

Nov 18, 1946

Indy - W. H. & Co.

## I N D E X

Of

## WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
TATENO, Morio (resumed)	10,671
Cross by Dr. KIYOSE (continued)	10,671
Ballantine. Joseph W.	10,712
Direct by Mr. Keenan	10,712

## 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>
2175	1236		Affidavit of Sir Robert Craigie		10673
2580	1237		Affidavit of Petty Officer Sanders		10678
1530	1238		Affidavit of Major General Christopher Maltby		10680
1632W(90)	1239		Extract from Entry from Marquis KIDO's Diary dated 8 December 1941		10683
2362-A	1240		Text of Imperial Rescript dated 8 December 1941		10685
1078	1241		Records of the Meeting of the Inquiry Committee of the Privy Council on 8 December 1941		10690

I N D E X

Of

EXHIBITS

(Cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2593D(40)	1242		Telegram from Berlin to Tokyo		10701
2499	1243		Parent document of TOJO's interrogation dated 7 February 1946	10705	
2499-A	1243-A		Extract therefrom		10705
2508	1244		Parent document of TOJO's interrogation dated 1 March 1946	10706	
2508-A	1244-A		Extract therefrom		10707
2215	1245		Affidavit of Joseph W. Ballantine	10711	10714
2215	1245-A		Exhibit "D" from above Affidavit		10755
2215	1245-B		Exhibit "E" from above Affidavit		10764
2215	1245-C		Exhibit "F" from above Affidavit		10772
2215	1245-D		Exhibit "G" from above Affidavit		10778
2215	1245-E		Exhibit "H" from above Affidavit		10782
2215	1245-F		Exhibit "I" from above Affidavit		10792
2215	1245-G		Exhibit "J" from above Affidavit		10795

1 Monday, 18 November, 1946

2 - - -

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

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

11 - - -

12  
13 Appearances:

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

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

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

3 THE PRESIDENT: All the accused are present  
4 except OKAWA and SHIGEMITSU, who are represented by  
5 their respective counsel. We have a certificate from  
6 the Prison Surgeon at Sugamo that the accused  
7 SHIGEMITSU is unable to attend the trial today on  
8 account of illness. The certificate will be recorded  
9 and filed.

10 Major Furness.

11 MR. FURNESS: If the Tribunal please, I would  
12 like to request a correction in open court of the  
13 record, which appears on page 10,559. In answer to  
14 a request from the President of the Tribunal as to  
15 whether Mr. Grew's credibility would be in question  
16 on cross-examination it is reported on line 4 of that  
17 page that I stated, "I am sure that his credibility will  
18 be in question." What I said was, "I am not sure that  
19 his credibility will be in question." I therefore  
20 request that this change be made in the official re-  
21 cord. I am sure that the Court did not misunderstand  
22 me, from the later questions I asked, but since the  
23 error appeared in the public press I would like to  
24 have it corrected for this record.

25 THE PRESIDENT: Several Members of the

1 Tribunal, including myself, that that you, Major Fur-  
2 ness, said you were not certain. The correction will  
3 be made.

4 Major Moore.

5 LANGUAGE ARBITER (Major Moore): Mr. President,  
6 if the Tribunal please, I would like to offer some  
7 language corrections.

8 Referring to exhibit 1065, record page  
9 9,875, line 15, after "our conclusion" insert "to  
10 endeavor to realize this. (period) That we," and  
11 so forth. Line 16, substitute "make careful study in  
12 order to" for "bend every effort." Line 18, sub-  
13 stitute "not interfere with" for "we ought to en-  
14 deavor to realize."

15 Exhibit 1089, record page 9,998. Prosecu-  
16 tion translation is accepted.

17 Exhibit 1090, record page 10,000, line 5,  
18 substitute "talk of responsibility was not the point"  
19 for "it was still" to the end of the sentence.

20 Exhibit 1093, record page 10,021, line 8,  
21 insert "a little past four o'clock" before "Foreign  
22 Minister." Line 20, insert "it seems to me there  
23 has been a difference." Line 21, delete "foreign."  
24 Line 23, substitute "problem" for "war." Line 25,  
25 after "country" delete "it was desirable" and..

1 insert "as the Foreign Minister at today's visit may  
2 present his views on measures to be taken to cope  
3 with the situation I have asked, though audacious on  
4 my part."

5 Page 10,022, line 2, delete from "or not"  
6 to end of sentence and substitute "and if not, His  
7 Majesty should talk to the Foreign Minister so as to  
8 impress him with the fact that his desire is to have  
9 matters handled through the Premier. This matter is  
10 very important and there must be careful consultation  
11 with the Premier." Line 9, substitute "quite worried"  
12 for "please to point out." Line 15, delete complete  
13 sentence beginning "His Majesty."

14 Page 10,023, line 2, substitute "this day" for  
15 "yesterday."

16 Exhibit 1094, record page 10,024, prosecu-  
17 tion translation is accepted.

18 Exhibit 1098, record page 10,037, line 9,  
19 delete "German Soviet War" through "calm and  
20 prudent" and substitute "German Soviet War," (comma)  
21 the calm and prudent attitude of the Kwantung Army."  
22 Line 12, "Ambassadors" to the end of the sentence to  
23 read "Ambassadors in this country to their home  
24 countries regarding the German Soviet War."

25 The Japanese stenciled copy in this case

1 should read "HOMPO" and not "SHINA."

2 Exhibit 1112, record page 10,156, line 10,  
3 delete "understanding reached between France and  
4 Japan" and substitute "above."

5 Exhibit 1115, record page 10,162, line 5,  
6 before "MATSUDAIRA" insert "Chief Secretary."

7 Page 10,163, line 13, after "by himself" in-  
8 sert "about 11:30 o'clock." Line 14 and 15, delete  
9 "on me," after "at Hayama" insert "with the Lord  
10 Keeper of the Privy Seal."

11 Page 10,164, line 20, after "Government" in-  
12 sert "He considered this would have a bad effect."  
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1 Exhibit 1116, record page 10165: line 11,  
2 delete "as;" line 12, after "Ministry" insert "(period)"  
3 In regard to the selection of a Premier of the next  
4 Cabinet;" line 15, between "and" and "ask their opinion"  
5 insert "the Lord Keeper of the Privy Seal will;"  
6 line 16, substitute "is" for "was;" delete "for the  
7 post" to the end of the sentence.

8 Exhibit 1125, record page 10,186: line 12,  
9 delete "(period)" insert "or;" line 14 and 15, delete  
10 "we were" to "friendship" and substitute "there are  
11 several means to be tried regarding the relationship;"  
12 line 16, after "deliberate" insert "patiently;" line 17,  
13 substitute "urge" for "demand."

14 Exhibit 1129, record page 10,196: line 23,  
15 delete "would be" to "way of" and substitute "may lead  
16 to political differences and cause anxiety in;" line  
17 25, insert "I said" before "If the U.S.A." Page 10,197:  
18 line 1, delete "decisive;" line 2, after "out of oil"  
19 insert "our oil on hand will not last two years at the  
20 longest;" line 5, substitute "a thorough discussion"  
21 for "an understanding;" line 7, substitute "held" for  
22 "secured;" line 9, delete "for the Government;" line 10,  
23 delete "en bloc."

24 Exhibit 1130, record page 10,199: line 9,  
25 substitute "thorough conferences" for "a meeting;"

1 line 12, substitute "it is very difficult" for "we are  
2 not strong enough." Page 10,200; line 3, substitute  
3 "only" for "chief," substitute "in our neighborhood  
4 without" for "after we were cut off from our;" line 12,  
5 delete "against Japan;" before "The long distance"  
6 insert "If so, in spite of our access to oil;" line 14,  
7 after "Menace of" insert "US and British;" line 17,  
8 substitute "on this point" for "about oil supplies;"  
9 line 19, after "our defeat" insert "because of shortage  
10 of oil;" line 23, delete from "to exercise" to end of  
11 sentence and substitute "to make the same decision  
12 as we did in the case of the Three Power interference  
13 after the Sino Japanese War."

14 Exhibit 1134, record page 10,215: line 1,  
15 after "General Staff" insert "(comma) and had promised  
16 to consult with the Lord Keeper of the Privy Seal."

17 Exhibit 1143, record page 10,233: line 5,  
18 after "Navy held" substitute "There is hope and desires  
19 further diplomatic efforts;" line 12, after "resolute  
20 opinion" delete to end of sentence and substitute  
21 "(period" Then he should state his own opinion before  
22 the War, Navy and Foreign Ministers and ask their  
23 cooperation;" line 11, after "talk" insert "fully."

24 My attention has been called to a mistake  
25 I made in reading, if the Tribunal please. In

1 exhibit 1129, record page 10196, line 23, it should  
2 be "political difficulties."

3 That is all.

4 THE PRESIDENT: Most, if not all, of those  
5 corrections are necessary but they have taken nearly  
6 half an hour to make. Two points arise: whether  
7 translations from Marquis KIDO's Diary should not be  
8 revised before being tendered, and whether a simultaneous  
9 translation of what you are saying should not be put  
10 over the IBM where the alterations are lengthy.

11 LANGUAGE ARBITER (Major Moore): As to the  
12 second point, sir, it should have been done and I am  
13 sorry it was not done. The facilities were not at hand  
14 at the time. The defense was calling for the corrections  
15 and we thought that we should present them this morning.

16 THE PRESIDENT: Well, translations into English  
17 from Marquis KIDO's diary should be revised by our  
18 Language Section.

19 LANGUAGE ARBITER (Major Moore): I presume,  
20 sir, that means what has not been corrected up to this  
21 time.

22 THE PRESIDENT: Any translations by the same  
23 person if the defense insist. The suggestions I make  
24 all are in the interest of saving time.

25 LANGUAGE ARBITER (Major Moore): May I make

1 one request of the Tribunal: that the defense be asked  
2 to give to the Language Section their translation of  
3 Marquis KIDO's Diary.

4 THE PRESIDENT: If what I have suggested more  
5 than once during the past week is carried out, namely,  
6 the defense on detecting an error approach you, there  
7 will be no need for these corrections. The document  
8 will be read as you have revised it.

9 Mr. Logan.

10 MR. LOGAN: If the Tribunal please, we will  
11 be glad to comply with your last order providing the  
12 prosecution serve us with the excerpts they intend to  
13 use about three or four days ahead of time because it  
14 takes a great deal of time to make our own translations  
15 of these documents.

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1 THE PRESIDENT: Dr. KIYOSE.

2 DR. KIYOSE: Continuing cross-examination  
3 where I left off at the last session, I wish to ask  
4 a few remaining questions in order to test the accu-  
5 racy of this witness' testimony.

6 - - - -

7 M O R I O T A T E N O, called as a witness on  
8 behalf of the prosecution, resumed the stand  
9 and testified through Japanese interpreters  
10 as follows:

11 CROSS-EXAMINATION

12 BY DR. KIYOSE (Continuing):

13 Q In the last paragraph of your affidavit you  
14 say, "I believe the following is a fair translation  
15 in English. . .of the script which I read," etc., etc.

16 Did you compare the English text with the  
17 Japanese?

18 A Yes, I compared them to each other.

19 Q In the Japanese text the words, the phrase,  
20 "We present you a special news" is repeated twice,  
21 whereas in the English text we only have it once.

22 A I noticed that point at the time I checked  
23 the translation, but I left it as it was because it  
24 didn't change the meaning, whole meaning of the text.

25 Q In the Japanese text the announcement is

1 ~~said to have been released by the army and navy units~~  
 2 of the Imperial General Headquarters. Is that not a  
 3 mistake?

4 A I believe it was in Japanese, Navy and Army  
 5 Section of the Imperial Headquarters.

6 Q In actuality the Japanese text carries the  
 7 word "unit." You have overlooked **it**.

8 DR. KIYOSE: That is all.

9 MR. LOGAN: No further cross-examination.

10 THE PRESIDENT: Brigadier Nolan.

11 BRIGADIER NOLAN: May the witness be excused,  
 12 Mr. President, on the usual terms?

13 THE PRESIDENT: He may be released on the  
 14 usual terms.

15 (Whereupon, the witness was excused.)

16 BRIGADIER NOLAN: If it please the Tribunal,  
 17 we now offer in evidence IPS document No. 2175, an  
 18 affidavit by Sir Robert Craigie, then British Amba-  
 19 sador to Tokyo, in order to prove item 23 of the time  
 20 chart, exhibit 1222.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's ~~document~~  
 23 No. 2175 will receive exhibit No. 1236.

24 (Whereupon, the document above  
 25 referred to was marked prosecution's exhibit

1 No. 1236, and was received in evidence.)

2 BRIGADIER NOLAN: I read from exhibit 1236:

3 "I, ROBERT LESLIE CRAIGIE, G.C.M.G., form-  
4 erly His Britannic Majesty's Ambassador to Japan,  
5 make oath and say as follows:

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

8 "(2) At 0745 hours on 8th December, 1941,  
9 at which time I had received no intimation whatever  
10 of any state of war or of any attack having been made  
11 on any British or United States forces or possessions,  
12 I received a telephone message requesting me to call  
13 on Foreign Minister TOGO at his official residence at  
14 0800 hours which I did. He informed me that the  
15 Japanese Government had decided to break off negoti-  
16 ations with the United States Government and handed  
17 me a copy of the memorandum which is reproduced on  
18 pages 787/792 of 'papers relating to the Foreign Re-  
19 lations of the United States and Japan 1931/1941'  
20 volume 11, headed 'Memorandum handed by the Japanese  
21 Ambassador **NOMURA** to the Secretary of State at 2:20  
22 p.m. 7th December, 1941', another copy of which, he  
23 said, had just been handed to my American colleague.  
24 Hastily perusing it I discovered there was not a  
25 word in it about war."

1           "(3) Having expressed the regret and dis-  
2 approval with which I had learnt that the Japanese  
3 Government had taken so serious a step as to break off  
4 the Washington discussions, I questioned the Foreign  
5 Minister about reports which had been broadcast on  
6 the British wireless late the previous evening that  
7 Japanese warships and transports were proceeding west-  
8 wards across the Gulf of Siam, adding that the re-  
9 port, if true, could not but carry the most serious  
10 implications. His reply was that reports had reached  
11 him of large concentrations of British and Indian  
12 troops on the frontier of Siam, disposed for pur-  
13 poses of attack, and that Japanese warships had ac-  
14 cordingly been ordered to patrol off the coast of  
15 Indo-China. I reminded the Minister of a statement  
16 I had made to him on the 5th December to the general  
17 effect that there was no question whatever of any  
18 attack being made by British troops against Siamese  
19 territory so long as Siam's independence was respected  
20 by Japan. TOGO answered, as he had done on the 5th  
21 instant, that he had asked urgently for a report from  
22 the Japanese Ambassador in Bangkok as to the facts  
23 about these rumoured troop movements and that he was  
24 not really in a position to discuss this matter until  
25 that report had been received. I insisted that, as



1 a Japanese convoy was already on its way, the matter  
2 had become one of the utmost urgency; and I request-  
3 ed that orders should be sent immediately to ensure  
4 that no initiative was taken by the Japanese forces  
5 on the spot until we had time to discuss the matter  
6 further, adding that I would answer for it that no  
7 initiative would be taken by the British forces. It  
8 was, I said, essential at this critical juncture that  
9 the movement of Japanese forces in the area should be  
10 fully controlled from Tokyo. The Minister replied  
11 that naturally Japanese troop movements would be so  
12 controlled. As I was leaving, TOGO observed that I  
13 would know how hard he had worked to prevent a break-  
14 down of the Washington conversations and secure an  
15 amicable solution of the problem which faced all three  
16 Powers in Eastern Asia. He expressed warm apprecia-  
17 tion of my own efforts on behalf of Anglo-Japanese re-  
18 lations and regretted that things should now have  
19 come to such a pass. Not a word was said about war  
20 having broken out or any attacks having already been  
21 made on any British possessions or ships.

22 "(4) On my return to the Embassy at about  
23 0830 hours I was informed for the first time that the  
24 Japanese wireless had announced at about 0800 hours  
25 that war-like operations against Britain and the

1 United States had commenced. After visiting the  
 2 United States Embassy I found on my return to the  
 3 British Embassy an official of the Japanese Ministry  
 4 of Foreign Affairs who had arrived at about 1130 hours.  
 5 He delivered a communication from the Foreign Minister  
 6 notifying me that, as from the 8th December, a state  
 7 of war existed between Great Britain and Japan.

