and the
21 United States, but utilize the present easy position
22 and go on settling the China Incident with the so-
23 called principle of independence and Self-reliance
24 will be opportune if they actually go on fighting
25 forever, but there is no such war that has no end.

1 There is always peace with war. Japan will surely
2 be asked to participate in that Peace Conference.
3 In such a case, Japan's principle of Independence and
4 Self-Reliance; that is, siding with neither will mean
5 isolation and without assistance at the conference
6 meeting. Japan should be most careful that the white
7 people should not form a united front and attempt
8 solution of their problems at the sacrifice of the
9 East. Should they suddenly awake and find that it is
10 futile to fight among themselves in Europe; and
11 realize whichever side may win, resources are short
12 in Europe. Fortunately, there are much resources
13 in the East, and that the people are weak. Japan is
14 just but a fledgling state. If it becomes such that
15 they come to agree upon carrying out a joint ex-
16 ploitation of the East, where Britain has until now
17 made it her domain rejecting other countries and
18 herself not fully utilizing it, and that before Japan's
19 power could be maintained, Japan must confront an
20 indeed difficult situation. The reason why we ad-
21 vanced the forming of an alliance with the far-away
22 powers of Germany and Italy is because we gave thought
23 to this question.

24 "I believe that this should be the fundamental
25 policy of Japan's diplomacy. In practice, our seniors
have also taken up such policy. The people and

1 government may have been unconscious of this fact,
2 but for examples, the Anglo-Japanese Alliance was a
3 result of that -- in other words, the white man's
4 world was divided into two and we have bound ourselves
5 with one of them. There is no reason why we should
6 let them become one."

7 I omit the remaining two paragraphs of this
8 part.

9 Part IV, "The Trend of the Great War," from
10 the Diamond Magazine, June, 1940:

11 "The Trend of the Great War.

12 "We are told that the German Army which invaded
13 Belgium and Holland crushed the Allied Armies with
14 irresistible force and has already emerged at the
15 English Channel. Reflecting on this, it seems that
16 the Allied forces numbering upwards of one million
17 on the Belgian Front will not be able to escape
18 annihilation, and the final issue is already certain."

19 I omit the next four paragraphs. The second
20 full paragraph on page 34:

21 "As a result of this war is it not probable that
22 a cruel, rather ghastly great liquidation would take
23 place? Now the question is: will Britain and France,
24 which have been basking in the favors of the world for
25 countless centuries past, be permitted to exist as

1 great powers or not? Furthermore, can the former
2 absurd situation wherein the small countries of
3 Europe hold absolute sovereignty and stand in the way
4 of the big powers continue or not?

5 "If the above-mentioned revolution should be
6 carried out in Europe, it is unavoidable that it
7 will have a great influence on Asia as a matter of
8 course. How would the colonies of Britain and France,
9 and those of Holland be disposed of? This is a question
10 of great significance from Japan's standpoint. The
11 destiny of several hundred million Asiatic compatriots
12 is now at a great turning point. Would it be proper
13 for this great problem to be decided in the presence
14 of Japan without listening to Japan? What significance
15 does the new order in East Asia contain, and what
16 significance should it have? Our people must at this
17 time carefully consider this point anew.

18 "Since the outbreak of the second European war
19 Japan has adopted a policy of non-participation and
20 has said she will press exclusively for the solution
21 of the China Incident. However, this is fundamentally
22 a point of view which misread the trend of world
23 history. Inasmuch as the European War is a war be-
24 tween old and new principles, it must be considered a
25 great mistake for Japan, which launched a great

1 undertaking in Asia to destroy the old order and estab-
2 lish a new one, to think she can stay out of the
3 European War. Whatever may be said of this, Japan is
4 actually involved in the European War. Speaking even
5 more briefly, it is not too much to say that the
6 fuse of the European War was first attached by the
7 China Incident.

8 "The reason is that the war between the East and
9 the West centered on that common target. The forces
10 which stand in the way of a new order in East Asia --
11 the enemies of Germany and Italy -- are those not
12 the powers of the old order in the world? Our ad-
13 vocacy of the alliance between Japan, Germany and
14 Italy was based upon this point of view. Moreover
15 for this reason also the assertion is made that in
16 spite of the fact that an alliance has not been con-
17 cluded and apart from the question of a treaty, Japan,
18 Germany, and Italy stand in an inseparable relation-
19 ship. For this reason in particular we have been
20 crying loudly that we must not regard the European
21 War with indifference, and that Japan must not let
22 Germany lose. The inseparable relationship between
23 Japan, Germany and Italy is historically inevitable.
24 Although it looks outwardly as if Japan, misguided
25 by the influence of a certain group in the country

1 is inclined toward Britain and the U.S.A., rather
2 than toward Germany and Italy, the path of world
3 political trends cannot by this be changed even
4 slightly. Japan, in spite of the opinion of forces of
5 the old order at home, is making a great contribution
6 to Germany, which is in an extremely advantageous
7 position, in the latter's prosecution of the war.
8 No one doubts that the Russo-German Pact was a prime
9 requisite for this war. However, the fact that made
10 the Soviet Union shake hands with her old enemy
11 Germany, so easily is the existence of the Japan-
12 German-Italy axis, although the progress of negotia-
13 tions for the three power alliance is the main
14 reason. Furthermore, it cannot be denied that America's
15 remaining neutral for eight months contrary to pre-
16 war expectation and her wrangling with Japan over the
17 China Incident has made her unable to participate
18 in the European War. Therefore, although we talk
19 about non-participation, Japan has actually played a
20 great role in the European War and it must be said
21 that Germany owes Japan a great deal."

22
23 I omit the remaining three paragraphs of
24 this part.

25 Part V:

"The New Order in Europe and Japan's Politics.

1 Attendance: SHIRATORI, Toshio, Former Ambassador
2 Plenipotentiary to Italy; NOMURA, Shigeami, Chief
3 of the Investigation Section, Spiritual Mobilization
4 Headquarters; KOBAYASHI, Goro, President of the
5 National Review Company. Reporter. (July, 1940).

6 "1. Japan's Spiritual Assistance to Germany and
7 Italy.

8 "KOBAYASHI: I called on you today because I
9 wish to listen to all of your opinions concerning
10 the international problem.

11 "SHIRATORI: Until now, I have done what I could
12 for the renovation of Japanese diplomacy, and in the
13 world situation, what we have advocated in the past
14 have generally become factual. However, since the
15 situation in Europe has changed with such rapidity,
16 we cannot merely boast of our far sighted views.
17 What we must firstly consider is whether Germany and
18 Italy who have won a great victory may change their
19 attitude. This would be, to a certain degree, un-
20 avoidable. The end of the war is now in sight, and
21 I deeply feel that the present is indeed too late
22 for Japan, who has been greatly limited in the scope
23 of giving assistance.

24

25

1 "SHIRATORI: What I have always said to
2 others is that the war will surely reach the con-
3 clusion as we had anticipated, and a situation will
4 develop in which we can say, 'Didn't we tell you
5 so', but the situation would then be too late, and
6 Japan will be placed in an awkward predicament.
7 However, I am not at all pessimistic, because Germany,
8 Italy, and Japan will essentially stand on common
9 ground even in the future world. Generally speak-
10 ing, due to the fact that the political leaders of
11 Japan have misconstrued the inevitable course of
12 world history, it is regrettable that Japan has
13 somewhat deviated from this course. Regardless of
14 what one may say, the course which Japan has followed
15 since the China Incident could not be controlled
16 by a small number of people.