8  
 9 "Sworn by the said Robert Leslie )  
 10 Craigie at Wikfield in the )  
 11 County of Sussex this twenty ) "R. L. Craigie  
 12 first day of May, One thousand ) (signed)"  
 13 nine hundred and forty six. )

14 "Before me

15 "H. Basil Harrison (signed)

16 A Commisioner for Oaths."  
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THE PRESIDENT: Mr. Smith.

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MR. SMITH: If your Honor please, the defense requests that former Ambassador Craigie be called for purposes of cross-examination.

THE PRESIDENT: Do you contest his affidavit? You will be confined to it if he is called by the prosecution.

MR. SMITH: We do contest the affidavit in so far as the picture is painted of absolute innocence that a war was imminent or was about to take place; and the defense cannot agree with the narrow view the Court takes of the scope of cross-examination in the case.

THE PRESIDENT: It purports to be a bare statement of facts. There is no suggestion of an opinion anywhere.

MR. SMITH: Your Honor, it is not so much what these witnesses say in the affidavits; it is what they fail to say.

THE PRESIDENT: In those circumstances the defense had better consider in calling him.

MR. SMITH: With all deference, your Honor, we think we have the right to cross-examination, which has been a common, ordinary right ever since the days of King John and the Magna Carta in 1215.

1 THE PRESIDENT: Always in proper cases,  
2 Mr. Smith.

3 MR. SMITH: Well, your Honor, I do not  
4 want to prolong a discussion. It has been said that  
5 this trial is--

6 THE PRESIDENT: The Tribunal is against  
7 you, Mr. Smith. Your application is dismissed.

8 BRIGADIER NOLAN: We now offer in evidence  
9 IPS document No. 2580, an affidavit by Petty Officer  
10 Sanders to prove item 24 of the time chart, exhibit 1222.  
11

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document  
14 No. 2580 will receive exhibit No. 1237.

15 (Whereupon, the document above  
16 referred to was marked prosecution's exhibit  
17 No. 1237, and was received in evidence.)

18 BRIGADIER NOLAN: Exhibit 1237 reads as  
19 follows:

20 City of Tokyo, )  
21 Japan. )

22 "PHILIP ERLE SANDERS, Chief Boatswain's Mate  
23 of the United States Navy, now attached to the Inter-  
24 national Prosecution Section of S.C.A.P., being first  
25 sworn according to law, deposes and says:

"I am a Chief Boatswain's Mate, United States

1 Navy, and was so employed on December 8, 1941, when I  
2 was detailed as Commanding Officer of U.S.S. Y.P. 16  
3 at Guam.  
4

5 "Just before 0800 hours, Guam time, I re-  
6 ceived information by radio of the Japanese attack on  
7 Pearl Harbor, and at precisely 0800 hours I reported  
8 to the Beach Master for orders.

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

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

17 "HARRYMAN DORSEY,

18 "CAPTAIN, JAGD."

19 Signed "PHILIP E. SANDERS

20 "C.B.M. U.S.N."  
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1 We now offer in evidence IPS document  
2 No. 1530, the affidavit of Major General Christopher  
3 Maltby, to prove item 25 of the time chart, exhibit 1222.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document  
6 No. 1530 will receive exhibit No. 1238.

7 (Whereupon, the document above  
8 referred to was **marked** prosecution's exhibit  
9 No. 1238, and was received in evidence.)

10 BRIGADIER NOLAN: I read from exhibit 1238:

11 "I, Major General Christopher Michael MALTBY,  
12 M.C. of Greenacre, Shoreditch Taunton, in the County  
13 of Somerset, make oath and say as follows:

14 "1. In December 1941 I was the General Offi-  
15 cer Commanding British troops in China, and was sta-  
16 tioned at HONGKONG.

17 "2. At about 0445 hours on the 8th December  
18 1941 Intelligence sources reported hearing on a TOKYO  
19 broadcast code instructions to their nationals that  
20 war with Great Britain and the United States was im-  
21 minent at any moment.

22 "3. By about 0645 hours the garrison had been  
23 informed that the British Empire and Japan were at war.

24 "4. Command Headquarters moved into under-  
25 ground battle Headquarters."



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

4 "BEFORE ME

5 "F. Wormersley Clarke

6 "A Commissioner for Oaths."  
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1                   Finally, with regard to the time chart,  
2 exhibit 1222, we offer in evidence IPS document  
3 No. 1632-W-90 from KIDO's Diary. The last portion  
4 of it proves item 26. The earlier parts have not  
5 been separately entered on the time chart.

6                   THE PRESIDENT: Admitted on the usual terms.

7                   CLERK OF THE COURT: Prosecution's document  
8 No. 1632-W-90 will receive exhibit No. 1239.

9                   (Whereupon, the document above  
10 referred to was marked prosecution's exhibit  
11 No. 1239, and was received in evidence.)

12                   BRIGADIER NOLAN: I read from exhibit 1239:

13                   "Extract from Entry from Marquis KIDO's  
14 Diary, 8 December 1941

15                   "At 12.40 a.m. Foreign Minister TOGO  
16 telephoned me to consult about the treatment of the  
17 personal telegram from President Roosevelt to the  
18 Emperor, which had been brought by Ambassador Grew.  
19 I advised him to consult the Premier as regards its  
20 diplomatic effect and procedure. I said that as  
21 for a visit to the Throne, there would be no need of  
22 hesitation to make one for the Emperor would not mind  
23 granting an audience even at midnight.

24                   "I was informed that Foreign Minister TOGO  
25 had proceeded to the palace, so I went to the office

1 at 2.40 a.m. to see him. When I was going up the  
2 Akasaka slope, I saw the rising sun above a building  
3 there. I thought it was symbolic of the destiny of  
4 this country now that we had entered the war against  
5 the U.S.A. and England, the two greatest powers in  
6 the world. I closed my eyes and prayed for the success  
7 of our Navy planes making an attack upon Pearl Harbour  
8 at that time.

9 "At 7.30 a.m. I met the Premier, the Chief  
10 of the Army General Staff, and the Chief of the Navy  
11 General Staff. I heard from them great news relative  
12 to the success of the surprise attack upon Hawaii and  
13 felt that the Gods had come to our aid. I saw the  
14 Emperor at 11.40 a.m. and talked with him until 12  
15 noon. I was very much impressed by the self-possessed  
16 attitude of the Emperor on this day. The Imperial  
17 Proclamation of War was issued."  
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1 THE PRESIDENT: Mr. Logan.

2 MR. LOGAN: If the Tribunal please, may I  
3 call your attention to the fact that this, too, is a  
4 rough or screen translation, and it is quite apparent  
5 on its face as read by the prosecutor that it is  
6 incorrect, because I never knew that the sun rose  
7 in Tokyo at 2:40 a.m., and, furthermore, there are  
8 some lines omitted which are quite significant; and I  
9 ask that your Honors withhold forming any opinions as  
10 to the inferences or implications that can be drawn  
11 from the prosecution's exhibit.

12 THE PRESIDENT: Well, Brigadier, on account  
13 of its great importance and possible implications it  
14 should really be revised by our Language Section.

15 We refer it to the Language Section.

16 BRIGADIER NOLAN: Yes, sir.

17 We next offer in evidence IPS document  
18 No. 2362-A, which is the text of the Imperial Rescript  
19 of December 8, 1941.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document  
22 No. 2362-A will receive exhibit No. 1240.

23 (Whereupon, the document above  
24 referred to was marked prosecution's exhibit  
25 No. 1240, and was received in evidence.)

1 BRIGADIER NOLAN: I read from exhibit 1240,  
2 entitled "Imperial Rescript."

3 "WE, by grace of heaven, Emperor of Japan,  
4 seated on the Throne of the line unbroken for ages  
5 eternal, enjoin upon ye, Our loyal and brave subjects:

6 "We hereby declare war on the United States  
7 of America and the British Empire. The men and officers  
8 of Our Army and Navy shall do their utmost in prosecu-  
9 ting the war, Our public servants of various departments  
10 shall perform faithfully and diligently their appointed  
11 tasks, and all other subjects of Ours shall pursue  
12 their respective duties; the entire nation with a  
13 united will shall mobilize their total strength so  
14 that nothing will miscarry in the attainment of our  
15 war aims.

16 "To insure the stability of East Asia and  
17 to contribute to world peace is the far-sighted policy  
18 which was formulated by Our Great Illustrious Imperial  
19 Grandsire and Our Great Imperial Sire succeeding Him,  
20 and which We lay constantly to heart. To cultivate  
21 friendship among nations and to enjoy prosperity in  
22 common with all nations has always been the guiding  
23 principle of Our Empire's foreign policy. It has  
24 been truly unavoidable and far from Our wishes that  
25 Our Empire has now been brought to cross swords with

1 America and Britain. More than four years have passed  
2 since the government of the Chinese Republic, failing  
3 to comprehend the true intentions of Our Empire, and  
4 recklessly courting trouble, disturbed the peace of  
5 East Asia and compelled Our Empire to take up arms.  
6 Although there has been re-established the National  
7 Government of China, with which Japan has effected  
8 neighbourly intercourse and co-operation, the regime  
9 which has survived at Chungking, relying upon American  
10 and British protection, still continues its fractricidal  
11 opposition. Eager for the realization of their inordinate  
12 ambition to dominate the Orient, both America and  
13 Britain, giving support to the remaining /T.N. Chungking/  
14 regime, have, under the false name of peace, aggravated  
15 the disturbances in East Asia. Moreover, these two  
16 Powers, inducing other countries to follow suit,  
17 increased military preparations on all sides of Our  
18 Empire to challenge us. They have obstructed by every  
19 means our peaceful commerce, and finally resorted to  
20 a direct severance of economic relations, menacing  
21 gravely the existence of Our Empire.

22 "Patiently have We waited and long have We  
23 endured, in the hope that Our Government might  
24 retrieve the situation in peace. But our adversaries,  
25 showing not the least spirit of conciliation, have

1 unduly delayed a settlement; and in the meantime,  
2 they have intensified the economic and military  
3 pressure to compel thereby Our Empire to submission.  
4 This trend of affairs would, if left unchecked, not  
5 only nullify Our Empire's efforts of many years for  
6 the sake of the stabilization of East Asia, but also  
7 endanger the very existence of Our nation. The  
8 situation being such as it is, Our Empire for its  
9 existence and self-defence has no other recourse but  
10 to appeal to arms and to crush every obstacle in its  
11 path.

12 "The hallowed spirits of Our Imperial Ancestors  
13 guarding Us from above, We rely upon the loyalty and  
14 courage of Our subjects in Our confident expectation  
15 that the task bequeathed by Our Forefathers will be  
16 carried forward, and that the sources of evil will  
17 be speedily eradicated and an enduring peace immutably  
18 established in East Asia, preserving thereby the  
19 glory of Our Empire.

20  
21 "The 8th day of the 12th month of the 16th  
22 year of Showa.

23 "HIROHITO

24 "(Imperial Sign Manual. Imperial Seal)

25 "December 8th, Showa 16, /1941/

"Hideki TOJO, Prime Minister, and Concurrently

1 Minister of Home Affairs and War Minister

2 "Kunihiko HASHIDA, Minister of Education

3 "Teiichi SUZUKI, Minister without Portfolio

4 "Hiroya INO, Minister of Agriculture and  
5 Forestry and Concurrently Minister of Overseas Affairs

6 "Chikahiko KOIZUMI, Minister of Welfare

7 "Michiyo IWAMURA, Minister of Justice

8 "Shigetaro SHIMADA, Minister of the Navy

9 "Shigenori TOGO, Minister of Foreign Affairs

10 "Ken TERASHIMA, Minister of Communications

11 "Okinori KAYA, Minister of Finance

12 "Nobusuke KISHI, Minister of Commerce and  
13 Industry

14 "Yoshiaki HATTA, Minister of Railways."  
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1 We next offer in evidence IPS document  
2 No. 1078, which relates to events transpiring at the  
3 meeting of the Investigation Committee, Privy Council,  
4 on December 8, to show that at least from December 1,  
5 1941, on, the negotiations with the United States  
6 were continued only for the sake of Japanese war  
7 strategy.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document  
10 No. 1078 will receive exhibit No. 1241.

11 (Whereupon, the document above  
12 referred to was marked prosecution's exhibit  
13 No. 1241, and was received in evidence.)

14 BRIGADIER NOLAN: I read from exhibit 1241,  
15 being the "Records of the Meeting of the Inquiry  
16 Committee of the Privy Council on December 8, 1941."

17 "Inquiry Committee Meeting Concerning  
18 Declaration of War against America and England.

19 "Dec. 8, 1941 (Monday) 7:30 a.m. all the  
20 councillors of the Privy Council (except Councillor  
21 KANEKO) meet in the East Third Waiting Hall in the  
22 Imperial Palace. Naval Minister SHIMADA reports on  
23 the starting aspect of the war opened against America  
24 and England. While he is reporting the Council  
25 receives the Emperor's reference bill for their



1 deliberation pertaining to the above subject.

2 President HARA announces the general committee meet-  
3 ing and the meeting opens at once.

4 "Members present."

5 With the permission of the Tribunal, I will  
6 only read the names of the accused members who were  
7 present, and may I point out that the names MINAMI  
8 and ARAKI are not the accused MINAMI and ARAKI in  
9 this case. The accused present were TOJO, SHIMADA,  
10 TOGO, KAYA, SUZUKI, MUTO, and OKA.

11 "(Meeting opened at 7:45 a.m.)

12 "Chairman SUZUKI declared that the meeting  
13 come to order.

14 "Premier TOJO explains the reason why,  
15 at last, they have been obliged to deal with this  
16 bill.

17 "Comm. member ISHII asks in regard to the  
18 time of declaration of war.

19 "TOJO answers that it shall be done as  
20 soon as the Imperial sanction is obtained on this  
21 subject.

22 "KUBOTA questions regarding the relation-  
23 ship between negotiations with America and treatment  
24 of this subject. To this Premier TOJO answers that  
25 at their meeting in the Emperor's presence on

1 December 1st, war against America, England and  
2 Holland was decided on. Therefore, those negotia-  
3 tions were continued only for the sake of strategy.

4 "SHIMIZU asks whether or not war is to  
5 be declared against Holland; also he asks what  
6 will be the attitude of Siam. TOJO replies that  
7 Japan will not declare war against Holland in  
8 view of future strategic convenience. As for  
9 Siam the Japanese Government is in the course of  
10 negotiations with her for concluding an Alliance  
11 Pact.

12 "MINAMI asks what attitude Germany will  
13 assume in relation to the Tripartite Alliance,  
14 following the disposition of this subject. To  
15 this TOJO and SAKAMOTO, Chief of the Europe and  
16 Asia Bureau, reply that, as far as the German  
17 Government is concerned, as soon as Japan declares  
18 war against America and England, Germany and Italy  
19 will also assume the same attitude as Japan, and  
20 they will not make a separate peace. In fact, they  
21 are preparing the draft of an agreement therefor.

22 "NARA asks what will be the attitude of  
23 Soviet Russia. TOJO replies that relationship  
24 between Japan and Soviet Russia at present stands  
25 on the basis of the Neutrality Pact, but as to the

1 treatment of the same he expects special care to  
2 be taken. As to the general situation, Soviet  
3 Russia is now fighting against Germany, so she  
4 will not avail herself of the Japanese southward  
5 advance. Also, she will not make any ready move  
6 following America's plotting which is naturally  
7 expected. Further, if Soviet Russia grants America  
8 use of her territory in the East, that means  
9 Russia makes Japan her enemy; therefore, she cannot  
10 easily make such a decision. In the future Japan  
11 shall never fail to keep an increasingly close  
12 watch over Russian activities.

13 "SUGAHARA asks about the budget distri-  
14 bution of expenses incurred in connection with  
15 this proposition. Finance Minister KAYA explains  
16 that it will be drawn upon a special account of  
17 Emergency War Expense just as in the case of the  
18 China Incident.

19 "Committee member FUKAI debated on the  
20 fact that, under the present currency system,  
21 disposition of required funds will be easily  
22 made for the time being, but in regard to materials  
23 required thoughtful planning is necessary; so he  
24 inquires the Government's opinion regarding it.  
25 TOJO replies that, in conclusion based on views

1 from all angles it is not necessary to have much  
2 anxiety so far as material supplies are concerned  
3 and as for financing and money circulation they  
4 shall be treated with most careful attention to  
5 their bearing on materials.

6 "Committee member FUTAGAMI says that  
7 according to the draft for an Imperial edict  
8 which is accompanying this project for reference,  
9 it seems as though action of war is started from  
10 our side and so, he asks, if it does not give  
11 America an excuse for her declaring war. To  
12 this Premier TOJO answers that action of war may  
13 have been started from our side, the cause of  
14 the war is really nothing but the fact that  
15 America gave various economic pressures to Japan.  
16 FUTAGAMI further asks if accuracy is lacking in  
17 using the words, 'America' and 'England' in the  
18 draft for the Imperial edict. Foreign Minister  
19 TOGO and Chief of the Treaty Bureau MATSUMOTO  
20 answer that there are precedents that they used  
21 such words as, 'Chin,' 'Russia,' and 'Germany'  
22 in edicts of declaration of war. In the announce-  
23 ment documents to enemy countries the government  
24 will use regular names of the countries involved,  
25 and there is no fear of arising misunderstanding.

1 "Committee member TAKEGOSHI expresses  
2 hope that there will be no lack of attention  
3 regarding food plans. Committee member IZAWA  
4 expresses hope that they will do their best to  
5 try to bring about an effective unification of  
6 the national mind.

7 "Committee member IKEDA and Committee  
8 member KUBOTA say that it will not be good to  
9 leave any doubtful point in the Imperial edict  
10 and so it will be better to avoid using the word,  
11 'America.' To this Foreign Minister TOGO replies  
12 that it is known all over the world and it is  
13 clear that America means the United States of  
14 North America.

15 "Chairman SUZUKI considers that questioning  
16 has been finished by the above discussion and he  
17 asks the Government Ministers and Explaining Members  
18 to leave.

19 "(Ministers and Explaining Members leave.)

20 "Then as the result of conference among  
21 the committee members it was unanimously decided  
22 to approve this proposition as it is.

23 "Thereupon Chairman SUZUKI declared the  
24 adjournment of the meeting.

25 "(Meeting adjourned at 9:55 a.m.) "

1 "General Outline of the Privy Council  
2 Attending to Business at the Time of Declaration  
3 of War against America and England."

4 THE PRESIDENT: We will hear that after  
5 the recess, Brigadier.

6 We will recess for fifteen minutes.

7 (Whereupon, at 1045, a recess  
8 was taken until 1105, after which the pro-  
9 ceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The Tribunal is now  
2 resumed.

3 THE PRESIDENT: Brigadier Nolan.

4 BRIGADIER NCLAN: I continue reading from  
5 exhibit No. 1241:

6 "The international situation surrounding  
7 the China Incident had become tense and diplomatic  
8 negotiations with England and America had been  
9 driven close to the breaking point. The Cabinet  
10 anticipated that it might happen that war would be  
11 declared at the same time with the opening of  
12 hostilities. Concerning procedures to be taken  
13 at such a time MORIYAMA, Chief of Legislative  
14 Bureau privately had conferred with HORIE, Chief  
15 Secretary of Privy Council. On December 7 (Sunday)  
16 at 4 p.m. MORIYAMA phoned to HORIE saying that he  
17 wanted to have a talk with HORIE concerning an  
18 urgent treatment of affairs to face the tense  
19 situation at hand, and asked him to come and have  
20 a meeting in the official residence of Premier  
21 at 7:30 p.m. HORIE at once notified Secretary  
22 MOROHASHI by phone and MOROHASHI notified Secretary  
23 TAKATSUJI accordingly. Further, Procurator HOTTA  
24 and Commissioner NODA were notified of the meeting  
25 by a messenger. So at 7:30 p.m. everyone came to

1 meet in the Premier's official residence. At  
2 8 p.m. in the office room of Chief of the Legis-  
3 lative Bureau they were informed of details of the  
4 matter by MORIYAMA, Chief of the Legislative Bureau.  
5 Owing to the disruption of Japan-America conference  
6 a critical situation was brought about and Japanese  
7 Army and Navy were to begin action early in the  
8 morning, next day, and the government would pre-  
9 sent, during the next day, declaration of war  
10 against America and England for Imperial sanction.  
11 Therefore, they had Procurator HOTTA, etc. go on to  
12 prepare a bill pertaining to this matter and at  
13 the same time Chief Secretary HORIE informed HARA,  
14 President of Privy Council, and SUZUKI, Vice-Pres-  
15 ident of Privy Council, by phone of the above fact,  
16 receiving instructions from them, he made arrange-  
17 ments for holding a meeting of the Privy Council,  
18 and then they went home at 11 p.m. After that  
19 the two Secretaries MOROHASHI and TAKATSUJI moved  
20 to the official residence of the Cabinet Chief  
21 Secretary and in a room there they set on preparing  
22 an inquiry and report draft on the matter of declara-  
23 tion of war against America and England. They  
24 finished writing after 12 p.m. and had a nap.  
25

"It was a fairly cold day and was not



1 clear either.

2 "A little after 4 a.m. December 8  
3 (Monday) Cabinet Secretary INADA informed the  
4 two secretaries of the fact that it had been  
5 decided to ask for Imperial sanction for declara-  
6 tion of war against America and England. The  
7 two Secretaries at once passed this information  
8 on to the Chief Secretary. Further they sent  
9 telephone message to the President, Vice-President  
10 and each Councillor asking them to come and meet  
11 in the East Third Hall of the Imperial Palace to  
12 consider an urgent matter at 7:30 a.m. By the  
13 appointed time all the members of Privy Council  
14 (except Councillor KANEKO) and the Chief Secretary  
15 and others of Privy Council got together there,  
16 when Navy Minister SHIMADA reported on the out-  
17 break of war against America and England at Hawaii  
18 and Malaya. While he was reporting they received  
19 a draft of the Imperial ratification pertaining  
20 to the declaration of war against America and  
21 England. President HARA announced the General  
22 Committee Meeting. At once the meeting opened.  
23 Since the bill was an extremely urgent one it was  
24 discussed in a hurry, the Committee Meeting adjourn-  
25 ing at 9:55 a.m. Following this at 10:50 with the

1 Emperor's presence a plenary meeting was held and  
2 it was unanimously approved. At one the resolution  
3 was presented to the Emperor. The time was exactly  
4 11 a.m. The sun was shining brilliantly and the  
5 weather was very clear."  
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1 BRIGADIER NOLAN: We next offer in evidence  
2 International Prosecution Document No. 2593-D(40),  
3 being part of exhibit 603 for identification, which  
4 is a wire from Berlin to Tokyo dated 8 December,  
5 relating to Germany and Italy declaring war on the  
6 United States.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document  
9 No. 2593-D(40) will receive exhibit No. 1242.

10 (Whereupon, the document above re-  
11 ferred to was marked prosecution's exhibit  
12 No. 1242 and received in evidence.)

13 BRIGADIER NOLAN: I read from exhibit 1242:

14 "SECRET

15 "From: Berlin

16 "To: Tokyo

17 "December 8, 1941

18 "Purple. (Priority)

19 "#1437. Limited distribution. Re my #143(9).<sup>a</sup>

20 "At 1:00 p.m. today (8th) I called on Foreign  
21 Minister Ribbentrop and told him our wish was to have  
22 Germany and Italy issue formal declarations of war on  
23 America at once. Ribbentrop replied that Hitler was  
24 then in the midst of a conference at general headquarters  
25 discussing how the formalities of declaring war could

1 be carried out so as to make a good impression on the  
2 German people, and that he would transmit your wish to  
3 him at once and do whatever he was able to have it  
4 carried out promptly. At that time Ribbentrop told  
5 me that on the morning of the 8th Hitler issued orders  
6 to the entire German Navy to attack American ships  
7 whenever and wherever they may meet them.

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

10 My colleague, Mr. Fihelly, will now introduce  
11 three short documents.

12 THE PRESIDENT: Mr. SAMMONJI.

13 MR. SAMMONJI: I call the Court's attention  
14 to the fact that the time mentioned in this is Berlin  
15 time, which is nine hours later than Tokyo time.

16 THE PRESIDENT: That is noted.

17 Mr. Fihelly.

18 MR. FIELLY: Mr. President and Members of  
19 the Tribunal, we now offer in evidence International  
20 Prosecution Document No. 2499-A, which is a TOJO  
21 interrogation extract of February 7, 1946, page 5,  
22 as showing that the defendant TOJO admitted his re-  
23 sponsibility for the Pearl Harbor attack and the  
24 attacks made at or about the same time on American  
25 and British possessions, and also to show that he felt

1 his Cabinet and the Army and Navy Chiefs of Staff  
2 were jointly responsible with him.

3 THE PRESIDENT: Mr. Blewett.

4 MR. BLEWETT: If the Court please, under  
5 Section III, Article 13-a of the Charter, it is  
6 provided that "All purported admissions or statements  
7 of the accused are admissible." Hithertofore, under  
8 that provision no objection was made to leading  
9 questions.

10 THE PRESIDENT: How can you examine a  
11 suspect except by leading questions? He was  
12 examined as a suspect, I take it.

13 MR. BLEWETT: I was just about to suggest,  
14 your Honor, that this paper has been introduced as  
15 an interrogatory.

16 THE PRESIDENT: Not in the sense of an  
17 interrogatory in civil proceedings; but in criminal  
18 proceedings it is quite common -- it is the usual  
19 thing-- for the police to interrogate suspects, and  
20 the answers are tendered in evidence -- the questions  
21 and the answers are tendered in evidence.

22 MR. BLEWETT: Well, hithertofore, your Honor,  
23 we did not object to leading questions under the  
24 consideration that at one time I think your Honor  
25 ruled that this was either an admission or a statement

1 and not an interrogatory in the true sense of the  
2 word.

3 THE PRESIDENT: It is not an interrogatory  
4 in the use of the term in civil proceedings, in the  
5 sense that it is used in civil proceedings, I should  
6 say.

7 MR. BLEWETT: Of course, your Honor, in the  
8 Court neither myself nor any defense counsel was  
9 present at the time at the taking of these interro-  
10 gatories; so, therefore, we could not interpose an  
11 objection.

12 THE PRESIDENT: What was done here is  
13 ordinarily done in ordinary criminal investigations  
14 everywhere in the world, so far as I am aware.  
15 The police approach the suspects and examine them.  
16 Sometimes, if the suspect asks for a solicitor --  
17 in fact, invariably, the police send for one.

18 MR. BLEWETT: I felt, sir, that in this  
19 particular document that I should make objection  
20 as I have ascertained that there is quite a  
21 difference in meaning between the word "responsible"  
22 in English and in Japanese. In this case the pros-  
23 ecutor uses the words "primarily responsible".  
24 Therefore, I feel obliged, sir, to object to this  
25 particular document, and the first and third questions

1 on the succeeding document, if it is placed in  
2 evidence.

3 THE PRESIDENT: You are raising now a  
4 question as to the meaning of an expression, not  
5 as to the accuracy of its translation; so there  
6 is nothing to refer to the Language Section. The  
7 accused, if he gives evidence, can tell us what  
8 he meant by the term he used.

9 MR. FIELLY: We ask that document 2499-A  
10 be marked in evidence and the parent document marked  
11 for identification.

12 CLERK OF THE COURT: Prosecution document  
13 No. 2499 will be given exhibit No. 1243 for identi-  
14 fication only.

15 (Whereupon, the document above  
16 mentioned was marked prosecution's exhibit  
17 No. 1243 for identification only.)

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: The excerpt therefrom,  
20 to wit, document No. 2499-A, will be given exhibit  
21 No. 1243-A.

22 (Whereupon, the document above re-  
23 ferred to was marked prosecution's exhibit  
24 No. 1243-A and received in evidence.)

25 MR. FIELLY: I now read prosecution's

1 exhibit No. 1243-A, the extract from the TOJO  
2 interrogation of February 7, 1946, page 5:

3 "Q. So that you realize that you are the  
4 one primarily responsible for the December 1941 attacks  
5 on Pearl Harbor and American and British possessions.

6 "A. Yes, I am responsible.

7 "Q. And the other parties whom you have  
8 mentioned are responsible, along with you, for those  
9 attacks?

10 "A. From the standpoint of assistance to  
11 the Throne /ho hitsu/, the Cabinet is jointly respon-  
12 sible and, hence, the other cabinet members bear  
13 responsibility; however, I, as Senior Member, am the  
14 one chiefly responsible. The Army Chief of Staff and  
15 the Navy Chief of Staff also bear responsibility."

16 We next offer in evidence International  
17 Prosecution Document No. 2508-A, which is the TOJO  
18 interrogation of March 1, 1946, pages 7 and 8, to  
19 show that the defendant TOJO had knowledge of the  
20 attacks made on Pearl Harbor, Malaya, Hongkong and the  
21 Philippines for some time prior to the actual attacks  
22 being made. We ask that the parent document be marked  
23 for identification.

24 CLERK OF THE COURT: Prosecution's document  
25 No. 2508 will receive exhibit No. 1244 for identification



1 only.

2 (Whereupon, the document above mentioned  
3 was marked prosecution's exhibit No. 1244  
4 for identification.)

5 THE PRESIDENT: The extract is admitted on  
6 the usual terms.

7 CLERK OF THE COURT: Prosecution's document  
8 No. 2508-A, the excerpt, will be given exhibit No.  
9 1244-A.

10 (Whereupon, the document above re-  
11 ferred to was marked prosecution's exhibit  
12 No. 1244-A and received in evidence.)

13 MR. FIEHELLY: I now read prosecution's  
14 exhibit No. 1244-A, an extract from the TOJO  
15 interrogation of March 1, 1946, pages 7 and 8:

16 "Q Did you not know of any of the other  
17 attacks which were going to be made on December 8th  
18 simultaneously with the Pearl Harbor attack?  
19

20 "A The Pearl Harbor attack was a Navy  
21 operation and I knew only that if the attack went  
22 smoothly that it would begin at such and such a  
23 time. The Malaya, Hongkong, and Philippines at-  
24 tacks were joint operations and, hence, as War  
25 Minister, I knew about them.

"Q How early did you know about each of them,

1 that is Pearl Harbor and the others?

2 "Q I knew about the Pearl Harbor attack from  
3 the time of the Liaison Conference just preceding  
4 the Imperial Conference of 1 December 1941. I knew  
5 about the other attacks some five or six days be-  
6 fore the Liaison Conference met.

7 "Q Did you not, as Premier, know of and approve  
8 the attacks which were made on Pearl Harbor, Hong-  
9 kong, Malaya and the Philippines on or about 7 or  
10 8 December 1941?

11 "A Of course. I did know about them and ap-  
12 prove."

13 Lastly, I read from prosecution's exhibit  
14 No. 1204-A, page 5. It will be shown in Admiral  
15 Richardson's testimony that some 2342 American  
16 officers and enlisted men and some 54 civilians  
17 were killed in the Pearl Harbor attack. To show  
18 the defendant TOJO's justification as of that date  
19 for the Pearl Harbor attack and for the killing of  
20 Americans, we now read from page 5 of that extract  
21 -- page 5 of the exhibit, page 8 of the extract:

22 "Q Do you not agree that the attack made  
23 under such circumstances was nothing but murder  
24 and not warfare?

25 A No, I don't agree. I think it was legal

1 defense in the face of challenge.

2 "Q Do you, as a Japanese, feel proud of the  
3 fact that several thousand Americans were killed  
4 at Pearl Harbor in this manner?

5 "A No, I am not proud of it.

6 "(Session adjourned at 12:25 for luncheon.)

7 \*\*\*\*\*

8 "(Session resumed at 1345 hours.)"

9 Further statement by the defendant TOJO:

10 "A I should like to make a supplementary  
11 explanation of my answer to the last question as to  
12 whether I was proud that several thousands of  
13 Americans were casualties as a result of the attack  
14 on Pearl Harbor.

15 "I sympathize with those who died, but Japan  
16 had been challenged and so she took justifiable self-  
17 defense. The English and American Governments had  
18 menaced Japan militarily and economically and they  
19 should have had a suitable attitude of readiness.  
20 Furthermore, the attack was against military ob-  
21 jectives."

22 That finishes our documentary evidence.

23 Mr. Keenan, Chief of Counsel, will now  
24 present evidence.

25 THE PRESIDENT: Mr. Chief of counsel.

1 MR. KEENAN: We now present to the Court  
2 our next witness, Mr. Ballantine.

3 We believe it fair to set forth our con-  
4 tention that the evidence adduced will show him to  
5 be eminently qualified as an expert on the subject  
6 of international relations in the Far East, particu-  
7 larly those having to do with the United States of  
8 America, Japan and China. For such reason, his  
9 testimony which this Tribunal has already permitted  
10 to be given in the form of a prepared statement,  
11 designated an affidavit, will on such account in-  
12 clude his own conclusions and those of his associates  
13 in the State Department.