17 "We ought to follow the course which we
18 must follow. As long as Japan follows this course,
19 she, as a nation, must necessarily join the course
20 followed by Germany and Italy. For instance, for
21 the reason that that alliance was not established,
22 Japan, of course, has no obligation to assist Germany
23 and Italy. Notwithstanding the fact that the Govern-
24 ment has actually stated its policy of non-inter-
25 ference, what Japan is doing is becoming of great

1 help to Germany and Italy. What they wanted of
2 Japan in the alliance between Japan, Germany and
3 Italy was mainly that Japan weaken British and
4 French positions in the Orient and to check the
5 United States, and although Japan was not asked to
6 do this she has, in fact, done so. Now, even if
7 the United States wishes to participate in the war,
8 she cannot do so. During these nine months, they,
9 being checked by Japan, have neglected Europe.
10 Although diplomatically, they speak ill of Germany,
11 and are more or less aiding England and France
12 materially, their actual power is concentrated in
13 the Pacific. For Germany, this is a great help.
14 Before the war, it was generally said that America
15 would participate in the early stages of this war,
16 but if that were true the United States would have
17 furnished England and France with many planes.
18 Although England has predominant navy power, it
19 seems that her forces is still insufficient. If
20 the American navy had cooperated with that of Great
21 Britain, it would probably have been very advantage-
22 ous for England and France. Firstly, it would have
23 been a great spiritual encouragement to England
24 and France. Such a country as Italy would have
25 hesitated to enter the war. If the United States

1 navy had operated together with that of England
2 and France in the Mediterranean Sea, Italy would
3 not have been able to make any moves. If viewed
4 in this manner, the situation would probably
5 have been considerably different from the present.
6 For one thing, America had greatly under-rated
7 Germany's strength. She had thought that Europe
8 was safe if entrusted to England and France. She
9 feeling that checking Japan was her chief mission,
10 is now concentrating her real power in the Pacific
11 Ocean. If viewed by Japan it is extremely bother-
12 some, but if viewed by Germany, it is an extreme
13 blessing. It is a great role that Japan has played
14 for the sake of Germany. However since the fact
15 that the concentration of the main power of the
16 U.S. in the Pacific was painful to the political
17 leaders of Japan, in trying to improve relations
18 in some way, and to reach an economical under-
19 standing, they have followed a course which is
20 contrary to Germany's intentions. Consequently,
21 although Germany has no longer any reason to be
22 thankful to Japan, actually, Japan has rendered
23 services comparable to that extended by Italy.

24 "2. THE NEW ORDER IN EUROPE AND THE
25 OPPOSITION OF THE U.S.

1 "By the above fact, it can be seen that
2 looking from the standpoint that the position of
3 Japan, Germany, and Italy lies in a mission aiming
4 at the establishment of a new order in the East
5 and the West, what each nation in doing separately
6 is concentrated towards achieving the same goal.
7 What each does independently becomes in effect
8 mutual assistance. I think that the relationship
9 between the three nations lies in such a funda-
10 mental relationship. Viewed from that standpoint,
11 it is expected that Japan, Germany and Italy
12 can continue to cooperate, and even if Germany
13 should expel English and French influences from
14 Europe, it does not mean that from that very moment
15 a new order in Europe can be established. All
16 the factors belonging to the old order in Europe
17 will assemble in the American continent. The
18 gold bullion, which is most typical of the old
19 order, has already been quickly concentrated in
20 the United States. Of course the Jews, who are
21 greatest enemy of the new order, have already the
22 intention of moving to the United States, and all
23 the ousted ruling classes of England and France,
24 will also go to the United States. Since these
25 elements have formerly followed individualistic

1 and liberalistic philosophies, they cannot abso-
2 lutely remain in Europe ruled under totalitarian-
3 ism. Henceforth, they will move in groups to the
4 United States as did the Puritans in olden times.
5 As a result of this, all the old elements of the
6 world will be concentrated in the United States.
7 America, which has been called the new world will
8 become the old world, and Europe of the old world
9 will become the new world, and this state of
10 opposition will continue for a considerable period
11 of time. Until the old elements in America are
12 finally driven out, the struggle will continue.

13 "On the one hand, if the national system
14 of Japan is abruptly converted to the new order,
15 and proceeds rapidly towards the establishment of
16 the new order in East Asia, it would naturally be
17 unavoidable for her to collaborate and cooperate
18 with Europe's new order.

19 "On the other hand, in the Pacific, she
20 will have to stand in opposition with America's old
21 order. Looking at it from its rough outline, it
22 may be said that after all, the coalition of Japan,
23 Germany, and Italy and the relation of mutual aid
24 and communication will continue."
25

I omit the rest of the items in part V,

1 and will resume with part VI, on page 60.

2 THE PRESIDENT: You say 60?

3 MR. SANDUSKY: Yes, sir, page 60.

4 "VI. Comment on Japan's Non-Interference.

5 (The Greater ASIA Magazine, June 1939)

6 "Within ten days since the invasion of
7 German troops into Belgium and Holland, they
8 obtained the same results as in the first one month
9 or two of the First European War. The fall of
10 Paris and the capture of the seacoast of Dover are
11 near at hand, and it is considered likely that the
12 German troops may also proceed to the British
13 Isles."

14 THE PRESIDENT: Is that date correct, June
15 1929? There was no second World War then.

16 MR. SANDUSKY: May I make a correction?
17 The first World War.

18 THE PRESIDENT: Here is an article in the
19 Greater East Asia Magazine of June 1939 speaking
20 about happenings in the war that had not yet
21 taken place.

22 MR. SANDUSKY: Your Honor, that seems
23 obviously to be an error. May I check on that and
24 give the correct date later?

25 "Within ten days since the invasion of

1 German troops into Belgium and Holland, they
2 obtained the same results as in the first one month
3 or two of the First European War. The fall of
4 Paris and the capture of the seacoast of Dover
5 are near at hand, and it is considered likely that
6 the German troops may also proceed to the British
7 Isles. This is, literally, world-shaking. To the
8 observers, however, who have witnessed the German's
9 invessant efforts for the last 7 years and who
10 properly appreciate the characteristics of the
11 German people and of their totalitarian regime,
12 the present state of affairs is, in fact, only
13 what was to be expected. It is therefore only
14 natural that those who have hitherto been regarding
15 liberalism and democracy as the pinnacle of human
16 culture and who believe in the indomitable power
17 of England or the Anglo-Saxon race have come to
18 doubt their own observations."

19 I omit down to the last paragraph on page
20 62.

21 "We have been advocating since the very
22 beginning of the present war that the world is just
23 on the eve of a gigantic transformation in which
24 the Old Order based upon Democratic Capitalism
25 will be doomed, in lieu whereof the New Order based

1 upon Totalitarianism must be set up. As Japan
2 has, ever since the Manchurian Incident, been assum-
3 ing the leading role in establishing the New
4 Order throughout the China Incident, the Japanese
5 people should realize the New Order and act in
6 close concert with the Axis Powers, as Germany
7 and Italy. The supporters of the Old Order in
8 Japan have been reluctant in realizing the true
9 significance of this gigantic world-wide trans-
10 formation, and in fact the conclusion of the
11 Triple Alliance between Japan, Germany and Italy
12 finally fell through due to the Old Order element
13 both at home and abroad. However, no human power
14 can do anything against the inevitable current of
15 world history.