14 His statement will also contain description  
15 of facts and circumstances employing at times lan-  
16 guage designed to not alone clarify but to characterize.  
17 Events and conclusions stated will be those arrived at  
18 and those acted upon as the basis for the position  
19 and procedure adopted. Many of his conclusions will be  
20 documented by exhibits, the first three of which (A to  
21 C, inclusive) have already been introduced in evidence,  
22 the balance of which (from D to N, inclusive) will be  
23 offered in evidence as a series of documents intro-  
24 duced at appropriate times during his testimony.  
25 Mr. Ballantine will describe briefly the nature of

1 the documents. With the Court's permission, these  
2 exhibits will be read by counsel.

3 Mr. Ballantine.

4 I now offer for identification only I. P. S.  
5 document No. 2215.

6 CLERK OF THE COURT: Prosecution document  
7 No. 2215 will receive exhibit No. 1245 for identifi-  
8 cation only.

9 (Whereupon, the document above  
10 mentioned was marked prosecution's exhibit  
11 No. 1245 for identification only.)  
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MR. KEENAN: This is the affidavit of Mr. Ballantine.

- - -

J O S E P H W. B A L L A N T I N E, called as a witness on behalf of the prosecution, being first duly sworn, testified as follows:

## DIRECT EXAMINATION

BY MR. KEENAN:

Q Mr. Ballantine, will you proceed to read your statement.

A (Reading) "I, Joseph W. Ballantine, having been duly sworn on oath, depose and say:

"I entered the Foreign Service of the United States in June 1909, and thereafter served continuously up to date at various diplomatic and consular posts and in the Department of State. From 1909 until 1928 I served continuously either at the American Embassy at Tokyo or in consular posts in the Japanese Empire. From 1928 to 1930 I served in the Department of State."

MR. LOGAN: May I interrupt, if the Tribunal please? I did not realise that counsel was having Mr. Ballantine read the statement. We wanted to enter objections to it.

THE PRESIDENT: He has already put the

BALLANTINE

DIRECT

1 statement in the form of an affidavit, but he is  
2 now giving evidence on oath from the box, as I under-  
3 stand.

4 MR. LOGAN: He is reading from the affi-  
5 davit.

6 THE PRESIDENT: If that is not correct,  
7 then, before he reads from that affidavit, it must  
8 be tendered in evidence.

9 MR. LOGAN: That is what I was waiting for  
10 the prosecution to do.

11 THE PRESIDENT: He could identify the affi-  
12 davit as his and say it is true, and then it could  
13 be read by somebody else, Mr. Chief of Counsel.

14 MR. KEENAN: Will the Clerk please have the  
15 last exhibit, 1245 marked for identification, handed  
16 to the witness, Mr. Ballantine?

17 (Whereupon, a document was handed  
18 to the witness.)

19 BY MR. KEENAN (Continued):

20 Q Is that your affidavit, the exhibit just  
21 handed to you, Mr. Ballantine?

22 A That is.

23 Q Are the contents therein true?

24 A Yes.

25 MR. KEENAN: I now offer the exhibit in

BALLANTINE

DIRECT

1 evidence, if the Court please, marked for identifica-  
2 tion No. 1245.

3 THE PRESIDENT: Admitted on the usual terms.

4 (Whereupon, the document above re-  
5 ferred to, previously marked prosecution's  
6 exhibit No. 1245 for identification, was  
7 received in evidence.)

8 MR. LOGAN: If the Tribunal please, I wish  
9 to make objection before it is admitted. In the  
10 first place, if the Tribunal please, this witness,  
11 I understand, is fully conversant with both the  
12 English and the Japanese language. We do not have  
13 the same reasons that have been used heretofore  
14 where witnesses have testified by affidavit due to  
15 language difficulties.

16 In the second place, the affidavit itself  
17 contains many immaterial and irrelevant matters  
18 going back as far as 1895. We believe it contains  
19 conclusions which are within the province of this  
20 Court of determination. It quotes copiously from  
21 numerous documents, some of which have already been  
22 introduced in evidence. It is, therefore, repeti-  
23 tious.

24 And lastly, we believe that a witness of  
25 Mr. Ballantine's qualifications should give his



BALLANTINE

DIRECT

1 evidence in response to questions and not by virtue  
2 of a carefully prepared affidavit which has been,  
3 perhaps, drawn, revised and again revised, in which  
4 event the defense is seriously prejudiced by such  
5 a method of procedure.

6 In all probability, less time would be con-  
7 sumed if this witness were examined by question and  
8 answer form rather than by reading of his affidavit  
9 in so far as the cross-examination would be con-  
10 cerned.

11 THE PRESIDENT: Mr. Smith.

12 Mr. Chief of Counsel.

13 MR. KEENAN: Mr. President, it is proper to  
14 bring to the attention of the Tribunal at this time  
15 that the very matters that have consumed a little  
16 time this morning before the Court have already been  
17 settled in Chambers in an order issued by this Court  
18 permitting this procedure to be followed.

19 THE PRESIDENT: I authorized this proce-  
20 dure, of course, subject to what my colleagues might  
21 decide to the contrary, but I did not authorize this  
22 particular statement. I would not see it; that would  
23 be prepared later.

24  
25 The only decision we can give on this  
application is that we will pay careful regard to

BALLANTINE

DIRECT

1 what counsel for the defense have said, to what Mr.  
2 Logan said, and what you have said, Mr. Smith, and  
3 we will disregard anything which is not properly  
4 in evidence. That has been our decision on similar  
5 matters previously, and there is no occasion to  
6 change it.

7 MR. SMITH: If your Honor please, I would  
8 like to make a brief objection on behalf of Mr.  
9 HIROTA. Of all the prize affidavits we have had in  
10 this case, this seems to be the worst in that all  
11 these broad, sweeping, grand conclusions --

12 MR. KEENAN: I object. I ask that counsel  
13 be admonished by the Court to refrain from making  
14 such remarks now or in the future and all other times.

15 THE PRESIDENT: Counsel do make such re-  
16 marks. There is nothing particularly objectionable  
17 to what Mr. Smith says; but his action in trying to  
18 get the decision of the Court reopened is objection-  
19 able. We have given our decision, and we are not  
20 going to modify it.

21 As to the objection to this evidence being  
22 given by statement in writing or by affidavit, the  
23 following seems to me to be very pertinent in a note  
24 from a colleague, and I propose to read it:

25 "Far from being prejudiced, the accused,

BALLANTINE

DIRECT

1 having had advance copies of the evidence, have been  
2 enabled to check each statement and to test its truth  
3 in cross-examination. They have been advantaged."

4 Mr. Chief of Counsel.

5 MR. SMITH: May I answer your Honor's last  
6 statement which has put a new issue in this case?

7 THE PRESIDENT: No.

8 MR. SMITH: I ask your Honor to allow me a  
9 special exception in refusing to hear the grounds  
10 for my objection and your Honor's last remark to  
11 me.

12 THE PRESIDENT: You may have your exception.  
13 What I stated from the note is a mere observation  
14 that has been made previously and which has been  
15 repeated for the common knowledge. No decision is  
16 involved; it is a mere statement of fact.

17 Mr. Chief of Counsel.

18 BY MR. KEENAN. (Continued):

19 Q Will you proceed?

20 A (Reading) "From 1930 to 1934 I served as  
21 Consul-General at Canton, China; from 1934 to 1936  
22 I served as Consul-General at Mukden, Manchuria; from  
23 July to December 1936 I served temporarily at the  
24 American Embassy in Tokyo as First Secretary; and  
25 from March 1937 to date I have served continuously

1 in the Department of State. Up to September 20, 1945  
2 I was on duty in the Office of Far Eastern Affairs of  
3 the Department of State. Between December 1944 and  
4 September 1945 I was Director of that office. Since  
5 September 1945 my position has been that of Special  
6 Assistant to the Secretary of State.

7 "The matters herein deposed to are mainly  
8 within my personal knowledge, otherwise they are mat-  
9 ters with which I am familiar from records of the  
10 Department of State.

11 "During practically all of my career in the  
12 foreign service, I have dealt with Far Eastern Affairs  
13 and have followed closely the course of Japanese-  
14 American relations. Up until 1931 the relations be-  
15 tween the United States and Japan were generally friend-  
16 ly and the American Government and people consistently  
17 had an attitude of good will toward the government and  
18 people of Japan. The Japanese occupation of Manchuria  
19 caused an impairment of those relations.

20  
21 "It is essential to an understanding of the  
22 true significance of the conversations which took place  
23 in 1941 between the representatives of the Japanese  
24 and American Governments looking to a peaceful settle-  
25 ment of the Pacific question to have clearly in mind  
the background of the political situation in and re-

1     lating to the Far East.

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

9             "In 1895, following Japan's successful war  
10    against China, Japan annexed Formosa and tried un-  
11    successfully to establish a foothold in Manchuria.

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

17            "In 1928, following the advent of the TANAKA  
18    Cabinet in 1927, Japan adopted a so-called 'positive'  
19    policy toward China under which it manifested an in-  
20    creasing disposition to intervene in China's internal  
21    affairs.

22            "In 1931 Japan invaded Manchuria and subse-  
23    quently established there a puppet regime under the  
24    name of 'Manchukuo.' By that action, which was a fla-  
25    grant violation of the Nine-Power Treaty, Japan broke

1 away from the policy of cooperation agreed upon in  
2 the Washington Conference treaties.

3 "The opposition of the American Government  
4 to Japan's course was reflected in the identic notes  
5 which the United States Government delivered to the  
6 Japanese and the Chinese Governments, dated January 7,  
7 1932, stating that the United States could not admit  
8 the legality of any situation de facto; that it did  
9 not intend to recognize any treaty or agreement be-  
10 tween China and Japan which might impair U.S. treaty  
11 rights, including those relating to Chinese sover-  
12 eignty and the open door policy; and that it did not  
13 intend to recognize any situation, treaty, or agree-  
14 ment brought about contrary to the Kellogg Pact.

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

18 "In a note addressed to the Secretary of  
19 State dated February 21, 1934, Mr. HIROTA, Japanese  
20 Minister for Foreign Affairs, stated that he believed  
21 that no question existed between the United States  
22 and Japan 'that is fundamentally incapable of amicable  
23 solution.' The Secretary of State in his reply ex-  
24 pressed concurrence in that view and emphasized the  
25 belief of the American Government in adjustments of

1 questions by pacific means. The exchange of messages in  
2 question is quoted on pp. 127 - 129 inclusive, Foreign  
3 Relations of the United States - Japan, 1931-1941,  
4 Volume I.

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

13 "On December 29, 1934, while HIROTA was still  
14 Foreign Minister, Japan gave formal notice of its in-  
15 tention to withdraw at the end of 1936 from the Naval  
16 Limitation Treaty signed at Washington on February 6,  
17 1922."  
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BALLANTINE

DIRECT

1 THE PRESIDENT: If there is an annexure to  
2 this affidavit, it should be read at this stage  
3 unless there is some good reason for not reading it.

4 MR. KEENAN: The only reason, Mr. President,  
5 that it is not read now is that it has already been  
6 offered to this Court, and I did not think the Court  
7 would like to have it done twice.

8 THE PRESIDENT: We would like particulars  
9 of it. Frankly, I do not recollect its being read.  
10 We would like particulars of it.

11 MR. KEENAN: With the Court's permission --

12 THE PRESIDENT: It must have been a long  
13 time ago, Mr. Chief of Counsel.

14 MR. KEENAN: I am sure that it was offered  
15 in evidence; but, that it has been read to the Court,  
16 I am not positive.

17 Defense counsel, Mr. President, calls to  
18 my mind -- states that there are several different  
19 versions of the Amau Statement. It is not very long;  
20 it is a page. And, to avoid any question about it,  
21 I would be very glad to comply, to read it, with  
22 the Court's permission.

23 THE PRESIDENT: We have had short, important  
24 documents read twice.

25 MR. KEENAN: The Amau Statement:



BALLANTINE

DIRECT

1 "UNOFFICIAL STATEMENT BY THE JAPANESE  
2 FOREIGN OFFICE, April 17, 1934."

3 I believe this is already in the hands of  
4 the translator, and this light is now showing. I  
5 would like to inquire if the translation section is  
6 having any difficulty following me.

7 THE MONITOR: Mr. Keenan, We are ready now.  
8 We can proceed, sir.

9 MR. KEENAN: (Reading)

10 "The following is an English translation  
11 unofficially issued by the Japanese Foreign Office  
12 of the unofficial statement issued by the Foreign  
13 Office on April 17, 1934, known as the 'Amau State-  
14 ment':

15 "Owing to the special position of Japan in  
16 her relations with China, her views and attitude re-  
17 specting matters that concern China, may not agree  
18 in every point with those of foreign nations; but it  
19 must be realized that Japan is called upon to exert  
20 the utmost effort in carrying out her mission and in  
21 fulfilling her special responsibilities in East Asia.

22 "Japan has been compelled to withdraw from  
23 the League of Nations because of their failure to  
24 agree in their opinions on the fundamental principles  
25 of preserving peace in East Asia. Although Japan's

BALLANTINE

DIRECT

1 attitude toward China may at times differ from that  
2 of foreign countries, such differences cannot be  
3 evaded, owing to Japan's position and mission.

4 "It goes without saying that Japan at all  
5 times is endeavoring to maintain and promote her  
6 friendly relations with foreign nations, but at the  
7 same time we consider it only natural that, to keep  
8 peace and order in East Asia, we must even act alone  
9 on our own responsibility and it is our duty to per-  
10 form it. At the same time, there is no country but  
11 China which is in a position to share with Japan the  
12 responsibility for the maintenance of peace in East  
13 Asia. Accordingly, unification of China, preserva-  
14 tion of her territorial integrity, as well as res-  
15 toration of order in that country, are most ardently  
16 desired by Japan. History shows that these can be  
17 attained through no other means than the awakening  
18 and the voluntary efforts of China herself. We  
19 oppose, therefore, any attempt on the part of China  
20 to avail herself of the influence of any other  
21 country in order to resist Japan: We also oppose  
22 any action taken by China, calculated to play one  
23 power against another. Any joint operations under-  
24 taken by foreign powers even in the name of technical  
25 or financial assistance at this particular moment

BALLANTINE

DIRECT

1 after the Manchurian and Shanghai Incidents are  
2 bound to acquire political significance. Undertak-  
3 ings of such nature, if carried through to the end,  
4 must give rise to complications that might eventually  
5 necessitate discussion of problems like fixing spheres  
6 of influence or even international control or division  
7 of China, which would be the greatest possible mis-  
8 fortune for China and at the same time would have the  
9 most serious repercussion upon Japan and East Asia."

10 THE PRESIDENT: Could we have the exhibit  
11 number of the statement, if it is already tendered?

12 MR. KEENAN: I can bring it to you immedi-  
13 ately at the beginning of next session. I have all  
14 those exhibits.

15 THE PRESIDENT: We will adjourn now until  
16 half-past one.

17 (Whereupon, at 1200, a recess was  
18 taken.)

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## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

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

THE PRESIDENT: Mr. Chief of Counsel.

J O S E P H W. B A L L A N T I N E, called as a witness on behalf of the prosecution, resumed the stand and testified as follows:

## DIRECT EXAMINATION

BY MR. KEENAN (Continued):

MR. KEENAN: For the convenience of the Court, the Amau Statement which I am now reading is exhibit 935. It is found on page 9389 of transcript of record, 4 November. Resuming from the document:

"Japan, therefore must object to such undertakings as a matter of principle, although she will not find it necessary to interfere with any foreign country negotiating individually with China on questions of finance or trade, as long as such negotiations benefit China and are not detrimental to the maintenance of peace in East Asia.

"However, supplying China with war planes,

BALLANTINE

DIRECT

1 building aerodromes in China and detailing military  
2 instructors or military advisors to China or contract-  
3 ing a loan to provide funds for political uses, would  
4 obviously tend to alienate the friendly relations be-  
5 tween Japan and China and other countries and to dis-  
6 turb peace and order in East Asia. Japan will oppose  
7 such projects.

8 "The foregoing attitude of Japan should be  
9 clear from the policies she has pursued in the past.  
10 But, on account of the fact that positive movements  
11 for joint action in China by foreign powers under one  
12 pretext or another are reported to be on foot, it is  
13 deemed not inappropriate to reiterate her policy at  
14 this time."

15 THE WITNESS: (Reading)

16 "On December 29, 1934, while HIROTA was still  
17 Foreign Minister, Japan gave formal notice of its  
18 intention to withdraw at the end of 1936 from the  
19 Naval Limitation Treaty signed at Washington on  
20 February 6, 1933."

21 MR. LOGAN: If the Tribunal please, I object  
22 to the witness reading the next sentence in that para-  
23 graph and the paragraph which follows it on the ground  
24 they are conclusions, and, certainly, those conclusions  
25 are something which the Court should determine and

BALLANTINE

DIRECT

1 this witness should not be permitted to read them.