16 "The way for Japan to pursue has already
17 been decided on. In fact, Japan has already been
18 trodding along the said path for nearly ten years.
19 Those Japanese who do not know well where their way
20 is leading to are looking on the present war in
21 Europe with utter indifference and wrongly think
22 that they can establish the New Order in Eastern
23 Asia by merely continuing to act in a conciliatory
24 manner with those powers established upon the Old
25 Order. They may be likened to persons who are

1 unaware of a fire in which they are already in
2 the midst. They imagine they can keep themselves
3 free from the world-wide gigantic transformation
4 so long as they are declaring their non-interference
5 policy.

6 "Some of the other Japanese are making
7 similar mistakes. For instance, they think that
8 Japan will not be dragged into the war as she did
9 not conclude the Triple Alliance with Germany and
10 Italy. These persons do not know the fact that
11 Japan has contributed much towards the attainments
12 made hitherto by Germany. But for the Alliance
13 between Germany and Soviet Russia, Germany would
14 probably not have been able to make up her mind
15 to start this war; and, in making Soviet Russia
16 friendly towards Germany, the presence of Japan
17 in the East and the fair progress of the negotia-
18 tions for concluding an alliance between the Axis
19 countries at Tokyo, Berlin and Rome are factors
20 which have contributed considerably.

21 "If the U.S. had participated in the war
22 at its early stage, not only might it possibly
23 have encouraged the morale of the British and
24 French forces, but their fighting power might also
25 have become actually enhanced. Germany too, might

1 not have been able to acquire her absolute
2 supremacy in the air, and it is likely that the
3 attitude of Italy might also have been greatly
4 effected. Is it not Japan that fastened the U.S.
5 down to the Pacific? The U.S. has not as yet been
6 able to assume a decisive attitude. Is not the
7 presence of Japan practically the main reason for
8 this? Germany owes a mint of gratitude to Japan.
9 In defiance of this close relation between Japan
10 and Germany, a certain group of Japanese have
11 sought a certain kind of understanding with
12 Britain at the Tokyo Parley after the Tientsin
13 Affair. This fact was promptly reported to
14 Germany. Of course Japan's attitude too has
15 doubtlessly become clearly understood recently in
16 Berlin. Under such circumstances, how can we
17 expect Germany to be grateful towards Japan?
18 The Japanese people should not forget the fact that
19 the Japanese diplomacy has done something that does
20 not pay for Japan, it has done much for Germany
21 and yet lets itself open to incur her wrath.

22 "If the world's map has to be drawn anew
23 as a result of the European War, if the Netherlands,
24 for instance, should become merged as German ter-
25 ritory, the Dutch East Indies would, as a matter

1 of course, become added to German territory. If
2 Japan continues to behave as she has in the past,
3 Germany will be placed under no obligation what-
4 soever to Japan in giving the question of the
5 Dutch Indies her special consideration. It must
6 be remembered, however, that the South Seas has
7 become Japan's life line economically and strategical-
8 ly. We, in establishing the New Order, do not mean
9 to confine its area only to China. Japan cannot
10 remain idle as an onlooker in the event of a
11 wholesale change of territory taking place in the
12 southeast of Asia.

13 "If Japan should devote herself exclusively
14 to the solution of the China Problem by adhering
15 merely to her non-interference policy, matters will
16 doubtlessly become settled within a short period,
17 and subsequent to this European War, the Dutch
18 Indies as well as the colonies of England and France
19 will have their ownership decided with Japan look-
20 ing on as a mere spectator. Therefore, at this
21 important juncture, Japan should realize the
22 ultimate significance of this gigantic world-wide
23 reform and should not fail to engage in active
24 participation therein."

1 Since the remaining part, part VII, covers
2 the same subject matters discussed in preceding
3 parts, I will, if it please the Tribunal, omit
4 reading it into the transcript.

5 Lieutenant Colonel Mornane will continue
6 reading for the prosecution.

7 THE PRESIDENT: Colonel Mornane.

8 LIEUTENANT COLONEL MORNANE: I propose to
9 produce four documents to complete the case against
10 the accused SATO. My first document is prosecution
11 document No. 1840, consisting of outlines of two
12 speeches delivered by the accused on the 25th and
13 29th of August 1938.

14 I tender this document in evidence.

15 THE PRESIDENT: Admitted on the usual
16 terms.

17 CLERK OF THE COURT: Prosecution's docu-
18 ment No. 1840 will be given exhibit No. 2235.

19 (Whereupon, the document above
20 referred to was marked prosecution's ex-
21 hibit No. 2235 and received in evidence.)

22 MR. FREEMAN: If the Tribunal please, I
23 object to the introduction of this document on
24 the ground that it was previously introduced under
25 exhibit No. 370. It appears that the prosecution

1 at this time is attempting to re-introduce the
2 same document with a new translation.

3 Previously I objected to the introduction
4 of this document on the ground that it did not
5 contain the words of the accused SATO, but only the
6 resume' of an unknown writer. The prosecution has
7 failed to comply with the order of the Court
8 that they furnish the writer of the original trans-
9 lation. I refer here to page 3604 of the record,
10 where the President of the Tribunal directed the
11 prosecution in this manner. I think they should
12 endeavor to tell us who the writer is. They are
13 here in this document attempting to substitute a
14 new translation, with the name of a new translator,
15 but still not the writer.

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THE PRESIDENT: Is this another version of the speech by a different reporter?

MR. FREEMAN: If the Tribunal pleases, it is and the contents of it are different from the original exhibit 270.

THE PRESIDENT: That only puts us in the position of making a choice; it does not render it inadmissible.

MR. FREEMAN: It is a different translation of the same speeches.

THE PRESIDENT: But the reporter's name is now disclosed, is that so?

MR. FREEMAN: This is another one, not the original writer.

THE PRESIDENT: Please state the facts as you see them, Colonel Mornane.

LIEUT. COLONEL MORNANE: If it please the Tribunal, reading from page 3604 of the record, your Honor said that you thought the prosecution should endeavor to tell the Tribunal who the writer of the document was. The original document, which has now been produced to the Court as exhibit 2235, bears the name of KUMAGAI and also his seal. I am not familiar with the office held by KUMAGAI, but the

1 prosecution would be quite willing to ascertain what
2 that office is.

3 THE PRESIDENT: KUMAGAI could be anybody.
4 He could be a fictitious person.

5 LIEUT. COLONEL MORNANE: That may be so,
6 your Honor.

7 THE PRESIDENT: Do you know whether he exists
8 or not, and if he does, where he is?

9 LIEUT. COLONEL MORNANE: I didn't hear what
10 you said, your Honor.

11 (Whereupon, the last statement was
12 read by the Official Court Reporter.)