2 THE PRESIDENT: The witness certainly has drawn  
3 conclusions which the Court, of course, will draw for  
4 itself. He has also sworn to issues but, as I said  
5 before, we are going to disregard all those things.  
6 He has sworn to a violation of the Nine-Power Pact  
7 which, I think, is an issue raised by the Indictment.

8 MR. KEENAN: Mr. President, might I respectfull-  
9 ly advise the Tribunal of the position of the prosecu-  
10 tion, that this witness is more than an expert. He is  
11 the representative of the United States of America  
12 at these prime negotiations preceding the outbreak of  
13 war and while, of course, none of his comments, de-  
14 ductions or conclusions are offered as being in any  
15 manner attempting to convince the Court of the truth  
16 of what he is saying, those facts will be determined,  
17 of course, by this Honorable Court from the evidence  
18 before it, but he is setting forth the views of him-  
19 self and his colleagues authorized to represent the  
20 United States in the exploratory conversations and in  
21 the attitude and proceedings thereafter which may be  
22 of interest to the Court.

24 MR. LOGAN: Our difficulty, your Honor, is  
25 that we appreciate your ruling that you intend to  
disregard conclusions, but when the affidavit is

BALLANTINE

DIRECT

1 completed we don't know which conclusions the Court  
2 has disregarded. We hope that you disregard the same  
3 conclusions we would like to have disregarded, but we  
4 don't know.

5 THE PRESIDENT: Well, it is a pity that he is  
6 purposed to swear to the breach of the Nine-Power Pact.  
7 He could have stated the facts from which we might have  
8 drawn the conclusion that there had been a breach.

9 MR. KEENAN: He is stating, Mr. President,  
10 the position of the United States of America taken  
11 in the month of June and July, August and September  
12 and later in 1941 with no desire or purpose of  
13 attempting through his testimony --

14 THE PRESIDENT: Take this last statement.  
15 It may be the fact but it is not for him. "Following  
16 the giving of that notice, Japan proceeded energetically  
17 to increase her armaments, preparatory to launching  
18 her invasion in China." We can be trusted to draw  
19 our own conclusions from the other evidence. There  
20 is such evidence.

21 MR. KEENAN: I have been unsuccessful,  
22 Mr. President, in making clear our theory that we are  
23 not attempting to have this witness forewear an issue.  
24 We are attempting to have him state the background as  
25 it appeared to the Secretary of State of the United

BALLANTINE

DIRECT

1 States at the time these negotiations or exploratory  
2 conversations were being had.

3 THE PRESIDENT: But that doesn't render his  
4 conclusions any more acceptable or admissible. It is  
5 an explanation but not a justification. I think the  
6 position --

7 MR. KEENAN: The prosecution, in its judgment,  
8 differs sharply with the views as expressed by the  
9 President of the Court on that subject, and for that  
10 reason offered this evidence. If it had believed that  
11 the Court did not believe it to be proper to show the  
12 position taken by the United States of America and  
13 the reasons why its officials took that position,  
14 this evidence would not have been tendered. We thought  
15 it competent then; we think it competent now. The  
16 Court, of course, will rule.

17 THE PRESIDENT: Well, now, Mr. Chief of Counsel,  
18 I can assure you that I am expressing not my own view  
19 but that of the whole Tribunal, as far as I am aware,  
20 with one exception probably. I shall read what I  
21 regard as being the view of the majority of the Tri-  
22 bunal. I didn't write it; it was handed to me, but  
23 it is in accordance with what I have been saying.  
24 "The defense should be satisfied if we regard only  
25 facts deposed to by Mr. Ballantine. All inferences



BALLANTINE

DIRECT

1 and conclusions made by him we will ignore. We can  
2 ourselves draw all necessary inferences and conclusions.

3 MR. KEENAN: I would think, Mr. President,  
4 that the parts that are referred to in this affidavit  
5 which the Court itself has adverted to are statements  
6 of facts with the exception, of course, of the allega-  
7 tion that it was the claim of the United States of  
8 America that the Nine-Power Pact was broken. That was  
9 the intention of this affidavit, to set forth that  
10 the United States of America claimed that the Nine-Power  
11 Pact was flagrantly violated.

12 THE PRESIDENT: I referred also to the  
13 following passage: "Following the giving of that notice,  
14 Japan proceeded energetically to increase her armaments,  
15 preparatory to launching her invasion in China." That  
16 is a conclusion from facts inasmuch as it states the  
17 reason for the preparation, for the increase in arma-  
18 ments. However, that is only one of many such things  
19 and, perhaps, the smallest of them all.

20 MR. KEENAN: One thing, Mr. President, I  
21 think is -- we can all be reasonably secure in, and  
22 that is that this Court will not be prejudiced by any  
23 unwarranted conclusion or any inference that may be  
24 drawn. We are not addressing a jury.

25 THE PRESIDENT: Perhaps what the witness is

BALLANTINE

DIRECT

1 saying, Mr. Chief of Counsel, would be less objection-  
2 able if he made it clear that he was giving, for what  
3 it was worth, the motives or reasons that actuated  
4 the United States Government, but it doesn't so appear.

5 MR. KEENAN: It will so appear, Mr. President,  
6 in this affidavit.

7 THE PRESIDENT: If the reasons for the attitude  
8 of the United States Government at any time or times  
9 becomes relevant to any issue, of course those reasons  
10 may be given.

11 MR. KEENAN: Mr. Ballantine, were the state-  
12 ments made in the affidavit which you prepared and from  
13 which you are reading the conclusions and presumptions  
14 of fact upon which the officials of the United States  
15 Government acted?

16 THE WITNESS: They were.

17 MR. KEENAN: Are you stating the position,  
18 having participated with Mr. Cordell Hull in the --

19 MR. LOGAN: If the Court please.

20 MR. KEENAN: Just a minute. I would like to  
21 finish the question.

22 MR. LOGAN: The witness was about to answer.

23 MR. KEENAN: In other words, Mr. Ballantine,  
24 having taken part in these discussions with the  
25 President and Secretary of State at the times mentioned

BALLANTINE

DIRECT

1 in 1941, are you stating the position of the Government  
2 of the United States on these matters?

3 THE WITNESS: I am.

4 MR. LOGAN: If the Tribunal please, we object  
5 to the form of the question asked by the Chief Prose-  
6 cutor and also object to the fact that this witness is  
7 endeavoring to interpret for the Court his own affidavit,  
8 and if he has answered the question we ask that it be  
9 stricken out.

10 THE PRESIDENT: The only course open to the  
11 Tribunal is to allow the witness to proceed to read his  
12 statement and the Court, of course, will disregard  
13 all his conclusions but will confine itself to his  
14 statement of facts. If there is any particular con-  
15 clusion which you think we should accept, you may press  
16 for its acceptance separately, Mr. Chief Prosecutor,  
17 but I don't think there will be any. To that extent,  
18 Mr. Logan's objection is upheld.

19 MR. KEENAN: Mr. President, I think I ought  
20 to explain that this affidavit was prepared chiefly  
21 by my distinguished, learned, and beloved colleague,  
22 Mr. Comyns Carr, who is ill and I am taking his place  
23 at the present time, and by Mr. Ballantine.

24 Will you please proceed to read the affidavit?  
25

THE WITNESS: (Reading) "In July 1937, with

BALLANTINE

DIRECT

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

13 "Subsequent to the renewed Japanese armed  
14 attack on China, beginning on July 7, 1937, relations  
15 between the United States and Japan steadily deterior-  
16 ated. The Japanese military forces completely dis-  
17 regarded in their acts suggestions made by the United  
18 States and other governments that reasonable consider-  
19 ations be given by them to the safety, rights and  
20 interests of nationals of third countries in China.  
21 American public opinion became outraged by the methods  
22 and strategy employed by the Japanese military and  
23 became gradually more and more critical of Japan. The  
24 United States Government looked with thorough disfavor  
25 upon the current manifestations of Japanese foreign

BALLANTINE

DIRECT

1 policy and upon the methods employed by the Japanese  
2 military in pursuit of their policy.

3 "On August 10, 1937, the United States made  
4 an offer of American good offices in the dispute be-  
5 tween Japan and China, but the attitude of the Japanese  
6 Government was such that nothing came of it."

7 MR. KEENAN: That is exhibit 950 in this record.

8 THE WITNESS: (Reading)

9 "On October 6, 1937, the American Government  
10 protested that the action of Japan in China was incon-  
11 sistent with the principles which should govern rela-  
12 tionships between nations and was contrary to the  
13 provisions of the Nine-Power Treaty and of the Briand-  
14 Kellogg Pact.

15 "In November 1937 the United States partici-  
16 pated with eighteen other nations in a conference held  
17 at Brussels to 'study peaceable means of hastening the  
18 end of the regrettable conflict which prevails' in  
19 the Far East. The conference was held in accordance  
20 with a provision of the Nine-Power Treaty of 1922.  
21 The repeated refusals of the Japanese Government to  
22 participate in the conference effectively prevented  
23 efforts to bring about an end to the conflict by  
24 mediation and conciliation. On November 24 the confer-  
25 ence suspended its sittings."

BALLANTINE

DIRECT

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

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

11           "On July 26, 1939, the Government of the  
12 United States notified the Japanese Government of its  
13 intention to terminate the Treaty of Commerce and  
14 Navigation of 1911. It was felt that this treaty was  
15 not affording adequate protection to American commerce  
16 either in Japan or in Japanese occupied portions of  
17 China, while at the same time the operation of the most-  
18 favored-nation clause of the treaty was a bar to the  
19 adoption of retaliatory measures against Japanese  
20 commerce. The treaty, therefore, terminated on January  
21 26, 1940."  
22  
23  
24  
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BALLANTINE

DIRECT

1 "During the entire period of the undeclared  
2 war between Japan and China there was on the part of  
3 the Japanese Government and the Japanese authorities  
4 in China flagrant disregard for and violation of  
5 American rights and interests and the jeopardizing  
6 of American lives. American property was invaded,  
7 occupied, and taken over by the Japanese military  
8 authorities. In many instances American property  
9 was bombed and American citizens placed in jeopardy  
10 of their lives. Discriminatory restrictions were  
11 placed upon American enterprise and trade in China.  
12 Japanese censorship of and interference with American  
13 mail and telegrams and restrictions upon freedom of  
14 trade, residence and travel by Americans subjected  
15 American interests to continuing serious inconven-  
16 iences and hardships. Notwithstanding repeated  
17 representations and protests by the American Govern-  
18 ment and notwithstanding repeated and categorical  
19 assurances by the Japanese Government that equality  
20 of opportunity or the Open Door in China would be  
21 maintained and that American rights would be respected,  
22 violations of American rights and interests continued.

24 "The imposition by the Japanese authorities  
25 of restrictions upon the movement and activities of  
Americans in China operated to place Japanese

1 interests in a preferred position in China and  
2 was discriminatory in its effect upon legitimate  
3 American interests. The imposition by the Japanese  
4 authorities of exchange controls, compulsory  
5 currency circulation, tariff revision and monopolistic  
6 promotion implied an assumption on the part of the  
7 Japanese authorities that the Japanese Government  
8 or the regimes established and maintained in China  
9 by Japanese armed forces were entitled to act in  
10 China in a capacity such as flows from rights of  
11 sovereignty and to disregard the established rights  
12 and interests of other countries, including the  
13 United States.

14 "The Japanese Prime Minister, in a public  
15 statement November 3, 1938, said in part: 'All  
16 countries of the world should have a clear recog-  
17 nition regarding the new situation in the Far East.  
18 History shows clearly that peace and independence  
19 in China have been frequently menaced as the result  
20 of the struggle for supremacy among foreign Powers  
21 which was based on imperialistic ambitions. Japan  
22 sees the necessity of effecting a fundamental re-  
23 vision in this situation and desires to establish  
24 a new peace fabric in Far East on the basis of  
25 justice. It goes without saying that Japan will



BALLANTINE

DIRECT

1 not exclude cooperation of foreign Powers. Neither  
2 she intends to damage the legitimate rights of the  
3 third Power in China. If the Powers understand  
4 the real intentions of Japan and devise a policy  
5 in accordance with the new situation in the Far  
6 East, Japan does not grudge to cooperate with them  
7 for peace in the Far East.' He did not, however,  
8 define what he meant by policies 'in accordance  
9 with the new situation in the Far East.' (U. S.  
10 Foreign Relations -- Japan - 1931-1941, Volume I  
11 page 480.)"

12 MR. KEENAN: That is exhibit 220-C in  
13 this record.

14 THE WITNESS: (Continuing)

15 "In September 1939 the Government of  
16 the United States protested to the Japanese Govern-  
17 ment against a large-scale propoganda campaign  
18 against Western nations, including the United States,  
19 undertaken by Japanese agencies in areas of China  
20 under Japanese control. In pronouncements and  
21 manifestos issued by puppet regimes at Peiping  
22 and Nanking it was sought to persuade Chinese  
23 people that the difficulties and burdens which  
24 the hostilities had brought upon the native popu-  
25 lation should be blamed upon the Western nations,

BALLANTINE

DIRECT

1 including the United States. Strong anti-American  
2 feeling was fostered in various places, anti-  
3 American parades were organized, and anti-American  
4 banners and posters were displayed.

5 "In August and September 1940 it came  
6 to the knowledge of the Department of State that  
7 Japan had concluded an agreement with Vichy France  
8 under which Japanese troops moved into northern  
9 Indo-China. The Acting Secretary of State on  
10 September 20, 1940, informed the Japanese Ambassador  
11 that the Ambassador himself could be under no  
12 misapprehension as to the very serious disquiet  
13 and very open opposition which the action threaten-  
14 ed by Japan in Indo-China would create in the minds  
15 of the members of the United States Government  
16 and on the part of public opinion generally in  
17 the United States.

18 "In September 1940, Japan entered into  
19 the Tripartite Pact with Germany and Italy. In  
20 the view of the Government of the United States  
21 that alliance was aimed directly at the United  
22 States. It was designed to discourage the United  
23 States from taking adequate measures of self-defense  
24 until both Japan and Germany had completed their  
25 program of conquest in Asia and Europe, when they

BALLANTINE

DIRECT

1 could turn on the United States then standing alone.  
2 The Secretary of State in commenting on September  
3 30, 1940, to the British Ambassador on the sub-  
4 ject of that alliance observed that the relations  
5 among Germany, Italy and Japan, each having a  
6 common objective of conquering certain areas of  
7 the world and each pursuing identical policies of  
8 force, devastation, and seizure, had been during  
9 recent years on the 'basis of complete understanding  
10 and of mutual cooperation' for all practical purposes.

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

23 "During all these years the Government  
24 of the United States consistently sought to remind  
25 the Japanese Government of the traditional friendship

1 and mutually profitable relations between the two  
2 countries and to keep before the Japanese Government  
3 in the most tactful manner possible the principles  
4 which should form the basis of worthwhile relation-  
5 ships between nations. The Government of the  
6 United States also sought to dissuade Japan from  
7 her courses by pointing the way to just and honorable  
8 alternatives which would have assured Japan what she  
9 professed to seek - national security and economic  
10 prosperity.

11 "It was also necessary to bear in mind  
12 in entering upon the conversations with the Japanese  
13 in 1941, Japan's long record of duplicity in inter-  
14 national dealings.

15 "In 1904, Japan guaranteed Korea's inde-  
16 pendence and territorial integrity. In 1910, Japan  
17 annexed Korea.

18 "In 1908, Japan pledged with the United  
19 States to support the independence and integrity  
20 of China and the principle of equal opportunity  
21 there. In 1915, Japan presented to China the  
22 notorious 'twenty-one demands.'"  
23  
24  
25

1            "In 1918, Japan entered into an inter-  
2 allied arrangement whereby forces, not exceeding  
3 about 7,000 by any one power, were to be sent to  
4 Siberia to guard military stores which might be sub-  
5 sequently needed by Russian forces, to help the Rus-  
6 sians in the organization of their own self-defense,  
7 and to aid the evacuating Czechoslovakian forces in  
8 Siberia. The Japanese military saw in this enter-  
9 prise an opportunity in which they were eventually  
10 unsuccessful, to annex eastern Siberia and sent more  
11 than 70,000 troops.

12            "In the Nine-Power Treaty of 1922, Japan  
13 agreed to respect China's sovereignty, independence  
14 and territorial and administrative integrity. Japan  
15 also agreed to use its influence to establish the prin-  
16 ciple of equal opportunity there. Japan's whole  
17 course in China since 1931 of military occupation  
18 and economic domination was in violation of those  
19 pledges.