13 LIEUT. COLONEL MORNANE: That is the posi-
14 tion, your Honor, but I would point to the certifi-
15 cate of authenticity, which states that this docu-
16 ment is an official document of the Japanese Govern-
17 ment and that it is part of the official archives
18 and files of the Home Ministry, and that it bears
19 the title "Policy Re Sino-Japanese Incident, War
20 Ministry Newspaper Section Chief, Colonel SATO, Kenryo."

21 THE PRESIDENT: Was SATO Home Minister or
22 War Minister?

23 LIEUT. COLONEL MORNANE: SATO at that time
24 was the Press Chief -- Chief of Press Section of the
25 War Ministry, your Honor.

1 THE PRESIDENT: Well, there is some evi-
2 dence of authenticity on the face of the document.

3 MR. FREEMAN: If the Tribunal pleases, I
4 will emphasize the fact that this is a translation by
5 a new translator and is not the writer of the docu-
6 ment.

7 THE PRESIDENT: Suppose they had a document
8 with two translations attached. They could tender
9 both and put the onus on the Court of making the
10 selection after hearing all the facts. That is all
11 it amounts to. We have to make a choice.

12 MR. FREEMAN: This document is the same docu-
13 ment that they found in the Home Ministry. They
14 have another translation for it and the contents of
15 this one is different in some respects from the
16 first one.

17 THE PRESIDENT: We have one original and
18 two translations. It is for the Language Section
19 to decide. There is still no ground of non-admissi-
20 bility. That is what I am looking for.

21 MR. FREEMAN: I would like to call the
22 Court's attention to the fact that 1840 in the Jap-
23 anese is identical to exhibit 270. I would like to
24 call the Court's attention further to the fact that
25 originally, when Mr. Parkinson introduced this docu-

1 ment as exhibit 270, the Court ordered them to offer
2 a certificate of authenticity then, and they couldn't
3 do it.

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1 THE PRESIDENT: Colonel Mornane, will you
2 come to the lectern?

3 (Whereupon, Colonel Mornane approached
4 the lectern.)

5 THE PRESIDENT: State why you are tendering this
6 additional document.

7 LIEUT. COLONEL MORNANE: Personally, your
8 Honor, I was unaware of the fact that exhibit 270 had
9 been tendered. Rather than waste the Tribunal's time
10 at the moment, I would ask leave to have the opportunity
11 to compare this document with 270 during the recess.
12 If the documents are the same, or substantially the same,
13 that will save the Tribunal having to hear this document
14 read into the record.

15 THE PRESIDENT: You might find out who KUMAGAI
16 is.

17 LIEUT. COLONEL MORNANE: I will have inquiries
18 made as to that, your Honor.

19 THE PRESIDENT: We will suspend action on this
20 document.

21 LIEUT. COLONEL MORNANE: My next document is
22 "Full Report on proceedings -- record of proceedings
23 of the Committee Meeting in the House of Representatives,
24 Volume 8, No. 79. It is prosecution document No. 2774.
25 I tender it for identification.

1 CLERK OF THE COURT: Prosecution's document
2 No. 1840 will be given exhibit No. 2235 as a tentative
3 exhibit number. Document No. 2774, now tendered for
4 identification, will be given exhibit No. 2236 for
5 identification only.

6 (Whereupon, the document above
7 referred to, No. 1840, was marked pros-
8 ecution's exhibit No. 2235 and received in
9 evidence as a tentative exhibit number.
10 Document No. 2774 was marked prosecution's
11 exhibit No. 2336 for identification.)

12 LIEUT. COLONEL: From this document I tender
13 in evidence excerpts from the statement made by the accused,
14 SATO, Head of Bureau of Military Affairs, and Government
15 Delegate at a Budget Committee Meeting of the 79th
16 session of the Imperial Diet, House of Representatives,
17 February 10th, 1942. The extracts are taken from page
18 137.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 2774, an excerpt from the foregoing exhibit for
22 identification, will be given exhibit No. 2236-A.

23 (Whereupon, the document above
24 referred to was marked prosecution's ex-
25 hibit No. 2236-A for identification.)

1 MR. FREEMAN: If the Tribunal pleases, I
2 wish to object to prosecution document 2774 on the
3 ground it contains a misstatement of facts.

4 The first paragraph states "Excerpts from
5 statements made by Major General Kenryo SATO, Head
6 of the Military Affairs Bureau," and so forth, " at
7 a Budget Committee Meeting of the 79th Session of the
8 Imperial Diet, House of Representatives, February
9 10th, 1942."

10 By the prosecution's own admission and state-
11 ment contained in document 2944, the opening statement
12 of Colonel Woolworth, the accused, SATO, did not become
13 Chief of the Military Affairs Bureau until April of
14 1944 -- 1942.

15 THE PRESIDENT: The prosecution can look into
16 it during the recess. We will recess for fifteen
17 minutes.

18 (Whereupon, at 1446, a recess
19 was taken until 1500, after which the
20 proceedings were 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. Freeman.

4 MR. FREEMAN: If the Court please, I would
5 like to complete my objection to document 2774 for the
6 sake of the record.

7 This document, therefore, is misleading in
8 that it tends to infer that the words spoken by the
9 accused were spoken when he was Chief of the Military
10 Affairs Bureau. I further object to the introduction
11 of this document on the ground that these statements
12 were made after the war commenced and are not incon-
13 sistent with the attitude and demeanor of a citizen
14 of any country against an enemy thereof, and as highly
15 immaterial and irrelevant and tends to prove or dis-
16 prove no issue in this case and had no probative value.

17 THE PRESIDENT: The second point, that the
18 war had started, goes to weight only. Colonel Mornane,
19 it could be that the person who made this statement
20 was the head of the Military Affairs Bureau on the
21 10th of February 1942. That wouldn't be SATO if
22 Mr. Freeman is stating the fact as to the time when
23 he was bureau head. What is the position?

24 LIEUT. COLONEL MORNANE: If it please the
25 Tribunal, I would ask that the original of this

1 exhibit be referred to the Japanese Language Arbitrator.

2 THE PRESIDENT: It will be referred accord-
3 ingly and we suspend action in the meantime.

4 LIEUT. COLONEL MORNANE: I take it that in
5 the meantime I will read this exhibit and if the
6 Japanese Arbitrator --

7 MR. FREEMAN: If the Court please, I object
8 to his reading that at this time.

9 THE PRESIDENT: If it is objected to, it
10 shouldn't be read if there is a serious doubt about
11 it. It may not have been said by SATO. It may have
12 been said by the man who was the head of that bureau
13 at that time.

14 LIEUT. COLONEL MORNANE: In that case, if the
15 Tribunal pleases, with the Tribunal's permission I
16 will leave the document stand down for the time being.

17 My next document is prosecution document
18 No. 2775 which is a full report on proceedings -
19 Record of proceedings of the Committee Meeting in the
20 House of Representatives, Volume 8, No. 81. I
21 tender it for identification and I tender in evidence
22 an extract from the statement made by the Accused SATO
23 at the Budget Committee meeting of the 81st session
24 of the Imperial Diet, House of Representatives,
25 February 18, 1943, which is taken from page 82.

1 THE PRESIDENT: Mr. Freeman.

2 MR. FREEMAN: If the Tribunal please, I
3 object to the introduction of this document for the
4 reason that the alleged statement was made after the
5 commencement of the war and is not inconsistent with
6 statements by government officials of any country
7 engaged in intensive warfare.

8 THE PRESIDENT: Objection overruled.

9 MR. FREEMAN: May I complete my objection?
10 In addition, this statement could in no way have
11 affected the plan or policy being carried out by the
12 Japanese government at that time with reference to
13 the counts in this indictment and has no probative
14 value.

15 THE PRESIDENT: Objection still overruled.
16 The document is admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution document
18 No. 2775 will receive exhibit No. 2237 for identifica-
19 tion only, and the excerpts therefrom, bearing the
20 same document number, will receive exhibit No. 2237A.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 2237 for identification, the excerpts there-
24 from being marked prosecution's exhibit No.
25 2237A and received in evidence.)

1 LIEUT. COLONEL MORNANE: (Reading)

2 "Just as the Prime Minister had been stating
3 previously, there is no change in the general policy
4 of dealing resolutely with anyone who carries on
5 arguments which hinder the execution of the war in
6 any way, regardless of their positions or ranks. How-
7 ever, as you know, recently, various informations are
8 appearing concerning peace talks, Anglo-German peace,
9 Soviet-German peace, etc., in accordance with the
10 changes in the world situation. I do not have the
11 right to bring up each of these points at the present
12 time, but when we investigate the general source from
13 which they emanate, we find that they are due to
14 enemy propaganda. Therefore, if there are people who
15 believe such propaganda and repeat them, it is as if
16 they are doublecrossing not only the soldiers on the
17 front line, but also the people in the production
18 front at home. They will be resolutely dealt with."

19 If the Tribunal pleases, reverting to
20 exhibit 2234 I find that the contents are generally
21 the same as exhibit 270.

22 THE PRESIDENT: You mean 2235 I think.

23 LIEUT. COLONEL MORNANE: 2235; I am sorry.
24 The document, however, has a certificate from the
25 Home Ministry and also the signature of the person

1 who made the outline of the speech. I, therefore,
2 tender the document in evidence, although I do not
3 propose to read it as it has already been, or a similar
4 document has already been read into the record.

5 MR. FREEMAN: I renew the same objections
6 to it.

7 THE PRESIDENT: Objection overruled. The
8 document is admitted on the usual terms.

9 (Whereupon, prosecution's exhibit
10 No. 2235 was received in evidence.)

11 THE PRESIDENT: Mr. Logan.

12 MR. LOGAN: If the Tribunal please, as I
13 understand this situation there is one Japanese
14 original and one prosecution English translation of
15 that document which has already been introduced in
16 evidence.

17 THE PRESIDENT: You cannot take this objection,
18 Mr. Logan. I have overruled that objection. We will
19 know how to deal with this situation. We have two
20 translations; we have one original. If we are in
21 doubt we will refer to our board.

22 MR. LOGAN: That is just the point that I
23 wish some information from the Tribunal about.

24 THE PRESIDENT: I can undertake, I think,
25 safely to say that we will refer them both to the board.

1 MR. LOGAN: I understood your Honor to say
2 before the recess that where two translations were
3 offered in English that you would decide which one
4 to accept, but in this case there has been no contest
5 by the defense as to the translation which has already
6 been put in evidence. The defense has not asked that
7 it be referred to the translation bureau.

8 THE PRESIDENT: We are not restricted to
9 that extent, that we cannot refer a matter of trans-
10 lation to the board without the concurrence of the
11 defense or the prosecution. We refer the matter to
12 the board for our guidance.

13 LIEUT. COLONEL MORNANF: Our last document is
14 the original record of the interrogation of the Accused
15 SATO. It is prosecution document 2887. I tender it
16 for identification and the marked excerpts in evidence.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution document
19 No. 2887 will receive exhibit No. 2238 for identifica-
20 tion only, and the excerpts therefrom, bearing the same
21 document number, will receive exhibit No. 2238A.

22 (Whereupon, the document above referred
23 to was marked prosecution's exhibit No. 2238 for
24 identification, the excerpts therefrom being
25 marked prosecution's exhibit No. 2238A and re-
received in evidence.)

1 LIEUT. COLONEL MORINANE: (Reading) "27 April
2 1946, Page 2.

3 "A. In 1937 I was promoted to Lieutenant
4 Colonel still serving in the War Service Bureau. In
5 August of 1938 I was promoted to Colonel and served
6 as the Army spokesman. This duty included the making
7 of news releases. In December 1938 I became Pro-
8 fessor in the Army Air Corps School at Hammatsu. In
9 May of 1938 I became a Staff Officer for the South
10 China Expeditionary Force.

11

12 "In March of 1941 I returned to the War
13 Department, becoming Chief of the War Service Section
14 of the War Service Bureau, being promoted to the rank
15 of Major General in October of the same year. In April
16 of 1942 I became Chief of the War Service Bureau. In
17 December of 1944 I became Assistant Chief of Staff of
18 the China Expeditionary Force. The Chiefs of Staff
19 were: 1. MATSUI, Takuro, Lieutenant General; 2.
20 KOBAYASHI, Asasaburo, Lieutenant General. The Com-
21 mander of the Force was OKAMURA, Meiji, General.

22 "In March of 1945 I was promoted to Lieuten-
23 ant General; and in April of 1945 I became Commander
24 of the 37th Division stationed in Indo China. The
25 division subsequently was ordered to Thailand, where I

1 remained until the end of the war.

2 "Q. How long have you known General TOJO?

3 "A. I first met TOJO when I was a student
4 in the Army War College and TOJO became a professor
5 (Lieutenant Colonel). I studied war history under
6 TOJO for one year. Then later I again met TOJO when he
7 was Vice Minister of War and worked around him for a
8 period of five months while I was the Army Spokesman.
9 I have known him quite well. I have judged him to be
10 a very sincere person, which I first realized when
11 I was sent abroad as language officer. TOJO took
12 good care of my family during that period.

13

14 "Q. Did General TOJO appoint you to the
15 position in the War Ministry as head of the Military
16 Affairs Bureau?" Then an interpolation: "(Q. by
17 Interpreter: Of the Bureau or the Section? A. by
18 Interrogator: Bureau.)

19 "A. Yes, inasmuch as the War Minister makes
20 the appointments, TOJO appointed me."

21 Same date, Pages 4 and 5.

22 "Q. Under an ordinance, your Bureau made the
23 plans for all Prisoner of War Camps in Japan, the
24 construction of buildings, etc., did they not?

25 "A. The policies regarding prisoners of war

1 were determined in the Prisoners of War Section. The
2 actual design of the camps and budget concerns came
3 through my Bureau. The administration was handled
4 by another Bureau.

5 "Q. The correspondence from protecting powers,
6 for example, from the Swiss, in connection with United
7 States prisoners of war held by Japan passed through
8 your Bureau, did it not?

9 "A. They, after obtaining permission from the
10 Foreign Office, dealt only with the Prisoners of War
11 Section, Prisoners of War Information. Only where
12 it concerned me did they have to contact our office.

13 "Q. I understood you to say that your Bureau
14 handled matters involving foreign affairs. Is that
15 true?