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

1                   "On July 27, 1937, Prince KONOYE, then  
2 Japanese Premier, said: 'In sending troops to North  
3 China, of course, the Government has no other pur-  
4 pose, as was explained in its recent statement, than  
5 to preserve the peace of East Asia.' In order to  
6 'preserve the peace of East Asia,' Japanese forces  
7 for four years had carried warfare and suffering over  
8 the greater part of China.

9                   "On October 28, 1937, the Japanese Foreign  
10 Office said, 'Japan never looks upon the Chinese  
11 people as an enemy . . . ' Japan showed its friendly  
12 feeling for China by bombing Chinese civilian popu-  
13 lations, by burning Chinese cities, by making mil-  
14 lions of Chinese homeless and destitute, by mistreat-  
15 ing and killing civilians, and by acts of horror and  
16 cruelty.

17                   "On April 15, 1940, Mr. ARITA, then Japanese  
18 Minister for Foreign Affairs, said the 'Japanese Gov-  
19 ernment cannot but be deeply concerned over any dev-  
20 elopment . . . that may affect the status quo of the  
21 Netherlands East Indies.' Following the occupation  
22 of the Netherlands by Germany that spring, Japan  
23 sent a Commercial Commission to the Indies which  
24 asked concessions so far reaching that, if granted,  
25 they would have reduced the Indies practically to a

1 Japanese colony.

2 "After the renewal of Japan's undeclared  
3 war against China in July 1937, Japanese civilian  
4 leaders time and again gave assurances that American  
5 rights would be respected. Time and again the Jap-  
6 anese military acted in violation of those assurances.

7 "Time and again the Japanese gave assur-  
8 ances that American lives and property in China would  
9 be respected. Yet there were reported in steadily  
10 mounting numbers cases of bombing of American proper-  
11 ty with consequent loss or endangering of American  
12 lives.

13 "Time and again, the Japanese gave assur-  
14 ances that American treaty rights in China would be  
15 respected. Unnumbered measures infringing those  
16 rights were put into effect in Japanese-occupied  
17 areas. Trade monopolies were set up, discriminatory  
18 taxes were imposed, American properties were occupied,  
19 and so on. In addition, American nationals were  
20 assaulted, arbitrarily detained, and subjected to  
21 indignities.  
22

23 "In 1931-1933, while Japan was carrying for-  
24 ward its program of aggression, the American Govern-  
25 ment was moving steadily ahead in advocacy of world  
support of sanctity of treaties and peaceful processes."

1           "On May 16, 1934, the Secretary of State  
2 had a general conversation with Japanese Ambassador  
3 SAITO, one of many conversations in which he endea-  
4 vored to convince the Japanese that their best in-  
5 terests lay in following policies of peace.

6           "Three days later, the Secretary of State  
7 talked again with the Japanese Ambassador. During  
8 the conversation, the Ambassador repeated the form-  
9 ula which his Government had been putting forward  
10 publicly for some weeks to the effect that Japan had  
11 a superior and special function in connection with  
12 the preservation of peace in Eastern Asia. The Sec-  
13 retary of State brought to the Japanese Ambassador's  
14 attention the clear implications contained in the  
15 Japanese formula of the intention on the part of Ja-  
16 pan to exercise an overlordship over neighboring  
17 nations and territories.

18           "During the winter of 1940 and the spring  
19 of 1941, it was apparent that the Japanese military  
20 leaders were starting on a mission of conquest of the  
21 entire Pacific area west of a few hundred miles of  
22 Hawaii and extending to the South Seas and to India.  
23 The Japanese were out with force in collaboration with  
24 Hitler to establish a new world order, and they thought  
25 they had the power to compel all peaceful nations to



1 come in under that new order in the half of the world  
2 they had arrogated to themselves.

3 "In March 1941, just as I was about to pro-  
4 ceed to China to assume the post of Counselor of Em-  
5 bassy there, I was instructed by the Secretary of  
6 State to remain in Washington for consultation in  
7 connection with a suggestion which had been inform-  
8 ally brought to the attention of the President and  
9 the Secretary of State through the medium of private  
10 Americans and Japanese that the Japanese Government  
11 would welcome an opportunity to alter its political  
12 alignments and modify its attitude toward China. It  
13 was represented that if an agreement could be achieved  
14 with the U. S. which would offer Japan security, this  
15 would enable the moderate elements in Japan to gain  
16 control of the domestic political situation there.  
17 It was further represented that there was adequate  
18 support in the Japanese Government for an agreement  
19 with the U. S. which would provide, among other things,  
20 for practical nullification of Japan's alliance with  
21 the Axis and for settlement of the conflict between  
22 China and Japan on terms which would give complete  
23 recognition by Japan of the 'open door' in China, pro-  
24 vided that Japan received similar treatment elsewhere  
25 in the Far East. It was also represented that the

1 Japanese people were weary of the hostilities with  
2 China and that most elements in Japan were prepared  
3 for a recasting of Japan's policies along liberal  
4 and peaceful lines.

5 "Welcoming these suggestions, but also  
6 with the history as above summarized in mind, the  
7 President and the Secretary of State during March and  
8 April, 1941, several times discussed with the Japan-  
9 ese Ambassador the subject of effecting an improve-  
10 ment in the relations between the United States and  
11 Japan.

12 "On May 12, the Japanese Ambassador pre-  
13 sented as under instructions a proposal for a gen-  
14 eral settlement between the two countries covering  
15 the entire Pacific area. A copy of that document is  
16 annexed as Exhibit B."  
17  
18  
19  
20  
21  
22  
23  
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25

1 MR. KEENAN: That, if the Court please,  
2 is exhibit 1070, found on page 9891 of transcript  
3 of record for 7 November 1946. It is a very long  
4 document, and I do not believe the Court would care  
5 to have it repeated at this time.

6 THE PRESIDENT: No, I do not think there is  
7 occasion to do so, so far, Mr. Chief of Counsel.

8 THE WITNESS: (Continuing)

9 "The terms which Japan intended to propose  
10 to China were indicated only through reference to the  
11 'KONOYE principles.' Inasmuch as the 'KONOYE princi-  
12 ples' had been made the basis of a so-called treaty  
13 between Japan and the Wang Ching-Wei Regime in Novem-  
14 ber 1940, which had placed Japan in a position of  
15 overlordship with respect to the Wang Regime, the  
16 Secretary of State sought to induce the Japanese to  
17 state precisely the terms which they had in mind as a  
18 basis of Japan's negotiations with China, but the  
19 Japanese Ambassador and his associates constantly  
20 avoided making definite commitments by constant resort  
21 to vague generalities. In the course of conversations  
22 with me and with other officers of the Department,  
23 Colonel Hideo IWAKURO, the Special Military Adviser  
24 to the Japanese Ambassador, explained that the areas  
25 where stationing of Japanese troops in China was con-

BALLANTINE

DIRECT

1 templated under a provision for 'defense against  
2 Communistic activities through collaboration of the  
3 two countries /China and Japan/' included Inner  
4 Mongolia and the adjacent regions of China proper,  
5 comprehending a line of communication to the sea as  
6 far south as Tsingtao which thus meant Japanese mili-  
7 tary domination of the five northern provinces of Hopei,  
8 Shantung, Shansi, Chehar, and Suiyuan, with an aggregate  
9 area of more than 400,000 square miles and an estimated  
10 population of more than 80,000,000. This territory was  
11 in addition to Manchuria and the province of Jehol which  
12 Japan had brought under her control some years earlier.  
13 The Military Adviser declared to me that this stationing  
14 of Japanese troops in China was an absolute condition  
15 of any settlement with China.

16 "Notwithstanding the various objectionable  
17 features of the Japanese Government's proposal, in view  
18 of the world situation the Government of the U. S. de-  
19 cided to explore thoroughly every possible means, start-  
20 ing with the Japanese proposals, of coming to an agree-  
21 ment. The Secretary of State on numerous occasions at  
22 which I was present emphasized to the Japanese Ambassa-  
23 dor that this Government was aware of the difficult  
24 internal situation which the Japanese Government faced  
25 and was prepared to be patient and to give the Japanese

BALLANTINE

DIRECT

1 Government ample time to bring Japanese public opinion  
2 into line in support of a liberal broad-gauge program,  
3 such as the Secretary of State and the Japanese Ambas-  
4 sador had been discussing in their conversations. The  
5 Japanese representatives expressed surprise that this  
6 Government should raise with them the points in regard  
7 to the terms of settlement which Japan proposed with  
8 China as they regarded the settlement of the China  
9 affair as a matter which concerned only China and Japan.  
10 The Secretary of State pointed out in numerous conver-  
11 sations that a peaceful settlement between Japan and  
12 China was an essential element in furthering the ob-  
13 jective which the U.S. and Japan had in mind, namely,  
14 the peace of the Pacific, and that if the U.S. should,  
15 as the Japanese proposed, suggest that China enter  
16 negotiations with Japan, this Government could not  
17 divest itself of a certain degree of responsibility  
18 with regard to the basis of the proposed negotiations  
19 and the general conformity of Japan's proposed terms  
20 with the principles which this Government supports.  
21 On May 28, in response to questions asked by the Sec-  
22 retary of State, the Japanese Ambassador indicated that  
23 withdrawal of the Japanese troops from China follow-  
24 ing a settlement with China, would not include Japa-  
25 nese troops retained in China for 'cooperative defense

BALLANTINE

DIRECT

1 against Communism,' and that he was unable to state  
2 how many troops Japan would propose retaining or to  
3 define the precise areas in which these troops would  
4 be stationed. The Japanese Ambassador, in reply to  
5 further questions by the Secretary of State, said  
6 that he did not believe that the Far East had pro-  
7 gressed to a point where other arrangements would be  
8 feasible. The Secretary of State also, on May 28,  
9 made it clear that the Japanese proposed formula with  
10 reference to Japan's relations to the Axis did not  
11 adequately clarify Japan's peaceful intention toward  
12 the U. S., should the U. S. through acts of self-  
13 defense become involved in war with Germany. He em-  
14 phasized that such clarification was needed, especially  
15 to off-set statements being made by Japanese officials  
16 in justification of Japan's Axis obligations and that  
17 if we made an agreement with Japan, critics would, un-  
18 less the Japanese Government had adequately clarified  
19 its attitude on this point, assert that there was no  
20 assurance as to Japan's position vis-a-vis the U. S.

21  
22 "The question of what Japan meant by 'economic  
23 cooperation' between China and Japan was also discussed.  
24 As the informal conversations proceeded, it was evi-  
25 dent that Japan intended to retain a preferred economic  
position for herself in China, while at the same time

BALLANTINE

DIRECT

1 trying to obtain for herself in the southwestern Paci-  
2 fic area economic rights such as it was unwilling that  
3 a Third Power should enjoy in China. The Secretary  
4 of State made it clear that retention by Japan of a  
5 preferred position in China would be inconsistent with  
6 the principle of non-discrimination in international  
7 commercial relations to which this Government was com-  
8 mitted, which it believed to be essential for a last-  
9 ing peace in the Pacific, and which the Japanese had  
10 said they approved.

11 "On June 6, the Secretary of State informed  
12 the Japanese Ambassador that he had received the im-  
13 pression, from the successive Japanese revisions of  
14 their proposal and from recent manifestations of the  
15 Japanese Government's attitude, that the Japanese Govern-  
16 ment was disposed (1) to stress Japanese alignment with  
17 the Axis; (2) to avoid giving a clear indication of an  
18 intention to place Japan's relations with China on a  
19 basis which would contribute to a lasting peace in the  
20 Far East; and (3) to veer away from clear-cut commit-  
21 ments in regard to policies of peace and of non-dis-  
22 criminatory treatment which were the fundamentals of a  
23 sound basis for peace in the Pacific."  
24

25

1 "The Japanese pressed for a complete reply  
2 to their proposals of May 12. Accordingly, on  
3 June 21, the Ambassador was given the American Govern-  
4 ment's view in the form of a tentative redraft of  
5 their proposals. A copy of that document is appended  
6 as Exhibit C."

7 MR. KEENAN: Exhibit C in this document  
8 is, in this case, exhibit 1092, found on page 10,004  
9 of the transcript of the record for the date of  
10 8 November 1946.

11 THE WITNESS: "There is annexed as Exhibit D  
12 a comparison in parallel columns between such provisions  
13 of the Japanese proposal of May 12 and the American  
14 counterdraft of June 21, as represented material and  
15 essential differences."

16 MR. KEENAN: I intended, if the Court please,  
17 to follow a procedure of having each individual  
18 exhibit from D to N separately identified and offered  
19 in evidence, one by one. So I, therefore, offer in  
20 evidence this exhibit D, and ask that it be offered  
21 for identification at this time.

22 THE PRESIDENT: Admitted.

23 Mr. Logan.

24 MR. LOGAN: If the Tribunal please, there  
25 is nothing on this document nor in the affidavit to



BALLANTINE

DIRECT

1 indicate who drew it or from where it came.

2 THE PRESIDENT: I take it the witness did.

3 MR. KEENAN: Mr. President, I suggest that  
4 might be a little technical, but I can clear it up  
5 right away.

6 Mr. Ballantine, can you tell us who drew up  
7 this draft, exhibit D?

8 THE WITNESS: I drew it up myself, by taking  
9 the essential provisions to show just what the  
10 differences were on these essential points. I drew  
11 it up myself.

12 CLERK OF THE COURT: Prosecution's document  
13 No. 2215-D will receive exhibit No. 1245-A.

14 (Whereupon, the document above  
15 referred to was marked prosecution's exhibit  
16 No. 1245-A, and received in evidence.)

17 MR. KEENAN: I understand that that has been  
18 admitted in evidence?

19 THE PRESIDENT: Yes.

20 MR. KEENAN: I would like at this time, if the  
21 Court please, for the Court's convenience, to have  
22 counsel permitted to read paragraph by paragraph  
23 where there are counter-paragraphs, the Japanese  
24 Government's draft, and have the witness respond as to  
25 the American Government's counter-draft, merely for

BALLANTINE

DIRECT

1 convenience in presentation if it meets with the  
2 Court's approval.

3 THE PRESIDENT: You may follow that course.  
4 for the time being, Mr. Chief of Counsel.

5 MR. KEENAN: "Japanese Government's Draft of  
6 May 12.

7 "II. The attitude of both Governments toward  
8 the European War."

9 THE WITNESS: It is the same heading, American  
10 Draft.

11 "II. The attitude of both Governments toward the  
12 European War."

13 MR. KEENAN: "The Governments of the United  
14 States and Japan make it their common aim to bring  
15 about the world peace; they shall, therefore, jointly  
16 endeavour not only to prevent further extension of the  
17 European War but also speedily to restore peace in  
18 Europe."

19 THE WITNESS: There is no counterpart to  
20 that paragraph in the American draft.

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

1 THE WITNESS: The first paragraph of the  
2 American draft is the counterpart:

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

7 MR. KEENAN: "The Government of Japan  
8 maintains that its obligations of military assistance  
9 under the Tripartite Pact between Japan, Germany and  
10 Italy will be applied in accordance with the stipula-  
11 tion of Article 3 of the said Pact."

12 THE WITNESS: There is no counterpart in the  
13 American counter-draft to this paragraph 3.

14 MR. KEENAN: "The Government of the United  
15 States maintains that its attitude toward the European  
16 War is, and will continue to be, directed by no such  
17 aggressive measures as to assist any one nation  
18 against another. The United States maintains that it is  
19 pledged to the hate of war, and accordingly, its  
20 attitude toward the European War is, and will continue  
21 to be, determined solely and exclusively by considera-  
22 tions of the protective defense of its own national  
23 welfare and security."

24 THE WITNESS: The second paragraph is the  
25 counterpart to that, the second paragraph plus the

1 note;

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

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

15 "(See also suggested exchange of letters  
16 Annex 3.)"

17 Now, that note is not my note. That note was  
18 embodied in the communication that was delivered to  
19 the Japanese representatives.

20 MR. KEENAN: I might state to the Court at  
21 this time in offering this exhibit that it is intended  
22 solely for the purpose of aiding the Court and everyone  
23 else in setting forth the differences, as the prosecu-  
24 tion believes them to be, of the different suggestions  
25 made by the one country, revised or accepted or refused

BALLANTINE

DIRECT

1 by the other. It has no other evidentiary value  
2 whatsoever.

3 THE PRESIDENT: One of my colleagues points  
4 out that this exhibit 1245-A is made up of exhibits  
5 1070 and 1092, both of which have been read. The  
6 Tribunal does not desire that any more of exhibit 1245-A  
7 be read.