16 "A. Yes, our Bureau did handle foreign
17 affairs where they concerned the Army directly. For
18 example, when negotiations were under way with the
19 United States, any replies from the United States
20 came through the Foreign Office to the War Minister,
21 and inasmuch as any decisions would affect the Army
22 we were notified. In cases of prisoners of war,
23 this matter was specifically set aside for the Prisoners
24 of War Section. Such things as removal of fortifica-
25 tions came to us, although they also went to the

1 Heimukyoku (Military Service Bureau). For instance,
2 when the Red Cross wanted to speak to us about the
3 prisoners of war, they went through the Prisoners of
4 War Section, and where it concerned medicine from there
5 were referred to the Medical Bureau.

6

7 "29 April 1946, Pages 6 and 7.

8 "Q. Well, you would say, would you not, that
9 the Chief of the Military Affairs Bureau is probably
10 the third most important member of the military es-
11 tablishment. There is the Minister of War, the
12 Chief of Staff, and then comes the Chief of the Mili-
13 tary Affairs Bureau - that is conceded, is it not?

14 "A. First I would like to explain that according
15 to the Japanese Constitution, the War Ministry and
16 the General Staff are completely independent and sub-
17 servient to the Emperor. The Chief of the Military
18 Affairs Bureau and the Chief of Operations in the
19 General Staff are equivalent in their respective
20 fields.

21 "Q. Do you recall who was Chief of Staff at the
22 time the determination was made to try by court mar-
23 tial the Doolittle flyers who were apprehended?

24 "A. SUGIYAMA was the Chief of Staff.

25 "Q. Who made the determination that the Doolittle

1 flyers who were apprehended were to be tried by court
2 martial?

3 "A. It was decided, I believe, by the Chief of
4 Staff and the Minister of War in conference. However,
5 I do not remember very clearly.

6

7 Same date, Pages 7, 8, 9, 10.

8 "Q. It is true, is it not, General, that the
9 rules in connection with the treatment of prisoners
10 of war were drawn up in conference between the General
11 Staff and the Chief of the Military Affairs Bureau?

12 (Question by General SATO: Are you applying that
13 directly to the Doclittle flyers? Answer by Interro-
14 gator: No, just in general.)

15 "A. As I said the other day, matters pertaining
16 to the prisoners of war came to the various Bureaus
17 concerned; a matter such as something affecting the
18 budget would come through my office, things involving
19 medical matters would go through the Medical Affairs
20 Bureau, and so on.

21 "Q. That does not answer my question.

22 "A. The rules were drawn up between the General
23 Staff and the War Ministry, under the War Ministry.
24 The individual rules were drawn up by the various
25 Bureaus.

1 "Q. And the Military Affairs Bureau had their
part in the drafting of these rules, did they not?

2 "A. Yes, they were involved in a part of these
3 rules.

4 "Q. As a matter of fact, you made the recommen-
5 dation, did you not, as Chief of Military Affairs
6 Bureau, to the War Minister as to what the rules
7 should be?

8 "A. Yes, matters concerning my office. There
9 were also others which were passed as an order from the
10 War Minister.

11 "Q. General TOJO on the 28th of March this year
12 stated that the rules regarding the treatment of pris-
13 oners of war were the result of conferences between
14 the Chief of the Military Affairs Bureau and the Gen-
15 eral Staff. Is that statement true or false?

16 "A. That is not true. He must have been mistaken,
17 inasmuch as positions of equal level would meet di-
18 rectly. The Chief of Staff would not meet with the
19 Chief of Military Affairs Bureau, but with the War
20 Minister. A Chief of Section in the General Staff could
21 meet with a Chief of Section in the War Ministry.

22 "Q. I did not say that the Chief of Bureau of
23 Military Affairs met with the Chief of Staff. That
24 was not the statement General TOJO made. The statement
25

1 that he made was that the rules regarding the treat-
2 ment of prisoners of war were the result of conferences
3 between the General Staff and the Chief of Military
4 Affairs Bureau. Now, is that true?

5 "A. That is possible.

6 "Q. When did you serve, General, in Indo China?

7 "A. From April 1945 until the end of the war.

8 "Q. Had you ever served in that territory before
9 in any capacity?

10 "A. In the summer of 1940 I went to Indo China
11 as Staff Officer of the China Expeditionary Forces.

12 "Q. You were Assistant Chief of Staff of the
13 Expeditionary Forces, were you?

14 "A. Yes, Assistant Chief of Staff.

15 "Q. What did you have to do with a bill known as
16 the National Total Mobilization Act?

17 "A. At that time I was a member of the Military
18 Affairs Section of the War Ministry. My connection with
19 that came about in the following manner. The general
20 mobilization law first was a matter of the Cabinet; on
21 the side of the military it was the job of a Mobiliza-
22 tion Plans Bureau. When the time came for the
23 bill to be presented to the Diet, it became a matter
24 of the Military Affairs Bureau.

25 "Q. You made a report on the bill in behalf of the

War Ministry to the Diet, did you not?

1 "A. The actual report was made by the Premier.
2 My capacity was to explain the bill to the Diet.
3 There are three different positions which are involved
4 in the presentation of a bill to the Diet, of which
5 the person giving the explanation is the third in rank.

6 "Q. You had some disagreement at that time with
7 a man named MIYAWAKI, Chochiki, did you not?
8

9 "A. Yes.

10 "Q. And in the course of your talk in explanation
11 of the bill you told him to 'shut up' did you not?

12 "A. Yes.

13 "Q. They called you 'Shut Up SATO' after that,
14 did they not?

15 "A. There are a lot of mistakes on that thing,
16 so I would like to give an explanation if you have
17 time.

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1 "Q. Go ahead.

2 "A The General Mobilization Law was presented
3 in February 1938 to the KONOYE Cabinet. At that time
4 the Diet planned to take the following three measures:
5 1. Forced resignation of the Cabinet; 2. stop
6 passage of an electric power generation law which
7 was disliked very much by the public; 3. eliminate
8 all existing political parties and establish new parties.
9 Although the objectives of the three movements were
10 different, the backers of the movements were united
11 in their expectation of a collision between the Diet
12 and the government. The Diet members were in hopes
13 that this collision could first be obtained through
14 the General Mobilization Law.

15 "At that time Japan was in the midst of
16 the China Incident. In December 1937 Japan attempted
17 to obtain peace with Chiang Kai-shek through the
18 German Ambassador, and in January of 1938 it was
19 realized that there was no hope of a quick settlement.
20 Thus it became obvious that the General Mobilization
21 Law was a necessity. However, the three movements
22 mentioned before were causing undue opposition by the
23 government to the General Mobilization Law. I was
24 worried over this situation in the Diet, due to the
25 conflict. We were using enormous quantities of

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1 previously mentioned three movements, put up unneces-
2 sary objections to the law. Because of this opposition
3 I felt very sad. The government was unable to explain
4 this satisfactorily to the Diet and of those present
5 before the Diet I was the only person capable of
6 explaining the implication of the law. Therefore,
7 I was hoping to be given an adequate chance to
8 explain the bill before the Diet. However, since I
9 was only the 'explainer' I did not have the power to
10 go ahead on my own initiative, and finally on about
11 the 24th of February I was told by the Diet that I
12 could present my explanation as the 'explainer'. It
13 was at this point that I stood up to give my explana-
14 tion. Of the explanations given up to that time I
15 feel sincerely that mine was the most powerful one
16 given."

17 MR. FREEMAN: If the Tribunal pleases, this
18 document leaves off a part of that answer. It is just
19 one paragraph and with the Court's permission I would
20 like to read it in the record.

21 THE PRESIDENT: The prosecution may agree to
22 read it.

23 LIEUT. COLONEL MORNANE: The prosecution
24 have no objection, your Honor.

25 (Reading): "Diet member MIYAWAKI was a

1 former army man and personally disliked me. He made
2 all efforts to interrupt or interfere with the explana-
3 tion. At that point I ceased my explanation and asked
4 the Diet whether they wished a continuation of the
5 explanation or not. The leader of the Diet, also
6 the members, expressed a desire to hear the rest of
7 the explanation and therefore I continued. At that
8 time MIYAWAKI put forth more efforts to interrupt me
9 and I told him to shut up."

10 Continuing: "29 April 1946, Pages 11, 12.

11 "Q In 1940 after TOJO became Minister of
12 War, he recalled you from South China, did he not, and
13 you were made Chief of the Military Affairs Section?

14 "A I became the Chief of the Military Affairs
15 Section in March of 1941.

16 "Q That was immediately after your recall
17 from South Indo-China?

18 "A Yes, I was there as I frequently had to
19 go down to Indo-China on my duties from South China.
20 During my stay with the South China Expeditionary
21 Forces I went to Indo-China three or four times,
22 remaining only a week or ten days at a time.

23 "Q As Chief of the Military Affairs Section
24 and Chief of the Military Affairs Bureau, you were in
25 accord with the policies of the Minister of War, were

1 you not?

2 "A Yes, I was in agreement with the policy
3 of the Minister of War.

4 "Q When was it that the Japanese troops
5 invaded Indo-China?

6 "A The first entry was made into North
7 Indo-China in September or October of 1940. At that
8 time I was a Staff Officer with the South China
9 Expeditionary Forces. The second invasion was made
10 into South Indo-China in July of 1941. At that time
11 I was the Chief of the Military Affairs Section.

12 "Q Did you consider that invasion of South
13 Indo-China necessary?

14 "A I don't think it could be helped, the
15 reason being that Japan was undergoing hardships in
16 regard to the supply of rubber.

17 "Q You were familiar with the provisions of
18 the Nine Power Treaty and the Briand-Kellogg Non-
19 Aggression Pact, were you not?

20 "A Yes.

21 "Q You realize that such invasion was in
22 violation of the provisions of both the Nine Power
23 Treaty and the Briand-Kellogg Pact, do you not?

24 "A Inasmuch as the occupation of Indo-China
25 was made by the Vichy-Japanese Government Agreement,

1 I do not consider it as a war.

2 "Q During the time you served in the War
3 Ministry under General TOJO you frequently consulted
4 with him, did you not?

5 "A Yes, after I became Chief of the Bureau;
6 while Chief of the Section I dealt with the Chief of
7 the Bureau.

8 "Q Who was the Chief of the Military Affairs
9 Bureau before you succeeded to that position?

10 "A MUTO.

11 "Q And you and MUTO were in accord on your
12 policies, were you not?

13 "A Yes and no.

14 "Q Can you say 'yes' or 'no'?

15 "A MUTO felt that the nominations for candi-
16 dates for the Diet were proper. However, I disagreed
17 with him on that point.

18 "29 April 1946, Pages 14, 15.

19 "Q I am going to read you a statement here
20 and ask you if it is true:

21 "'The rules and regulations regarding
22 prisoners of war were assembled by the Military Affairs
23 Bureau in Conference with the Prisoners Information
24 Bureau and Chiefs of Staff and then presented to the
25 War Minister for approval. The Chief of the Military

1 Affairs Bureau was the main figure in the promulgation
2 of these rules and regulations. The policy for the
3 handling of prisoners of war emanated from the Military
4 Affairs Bureau and the actual handling of the prisoners
5 of war was performed by the Prisoners Information
6 Bureau on down through to the Field Commanders. Al-
7 though the Chief of the Prisoners Information Bureau
8 participated in the making of the policies for the
9 handling of war prisoners, the Chief of the Military
10 Affairs Bureau was the higher authority as exemplified
11 by the fact that if the Chief of the Information Bureau
12 came to the Chief of the Military Affairs Bureau with
13 a plan and it was disapproved by the latter the normal
14 procedure would be to forget the plan there and then
15 because of the position maintained in the Army by the
16 Chief of Military Affairs Bureau plus the fact that he
17 was always in close connection with the War Minister.
18 However, under such circumstances if the Chief of the
19 Prisoners Information Bureau was insistent that his
20 plan, disapproved by the Military Affairs Chief, be
21 carried through then both parties would present the
22 matter to the War Minister for determination.'

23
24 "A The statement is in part true, but Chiefs
25 of various other Bureaus concerned are omitted from
this record and they actually took part in the conferences

1 depending on the point under discussion. As to the
2 reference of a main figure in the promulgation of
3 rules and regulations, I believe the statement is
4 wrong. The main figure depends only on the matter
5 concerned. You may go through the War Ministry records
6 and notice the signatures. At times the Prisoners
7 Administration Bureau was the main figure, at times
8 the Military Affairs Bureau. However, this all depends
9 on the matter under consideration. I disagree with
10 the statement that the Military Affairs Bureau Chief
11 was a higher authority. The mention that the normal
12 procedure was to forget the plan was only if the Chief
13 of the Information Bureau was in accord finally with
14 the Chief of the Military Affairs Bureau. Also the
15 reference that the Chiefs of both Bureaus would present
16 the matter to the War Minister is incorrect. The Chief
17 of the Prisoners Information Bureau had free access to
18 the War Minister and could see him without the Chief of
19 the Military Affairs Bureau. Final determination
20 rested with the War Minister.

21 "Q It is true, is it not, General, that the
22 actual promulgation of the rules regarding prisoners
23 of war, the publication of them, was done by the
24 Military Affairs Bureau?

25 "A The promulgation is done by the Vice

1 Minister of War.

2 "Q It is further stated, General, that
3 when a complaint was received as to the mistreatment
4 of prisoners of war from the International Red Cross
5 the following procedure was in force: The complaint
6 was received in the Foreign Office and referred to
7 the Military Affairs Section, a division of the
8 Military Affairs Bureau. The head of the Military
9 Affairs Section then took the complaint up with the
10 Chief of the Prisoners Information Bureau and as a
11 result of this conference a plan was drawn up to meet
12 the alleged complaint. This plan was presented to
13 the Chief of the Military Affairs Bureau and if
14 approved by him in turn taken to the War Minister
15 for approval. The Military Affairs Section was the
16 door through which all outside complaints came to the
17 War Minister. The International Red Cross, however,
18 would have the right to go directly to the Chief of
19 the Prisoners of War Information Bureau with a complaint,
20 but in such an instance the Information Bureau Chief
21 would confer with the head of the Military Affairs
22 Section and the procedure which I have just outlined
23 would be followed.