8 MR. KEENAN: I thought perhaps the Court  
9 would so order, and that is why I made the suggestion  
10 to further explain the exhibit.

11 THE PRESIDENT: Well, I told you to proceed  
12 to read it for the time being, Mr. Chief Prosecutor.

13 MR. KEENAN: Yes.

14 THE PRESIDENT: But that is how it has  
15 reacted on the Court.

16 MR. KEENAN: Yes, your Honor.

17 (Addressing the witness) Will you proceed  
18 to read the affidavit.

19 THE WITNESS: "On June 22, Germany attacked the  
20 Soviet Union, and in July the American Government began  
21 receiving reports that a large Japanese military  
22 movement into southern Indo-China was imminent. This  
23 Japanese movement threatened the Philippine Islands  
24 and British and Dutch possessions in the western  
25 Pacific area. It also threatened vital trade routes."

BALLANTINE

DIRECT

1 " Officers of the Department of State immediately  
2 brought these reports to the attention of the Japanese  
3 Ambassador, pointed out the inconsistency between  
4 such a military movement and the conversations which  
5 were then proceeding, and requested information  
6 as to the facts. On July 23, the Japanese  
7 Ambassador stated in explanation that Japan needed to  
8 secure an uninterrupted source of supplies and to insure  
9 against encirclement of Japan militarily. The Acting  
10 Secretary of State, Mr. Welles, replied that the  
11 agreement which was being discussed between American  
12 and Japanese representatives, would give Japan far  
13 greater economic security than she could gain by  
14 occupying Indo-China. He pointed out that the United  
15 States policy was the opposite of an encirclement  
16 policy. He said that the United States could only  
17 regard the action of Japan as constituting notice that  
18 Japan was taking the last step to proceeding on a  
19 policy of expansion and conquest in the region of  
20 the South Seas. He told the Ambassador, under instruct-  
21 ions from the Secretary of State, that under those  
22 circumstances, the Secretary could not see any basis  
23 for pursuing further the conversations with the  
24 Japanese Ambassador."

25 THE PRESIDENT: We will recess now for

BALLANTINE

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1 fifteen minutes.

2 (Whereupon, at 1445 a recess was  
3 taken until 1505, after which the proceedings  
4 were resumed as follows:)

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1 MARSHAL OF THE COURT: The Tribunal is now  
2 resumed.

3 THE PRESIDENT: Mr. Chief of Counsel.

4 THE WITNESS (Reading):

5 "On July 24 President Roosevelt made a proposal  
6 to the Japanese Government that Indo-China be regarded  
7 as a 'neutralized' country. That proposal envisaged  
8 Japan's being given the fullest and freest opportunity  
9 of assuring for herself a source of food supplies and  
10 other raw materials which--according to Japanese acc-  
11 counts--Japan was seeking to obtain. The Japanese Gov-  
12 ernment did not accept the President's proposal, and la-  
13 rge Japanese forces were moved into Southern Indo-China.

14 "The Japanese move into southern Indo-China was  
15 an aggravated, overt act. It created a situation in  
16 which the risk of war became so great that the United  
17 States and other countries concerned were confronted no  
18 longer with the question of avoiding such risk but from  
19 then on with the problem of preventing a complete under-  
20 mining of their security. It was essential that the Un-  
21 ited States make a definite and clear move in self-  
22 defense.

23 "Accordingly, on July 26, 1941, President Roose-  
24 velt issued an executive order freezing Chinese and Jap-  
25 anese assets in the United States. That order brought



1 under the control of the Government all financial and  
2 import and export trade transactions in which Chinese or  
3 Japanese interests were involved. The British and Neth-  
4 erlands Governments took similar steps. The effect of  
5 this was to bring about very soon virtual cessation of  
6 trade between the United States and Japan.

7 "Thereafter, on August 8, the Japanese Ambassad-  
8 or inquired whether it might not be possible for the res-  
9 sponsible heads of the two governments to meet with a  
10 view to discussing means for reaching an adjustment of  
11 views. After reviewing briefly the steps which had led  
12 to a discontinuance of the informal conversations, the  
13 Secretary of State said it remained to the Japanese Gov-  
14 ernment to decide whether it could find means of shaping  
15 its policies along lines which would make possible an ad-  
16 justment of views.

17 On August 28 the President was given a message  
18 from the Japanese Prime Minister, Prince KONOYE urging  
19 that a meeting of the heads of the two Governments be  
20 arranged to discuss all important problems by Japan and  
21 the United States covering the entire Pacific area. Ac-  
22 companying that message was a statement containing assur-  
23 ances, with several qualifications, of Japan's peaceful  
24 intent. Copies of the message and accompanying statement  
25 are annexed as Exhibit E. "

BALLANTINE

DIRECT

1 MR. KEENAN: Exhibit E is tendered in evidence.

2 THE PRESIDENT: Admitted.

3 CLERK OF THE COURT: Prosecution's document  
4 No. 2215-E will receive exhibit No. 1245-B.

5 (Whereupon, the document above re-  
6 ferred to was marked prosecution's exhibit  
7 No. 1245-B and received in evidence.)

8 MR. KEENAN: Unless the Court so requires,  
9 this document being lengthy, it will not be read at  
10 this time.

11 THE PRESIDENT: It is not already read?

12 MR. KEENAN: It has not been read before.

13 THE PRESIDENT: We would like for you to  
14 read it, Mr. Chief Counsel, if it has not been read  
15 already.

16 MR. KEENAN (Reading): "THE JAPANESE PRIME  
17 MINISTER (PRINCE KONOYE) TO PRESIDENT ROOSEVELT."

18 "27 August 1941.

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

24 "In the face of universal warlike turmoil  
25 Japan and the United States are the last two major Powers

BALLANTINE

DIRECT

1 who hold the key to international peace. That the two  
2 nations should fall in the worst of relations at this  
3 time would mean not only a disaster in itself, but  
4 also the collapse of world civilization. Japan is  
5 solicitous for the maintenance of the peace of the  
6 Pacific and the peace of the world and she desires,  
7 therefore, to improve Japanese-American relations.

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

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

17 "The preliminary informal conversations, dis-  
18 rupted July last, were quite appropriate both in spirit  
19 and content. But the idea of continuing those conver-  
20 sations and to have their conclusion confirmed by the  
21 responsible heads of the two Governments does not meet  
22 the need of the present situation which is developing  
23 swiftly and may produce unforeseen contingencies.

24 "I consider it, therefore, of urgent necessity  
25 that the two heads of the Governments should meet first

BALLANTINE

DIRECT

1 to discuss from a broad standpoint all important prob-  
2 lems between Japan and America covering the entire  
3 Pacific area, and to explore the possibility of saving  
4 the situation. Adjustment of minor items may, if  
5 necessary, be left to negotiations between competent  
6 officials of the two countries, following the meeting.

7 "Such is my aim in making the present pro-  
8 posal. I sincerely hope my views in this regard are  
9 fully understood and reciprocated by Your Excellency.

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

13 "Tokyo, 7 August 27, 1941.

14 "Statement by the Japanese Government Handed  
15 by the Japanese Ambassador (NOMURA) to President Roose-  
16 velt on August 28, 1941.

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

22 "The Japanese Government profoundly regrets  
23 that despite the pledge it has given heretofore as well  
24 as its repeated explanations concerning Japan's actions  
25 and measures in the foreign field, the United States

BALLANTINE

DIRECT

1 Government continues to entertain misgivings.

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

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

15 "Meanwhile, the United States had taken certain  
16 measures which could be interpreted in Japan as indica-  
17 tive of a continuing unfriendly pressure at variance  
18 with the then current amicable conversations.

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

BALLANTINE

DIRECT

1 environmental and political obstacles against national  
2 security.

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

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

18 "In consequence, the Japanese Government wel-  
19 comes the invitation by the Government of the United  
20 States to an exchange of views in regard to basic poli-  
21 cies and attitudes as the foundation of an understanding  
22 that will condition lasting and extensive peace in the  
23 Pacific area. For such peace, the Government of Japan  
24 is ready: for such a united effort toward a peaceful  
25 settlement covering the entire Pacific situation the

BALLANTINE

DIRECT

1 Government of Japan, like the Government of the United  
2 States, would be proud to make sacrifices.

3 "Japan's measure in Indo-China was intended  
4 to accelerate the settlement of the China Incident;  
5 and at the same time it was calculated to remove all  
6 menace to the peace of the Pacific and to secure to  
7 Japan an equitable supply of essential materials.

8 It was a measure of self-defense the Japanese Government  
9 felt obliged to take. But the Japanese Government  
10 has no intention of threatening thereby other countries.

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

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

23 "As regards Soviet-Japanese relations, the  
24 Japanese Government declares likewise that Japan will  
25 take no military action as long as the Soviet Union

BALLANTINE

DIRECT

1 **remains** faithful to the Soviet-Japanese neutrality  
2 treaty and does not menace Japan or Manchoukuo or take  
3 any action contrary to the spirit of the said treaty.  
4 On the other hand, the Japanese Government sincerely  
5 hope that the United States Government will avoid any  
6 action that might give rise to a fear of menace to  
7 Japan through collaboration with the Soviet Union.

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

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

20 "It is also stated by the United States Govern-  
21 ment that no proposals or suggestions affecting the  
22 rights and privileges of either the United States or  
23 Japan would be considered except as these might be in  
24 conformity with the basic principles to which the  
25 United States has long been committed. The fundamental



BALLANTINE

DIRECT

1 national policy long cherished by the Japanese Government  
2 is again in full agreement on that point.

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

13 "The Japanese Government now confidently  
14 hopes that from the larger viewpoint of a constructive  
15 world peace, and in the light of the current inter-  
16 national situation, past differences may be merged in  
17 an agreement of principles and a cooperative effort  
18 based on order and justice. The meeting of the  
19 responsible heads of our respective Governments would  
20 confirm and give such sanction to our purposes that  
21 peace in the Pacific would be instituted by that meeting.

22 "(Foreign Relations, Vol. II, p. 572-575)"  
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BALLANTINE

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1 THE WITNESS (Reading): "The President in his  
2 reply given on September 3 suggested that there take  
3 place immediately in advance of the proposed meeting  
4 preliminary discussions on fundamental and essential  
5 questions on which agreement was sought and on the  
6 manner in which the agreement would be applied. A copy  
7 of this reply is annexed as exhibit F."

8 MR. KEENAN: The prosecution offers in  
9 evidence exhibit F of this affidavit.

10 THE PRESIDENT: Admitted.

11 CLERK OF THE COURT: Prosecution document  
12 No. 2215 will receive exhibit No. 1245-C.

13 (Whereupon, the document above re-  
14 ferred to was marked prosecution's exhibit  
15 No. 1245-C and received in evidence.)

16 MR. KEENAN (Reading): "'President Roosevelt's  
17 Reply to the Japanese Prime Minister (Prince KONOYE),  
18 Handed to the Japanese Ambassador (NOMURA) on Sep-  
19 tember 3, 1941.

20 "'I have read with appreciation Your Excel-  
21 lency's message of August 27, which was delivered to me  
22 by Admiral NOMURA.

23 "'I have noted with satisfaction the senti-  
24 ments expressed by you in regard to the solicitude of  
25 Japan for the maintenance of the peace of the Pacific

BALLANTINE

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1 and Japan's desire to improve Japanese-American re-  
2 lations.

3 "I fully share the desire expressed by you  
4 in these regards, and I wish to assure you that the  
5 Government of the United States, recognizing the  
6 swiftly-moving character of world events, is prepared  
7 to proceed as rapidly as possible toward the consumma-  
8 tion of arrangements for a meeting at which you and I  
9 can exchange views and endeavor to bring about an ad-  
10 justment in the relations between our two countries.

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

22 "I am very desirous of collaborating with  
23 you in efforts to make these principles effective in  
24 practice. Because of my deep interest in this matter  
25 I find it necessary that I constantly observe and take

BALLANTINE

DIRECT

1 account of developments both in my own country and  
2 in Japan which have a bearing upon problems between  
3 our two countries. At this particular moment I can-  
4 not avoid taking cognizance of indications of the  
5 existence in some quarters in Japan of concepts  
6 which, if widely entertained, would seem capable  
7 of raising obstacles to successful collaboration  
8 between you and me along the line which I am sure  
9 we both earnestly desire to follow. Under these  
10 circumstances, I feel constrained to suggest, in  
11 the belief that you will share my view, that it  
12 would seem highly desirable that we take precaution,  
13 toward ensuring that our proposed meeting shall prove  
14 a success, by endeavoring to enter immediately upon  
15 preliminary discussion of the fundamental and  
16 essential questions on which we seek agreement.  
17 The questions which I have in mind for such prelim-  
18 inary discussions involve practical application of  
19 the principles fundamental to achievement and  
20 maintenance of peace which are mentioned with more  
21 specification in the statement accompanying your  
22 letter. I hope that you will look favorably upon  
23 this suggestion.  
24

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

THE WITNESS (Reading): "It was felt by

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1 the American Government that the President could go to  
2 such a meeting only if there were first obtained tent-  
3 ative commitment offering some assurance that the  
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1 meeting could accomplish good. Neither Prince KONOYE  
2 nor any of Japan's spokesmen provided anything tangi-  
3 ble. They held on to the threat against the United  
4 States implicit in the Tripartite Alliance. They would  
5 not state that Japan would refrain from attacking the  
6 United States if it became involved through acts of  
7 self-defense in the European War. The Japanese had  
8 already refused to agree to any preliminary steps  
9 toward reverting to peaceful courses, as for example  
10 adopting the President's proposal of July 24 regard-  
11 ing the neutralization of Indo-China. Instead they  
12 steadily moved on with their program of establish-  
13 ing themselves more firmly in Indo-China. They would  
14 not budge from their insistence in any peace agreement  
15 with China upon terms based on principles which were  
16 embodied in a so-called treaty of 1940 with the puppet  
17 Wang Ching-wei regime at Nanking and which included  
18 the stationing for an indefinite period of large  
19 bodies of Japanese troops in wide areas of China and  
20 the control by Japan of strategic industries and  
21 economic facilities in China -- terms which would  
22 have given Japan a permanent stranglehold over China.  
23 Inasmuch as months of closeup conversations with the  
24 Japanese had failed to move them on these points, it  
25 would have been illusory to expect that a meeting

BALLANTINE

DIRECT

1 between the President and the Prime Minister would  
2 have resulted in Japan's giving dependable pledges  
3 such as would have assured a peaceful settlement.  
4 It was clear that unless the proposed meeting pro-  
5 duced concrete and clear-cut commitments toward  
6 peace, the Japanese would have distorted the signifi-  
7 cance of such a meeting in such a way as to have a  
8 discouraging effect upon the Chinese; if it had  
9 resulted merely in endorsing general principles, the  
10 Japanese in the light of their past practices could  
11 have been expected to utilize such general principles  
12 in support of any interpretation which Japan might  
13 choose to place upon them; and if it did not produce  
14 an agreement, the Japanese leaders would have been  
15 in position to declare that the United States was  
16 responsible for the failure of the meeting. "

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

MR. KEENAN: Prosecution offers in evidence exhibit of this affidavit G.

THE PRESIDENT: Admitted.

CLERK OF THE COURT: Prosecution's document No. 2215-G will receive exhibit No. 1245-D.

(Whereupon, the document above referred to was marked prosecution's exhibit 1245-D and received in evidence.)

MR. KEENAN: With the Court's permission, Mr. Higgins will read this exhibit.

MR. HIGGINS: Mr. President, I read prosecution exhibit No. 1245-D.

"DRAFT PROPOSAL HANDED BY THE JAPANESE AMBASSADOR (NOMURA) TO THE SECRETARY OF STATE ON SEPTEMBER 6, 1941.

"The Government of Japan undertakes:

"(c) That Japan is ready to express it concurrence in those matters which were already tentatively agreed upon between Japan and the United



1 States in the course of their preliminary informal  
2 conversations;

3 "(b) that Japan will not make any military  
4 advancement from French Indo-China against any of  
5 its adjoining areas, and likewise will not, without  
6 any justifiable reason, resort of military action  
7 against any regions lying south of Japan;

8 "(c) that the attitudes of Japan and  
9 the United States towards the European War will be  
10 decided by the concepts of protection and self-defense,  
11 and, in case the United States should participate  
12 in the European War, the interpretation and execution  
13 of the Tripartite Pact by Japan shall be independently  
14 decided;

15 "(d) that Japan will endeavor to bring  
16 about the rehabilitation of general and normal  
17 relationship between Japan and China, upon the  
18 realization of which Japan is ready to withdraw  
19 its armed forces from China as soon as possible  
20 in accordance with the agreements between Japan  
21 and China;

22 "(e) that the economic activities of  
23 the United States in China will not be restricted  
24 so long as pursued on an equitable basis;

25 "(f) that Japan's activities in the

1 Southwestern Pacific Area will be carried on by  
2 peaceful means and in accordance with the principle  
3 of non-discrimination in international commerce,  
4 and that Japan will cooperate in the production and  
5 procurement by the United States of natural resources  
6 in the said area which it needs.