24 "A First, I am not quite sure, but I had
25 been under the impression that complaints regarding

1 prisoners first went through the Prisoners Information
2 Bureau. However, the statement may be correct. Any
3 plans which have been drawn up between the Prisoners
4 Information Bureau and the Military Affairs Section
5 could go back to the Minister directly from the
6 Prisoners of War Bureau or the Military Affairs Bureau.
7 It merely depended on the nature of the plan which
8 was drawn up to meet the complaint. I think that when
9 a plan had to be approved by the War Minister it must
10 have gone through the Prisoners of War Administrative
11 Bureau, inasmuch as I have never had to take anything
12 to the War Minister.

13 "Q Do you mean in connection with prisoners
14 of war, or at any time?

15 "A Yes, in reference to prisoners and com-
16 plaints by the Red Cross."
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1 LIEUT. COLONEL MORNANE: If it please the
2 Tribunal, I now have the Language Arbiter's report
3 on document 2774. That is exhibit 2236.

4 CLERK OF THE COURT: 2236-A, yes.

5 LIEUT. COLONEL MORNANE: 2236-A. The report
6 is that the words "Head of Bureau of Military
7 Affairs and" should be struck out from the heading
8 of this document. I now propose, with the Tribunal's
9 permission, to read the document.

10 THE PRESIDENT: Before you do so, my
11 attention has been directed to the first page of
12 the document you have just read, No. 2238. In the
13 second line appear the words "War Service Bureau,"
14 and in the second line of the next paragraph appear
15 the words "War Service Section of the War Service
16 Bureau." Should that be "Military Affairs Bureau"
17 in each case?

18 LIEUT. COLONEL MORNANE: I understand that
19 is so, your Honor. I understand that "Military Affairs
20 Bureau" can be -- is sometimes translated as "War
21 Service Bureau"; and "War Service Bureau" -- "War
22 Service Section" as "Military Affairs Section."

23 MR. FREEMAN: If the Court pleases, that is
24 a poor translation. In October, 1941, he became
25 head of the Military Affairs Section in the Military

1 Affairs Bureau; in April, 1942, he became Chief of
2 the Military Affairs Bureau, never served in the
3 War Service Bureau. It is entirely different. They
4 are two separate bureaus. TANAKA was head of the
5 War Service Bureau.

6 THE PRESIDENT: Document No. 2774 is ad-
7 mitted on the usual terms with the correction just
8 noted.

9 CLERK OF THE COURT: Prosecution's document
10 No. 2774, which has received exhibit No. 2336 and
11 exhibit No. 2336-A is now admitted according to
12 order of the Court.

13 LIEUT. COLONEL MOINANE (Reading): "I believe
14 that the people must, to a certain degree, be made
15 to thoroughly understand the gist of how this Greater
16 East Asia War is being directed, what the outcome of
17 its progress will be, as well as the concrete per-
18 spective of its development, and to thereby consolidate
19 their faith in certain victory arising therefrom.
20 "

21 "The war will be fought through until both
22 the United States and Britain are brought down to
23 their knees."

24 THE PRESIDENT: I desire now to refer to the
25 question of how far answers made by accused when
interrogated could be used against other accused.

1 I refer to page 2782 of the record. In
2 answer to an objection by Mr. Logan, I stated:

3 "Ordinarily, it would be evidence only
4 against the accused who made the admission. I have
5 no doubt about that. I am not prepared to state
6 the decision of the Tribunal without consulting all
7 of" the members. "I do not know to what extent they
8 will be prepared to accept ARAKI's statement as
9 evidence against all of them. But we must hear it
10 as evidence against ARAKI. Whether it will be
11 extended to other accused remains to be determined."

12 At page 2807 Mr. McManus brought the matter
13 up again; and in reply to him, I said:

14 "The Tribunal has not yet decided that
15 question and may not decide it until it is considering
16 the whole of the evidence."

17 Then Mr. Logan at page 2898 again pressed
18 for a decision; and I said:

19 "I can give no undertaking, but I am pre-
20 pared to put the matter to my colleagues at a con-
21 venient time."

22 I am putting it -- I propose to put it this
23 afternoon.

24 Do you wish to say anything, Mr. Higgins?
25 I understand you do.

1 MR. HIGGINS: Mr. President, Members of
2 the Tribunal, we have offered in evidence from time
3 to time statements made by certain of the accused
4 during what we contend to be the life of the conspir-
5 acy. Under the general rules of evidence in conspir-
6 acy cases, such statements are not only evidence
7 against the person making them, but if they relate
8 to the conspiracy, they become evidence against all
9 members of the conspiracy. On the other hand, we
10 have offered in evidence statements by certain of
11 the accused made since hostilities ceased and the
12 conspiracy terminated. Under the general rules of
13 evidence in conspiracy cases, such statements are
14 evidence against the person making them only and
15 do not constitute evidence against their former
16 associates in the conspiracy. The prosecution does
17 not insist that there should be any relaxation or
18 broadening of these general rules in this case
19 unless expressly provided for in the Charter.

20 THE PRESIDENT: Mr. McManus.

21 MR. McMANUS: If your Honor please, I don't
22 see how at this time the Tribunal can admit statements
23 of an accused against other accused unless the Tribunal
24 has arrived at a predetermined decision that a
25 conspiracy existed.

1 THE PRESIDENT: Even then, it would not be
2 admissible against another accused in an ordinary
3 court.

4 If I understand you rightly, Mr. Higgins,
5 you are saying in effect, "Receive this evidence only
6 against the accused who made the answers and not
7 against the other accused."

8 MR. LOGAN: If the Tribunal please, I
9 believe Mr. Higgins has correctly stated the law,
10 and we press for a decision on the same basis.

11 THE PRESIDENT: Of course, there is nothing
12 in the Charter about it.

13 We take you as tendering these answers in
14 the course of interrogations by the prosecution for
15 the purposes of this trial as being evidence only
16 against the person who made the answer.

17 MR. HIGGINS: That is correct.

18 THE PRESIDENT: Naturally, we won't give
19 it any greater effect than the prosecution invites
20 us to give it. So the objections taken by Mr. Logan
21 and Mr. McManus are sustained.

22 Now there is another matter that we have to
23 discuss, the proposal to tender more evidence in
24 respect of the Russian case, about the further Russian
25 evidence.

1 I am not proposing to give any decision,
2 but I want some information. There is only one
3 prosecution here. It was different in Germany.
4 When the Chief Prosecutor closes the case, it is closed
5 for all nations. Do you suggest that the case should
6 be kept open until the Russian evidence is received?
7 That may be some considerable time.

8 MR. TAVENNER: My understanding of the motion
9 of the Russian Prosecutor was that the case be closed
10 at the time that the Chief of Counsel so announces
11 with the right to introduce the original documents
12 from which excerpts had been tendered at an earlier
13 stage of the trial and had been withdrawn because
14 of the need of the entire original document. Due to
15 the possibility that the motion may have gone beyond
16 my understanding of it, I think the Russian Prose-
17 cutor should be heard on it.

18 THE PRESIDENT: We think he should get that
19 opportunity.

20 Will you be ready tomorrow morning?

21 MR. TAVENNER: Yes, sir.

22 THE PRESIDENT: We will adjourn until half-
23 past nine tomorrow morning.

24 (Whereupon, at 1610, an adjournment was
25 taken until Friday, 24 January 1947, at 0930.)