7           "(g) that Japan will take measures  
8 necessary for the resumption of normal trade re-  
9 lations between Japan and the United States, and in  
10 connection with the above-mentioned, Japan is ready  
11 to discontinue immediately the application of the  
12 foreigners' transactions control regulations with  
13 regard to the United States on the basis of reciprocity.

14           "The Government of the United States  
15 undertakes:

16           "(a) that, in response to the Japanese  
17 Government's commitment expressed in point (d)  
18 referred to above, the United States will abstain  
19 from any measures and actions which will be pre-  
20 judicial to the endeavour by Japan concerning the  
21 settlement of the China Affair;

22           "(b) that the United States will re-  
23 ciprocate Japan's commitment expressed in point  
24 (f) referred to above;

25           "(c) that the United States will suspend

1 any military measures in the Far East and in the  
2 Southwestern Pacific Area;

3 "(d) that the United States will immed-  
4 iately upon settlement reciprocate Japan's commit-  
5 ment expressed in point (g) referred to above by  
6 discontinuing the application of the so-called  
7 freezing act with regard to Japan and further by  
8 removing the prohibition against the passage of  
9 Japanese vessels through the Panama Canal."

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1 THE WITNESS: (Reading)

2 "On September 25, the Japanese Government  
3 presented to Ambassador Grew a complete new draft of  
4 the Japanese proposals and urged that an early reply  
5 be made. The new redraft did not indicate any modi-  
6 fication of the attitude of the Japanese Government  
7 on fundamental points. A copy of this proposal is  
8 annexed as exhibit H."

9 MR. KEENAN: And now, if the Court please,  
10 offered in evidence by the prosecution.

11 THE PRESIDENT: Admitted.

12 CLERK OF THE COURT: Prosecution's document  
13 No. 2215-H will receive exhibit No. 1245-E.

14 (Whereupon, the document above re-  
15 ferred to was marked prosecutor's exhibit  
16 1245-E and received in evidence.)

17 MR. KEENAN: With the Court's permission, I  
18 proceed to read it:

19 "'JAPANESE PROPOSALS SUBMITTED TO THE AMERICAN AMBASSADOR  
20 IN JAPAN (GREV) ON SEPTEMBER 25, 1941

21 "'Tokyo, September 25, 1941.

22 "'The Governments of Japan and of the United  
23 States accept joint responsibility for the initiation  
24 and conclusion of a general agreement of understanding  
25 as expressed in a joint declaration for the resumption

BALLANTINE

DIRECT

1 of traditional friendly relations.

2 "Without reference to specific causes of  
3 recent estrangement, it is the sincere desire of both  
4 Governments that the incidents which led to the deter-  
5 ioration of the amicable sentiment between their  
6 countries should be prevented from recurrence and cor-  
7 rected in their unforeseen and unfortunate consequences.

8 "It is the earnest hope of both Governments  
9 that, by a cooperative effort, Japan and the United  
10 States may contribute effectively toward the establish-  
11 ment and preservation of peace in the Pacific area and,  
12 by the rapid consummation of an amicable understand-  
13 ing, encourage world peace and arrest, if not dispel,  
14 the tragic confusion that now threatens to engulf civil-  
15 ization.

16 "For such decisive action, protracted nego-  
17 tiations would seem ill-suited and weakening. Both  
18 Governments, therefore, desire that adequate instru-  
19 mentalities should be developed for the realization of  
20 a general understanding which would bind, meanwhile,  
21 both Governments in honor and in act.

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

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

5           "1. The concepts of Japan and of the United  
6 States respecting international relations and the char-  
7 acter of nations.

8           "2. The attitudes of both Governments  
9 toward the European War.

10           "3. Action toward a peaceful settlement  
11 between Japan and China.

12           "4. Commerce between both nations.

13           "5. Economic problems in the Southwestern  
14 Pacific area.

15           "6. The policies of both nations affecting  
16 political stabilization in the Pacific area.

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

20           "1. The concepts of Japan and of the United  
21 States respecting international relations and the char-  
22 acter of nations.

23           "Both Governments affirm that their national  
24 policies are directed toward the foundation of a lasting  
25 peace and the inauguration of a new era of reciprocal

1 confidence and cooperation between the peoples of  
2 both countries.

3           "'Both Governments declare that it is their  
4 traditional, and present, concept and conviction that  
5 nations and races compose, as members of a family, one  
6 household living under the ideal of univeral concord  
7 through justice and equity; each equally enjoying rights  
8 and admitting responsibilities with a mutuality of in-  
9 terests regulated by peaceful processes and directed to  
10 the purusit of their moral and physical welfare, which  
11 they are bound to defend for themselves as they are  
12 bound not to destroy for others; they further admit  
13 their responsibilities to oppose the oppression or ex-  
14 ploitation of other peoples."

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

17           "'Both Governments maintain it their common  
18 aim to bring about peace in the world, and, when an  
19 oportune time arrives, they will endeavor jointly for  
20 the early restoration of world peace.'"   
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1 THE PRESIDENT: You omitted a paragraph,  
Mr. Chief of Counsel.

2 MR. KEENAN: I am sorry.

3 THE PRESIDENT: It is the last paragraph  
4 of I.

5 MR. KEENAN: (Reading)

6  
7 "Both Governments are firmly determined  
8 that their respective traditional concepts on the  
9 character of nations and the underlying moral prin-  
10 ciples of social order and national life will con-  
11 tinue to be preserved and never transformed by for-  
12 eign ideas or ideologies contrary to those moral  
13 principles and concepts."

14 Thank you.

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

17 "Both Governments maintain it their com-  
18 mon aim to bring about peace in the world, and,  
19 when an opportune time arrives, they will endeavor  
20 jointly for the early restoration of world peace.

21 "With regard to developments of the situ-  
22 ation prior to the restoration of world peace, both  
23 Governments will be guided in their conduct by con-  
24 siderations of protection and self-defense; and, in  
25 case the United States should participate in the



BALLANTINE

DIRECT

1 European War, Japan would decide entirely independent-  
2 ly in the matter of interpretation of the Tripartite  
3 Pact between Japan, Germany and Italy, and would like-  
4 wise determine what actions might be taken by way of  
5 fulfilling the obligations in accordance with the said  
6 interpretation.

7 "III. Action toward a peaceful settle-  
8 ment between Japan and China.

9 "Both Governments, taking cognizance of  
10 the fact that the settlement of the China Affair  
11 has a vital bearing upon the peace of the entire Pa-  
12 cific area and consequently upon that of the world,  
13 will endeavor to expedite a rapid realization of the  
14 settlement of the said Affair.

15 "The Government of the United States, rec-  
16 ognizing the effort and the sincere desire on the  
17 part of the Japanese Government concerning the peace-  
18 ful settlement of the China Affair, will, with the  
19 intention of facilitating the realization of the  
20 settlement, render its good offices in order that the  
21 Chungking Government may promptly enter into negoti-  
22 ations with the Government of Japan for a termination  
23 of hostilities and a resumption of peaceful rela-  
24 tions, and will refrain from resorting to any meas-  
25 ures and actions which might hamper the measures and

BALLANTINE

DIRECT

1 efforts of the Government of Japan directed toward  
2 the settlement of the China Affair.

3 "The Government of Japan maintains that  
4 the basic general terms of peace for the settlement  
5 of the China Affair will be in harmony with the prin-  
6 ciples embodied in the KONOYE statement, and those  
7 agreements between Japan and China and those matters  
8 which have been put into effect in accordance with  
9 the said statement; that the economic cooperation be-  
10 tween Japan and China will be carried on by peaceful  
11 means and in conformity with the principle of non-  
12 discrimination in the international commercial rela-  
13 tions and also with the principle of especially close  
14 relationship which is natural between neighboring  
15 countries; and that the economic activities of third  
16 Powers in China will not be excluded so long as they  
17 are pursued on an equitable basis.

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

20 "IV. Commerce between Japan and the  
21 United States.

22 "Both Governments agree to take without  
23 delay measures necessary for resuming normal trade re-  
24 lations between the two countries.

25 "Both Governments guarantee each other

1 that they will, as the first of the meas-  
2 ures envisaged in the preceding paragraph, discontin-  
3 ue immediately the measures of freezing assets now  
4 being enforced, and that they will supply mutually  
5 such commodities as are, respectively, available and  
6 required by either of them.

7 "IV. Economic problems in the Southwestern  
8 Pacific area.

9 "Both Governments mutually pledge them-  
10 selves that the economic activities of Japan and the  
11 United States in the Southwestern Pacific area shall  
12 be carried on by peaceful means and in conformity  
13 with the principle of non-discrimination in the in-  
14 ternational commercial relations in pursuance of the  
15 policy stated in the preceding paragraph, both Govern-  
16 ments agree to cooperate each with the other towards  
17 the creation of conditions of international trade and  
18 international investment under which both countries  
19 will have a reasonable opportunity to secure through  
20 the trade process the means of acquiring those goods  
21 and commodities which each country needs for the  
22 safeguarding and development of its own economy.

23 "Both Governments will amicably cooperate  
24 for the conclusion and execution of agreements with  
25 the Powers concerned in regard to the production and

1 supply, on the basis of non-discrimination, of such  
2 specific commodities as oil, rubber, nickel, and tin.

3 "VI. The policies of both nations affect-  
4 ing political stabilization in the Pacific area.

5 "Both Governments, taking cognizance of the  
6 fact that it is a matter of vital importance to stab-  
7 ilize promptly the situation in the Southwestern Pac-  
8 ific area, undertake not to resort to any measures  
9 and actions which may jeopardize such stabilization.  
10 The Government of Japan will not make any armed ad-  
11 vancement, using French Indo-China as a base, to any  
12 adjacent area thereof (excluding China), and upon the  
13 establishment of an equitable peace in the Pacific  
14 area, will withdraw its troops which are now stationed  
15 in French Indo-China.

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

19 "Both Governments declare that they respect  
20 the sovereignty and territorial integrity of Thailand  
21 and Netherland East Indies, and that they are pre-  
22 pared to conclude an agreement concerning the neutral-  
23 ization of the Philippine Islands when its indepen-  
24 dence will have been achieved.

25 "The Government of the United States guaran-

1    tees non-discriminatory treatment of the Japanese  
2    nationals in the Philippine Islands.'"

3                   "' (Foreign Relations, Vol.II, p. 673-640)'"

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BALLANTINE

DIRECT

1 "Text of Basic Japanese" --

2 THE PRESIDENT: That is not handed in, nor is  
3 it part of the original.

4 MR. KEENAN: That is not a part. Apparently  
5 that is an appendix which was proposed to be offered,  
6 and I will withdraw it at this time

7 (To the witness) Proceed.

8 THE WITNESS: (Reading)

9 "The Japanese Government had separately on  
10 September 22 communicated to Ambassador Grew a state-  
11 ment in regard to the terms of peace which it pro-  
12 posed to offer China. A copy of that statement is  
13 annexed as exhibit I."

14 MR. KEENAN: And offered in evidence by the  
15 prosecution.

16 THE PRESIDENT: Admitted.

17 CLERK OF THE COURT: Prosecution's document  
18 No. 2215-I will receive exhibit No. 1245-F.

19 (Whereupon, the document above re-  
20 ferred to was marked prosecution's exhibit  
21 No. 1245-F and received in evidence.)

22 MR. KEENAN: (Reading)  
23  
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BALLANTINE

DIRECT

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

3           "1. Neighborly friendship.

4           "2. Respect for sovereignty and territorial  
5 integrity.

6           "3. Cooperative defense between Japan and  
7 China.

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

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

17           "4. Withdrawal of Japanese armed forces.

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

23           "5. Economic cooperation.

24           "(a) There shall be economic cooperation  
25 between Japan and China, having the development and

BALLANTINE

DIRECT

1 utilization of essential materials for national defense  
2 in China as its principal objective.

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

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

9 "7. No annexation.

10 "8. No indemnities.

11 "9. Recognition of Manchoukuo.'

12 "(Foreign Relations, Vol. II, p. 633)"  
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BALLANTINE

DIRECT

THE WITNESS: (Reading)

1           "On October 2, the Secretary of State gave to  
2 the Japanese Ambassador a memorandum of an 'oral  
3 statement' reviewing significant developments in  
4 the conversations and explaining this Government's  
5 attitude toward various points in the Japanese pro-  
6 posals which did not appear to this Government to be  
7 consistent with the principles to which the United  
8 States was committed. A copy of that 'oral state-  
9 ment' is annexed as exhibit J."  
10

11           MR. KEENAN: And offered in evidence by the  
12 prosecution.

13           THE PRESIDENT: Admitted.

14           CLERK OF THE COURT: Prosecution's document  
15 No. 2215-J will receive exhibit No. 1245-G.

16                   (Whereupon, the document above re-  
17 ferred to was marked prosecution's exhibit  
18 No. 1245-G and received in evidence.)

19           MR. KEENAN: Mr. Higgins will read it, if  
20 it please the Court.

21           THE PRESIDENT: Mr. Higgins.

22           MR. HIGGINS: I read prosecution exhibit  
23 No. 1245-G:  
24  
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BALLANTINE

DIRECT

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

4 "(Washington) October 2, 1941

5 "Reference is made to the proposals of the  
6 Japanese Government communicated on September 6, 1941,  
7 by the Japanese Ambassador to the Secretary of State,  
8 and to statements relating thereto subsequently com-  
9 municated to this Government by the Japanese Govern-  
10 ment.

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

18 "The Government of the United States wel-  
19 comed, as affording a possible opportunity for further-  
20 ing the broad-gauge objectives and principles of a  
21 program of peace, the Japanese Government's suggest-  
22 ions made through its Ambassador here in the early  
23 part of August that there be held a meeting of the  
24 responsible heads of the Japanese Government and of  
25 the Government of the United States to discuss means

BALLANTINE

DIRECT

1 for bringing about an adjustment of relations between  
2 the United States and Japan and that there be resumed  
3 the informal conversations which had been in prog-  
4 ress between the two countries to ascertain whether  
5 there existed a basis for negotiations relative to  
6 a peaceful settlement covering the entire Pacific  
7 situation.

8 "Accordingly, in the reply made by the  
9 President on August 17, 1941, to the Japanese Am-  
10 bassador the view was expressed that such informal  
11 corversations would naturally envisage the working  
12 out of a progressive program attainable by peaceful  
13 means; that such a program would involve the appli-  
14 cation in the entire Pacific area of the principle of  
15 equality of commercial opportunity and treatment,  
16 thus making possible access by all countries to raw  
17 materials and to all other essential commodities,  
18 and there were described the advantages which would  
19 flow to all countries, including Japan, from the  
20 adoption of such a program. In conclusion, it was  
21 stated that if the Japanese Government were in posi-  
22 tion to embark upon a peaceful program for the  
23 Pacific along the lines of the program and principles  
24 to which the United States is committed, this Govern-  
25 ment would be prepared to consider resumption of the

BALLANTINE

DIRECT

1 informal exploratory discussions and would be glad  
2 to endeavor to arrange a suitable time and place to  
3 exchange views.

4 "In the light of the broad purposes and  
5 fundamental principles which this Government holds,  
6 it was gratifying to the President and the Govern-  
7 ment of the United States to receive the message of  
8 the Prime Minister and the statement of the Govern-  
9 ment of Japan on August 28, 1941, containing state-  
10 ments expressing Japan's desire and intent to pursue  
11 courses of peace in harmony with the fundamental  
12 principles to which the people and Government of the  
13 United States are committed. In its statement the  
14 Japanese Government gave, with some qualifications,  
15 broad assurances of its peaceful intent, including  
16 a comprehensive assurance that the Japanese Govern-  
17 ment has no intention of using without provocation  
18 military force against any neighboring nation. The  
19 Japanese Government declared that it supported the  
20 program and principles which had been briefly out-  
21 lined by the President not only as applicable to the  
22 Pacific area but also as a program for the entire  
23 world.

24 "The Government of the United States, while  
25 desiring to proceed as rapidly as possible with

BALLANTINE

DIRECT

1 consideration of arrangements for a meeting between  
2 the heads of state, felt it desirable, in order to  
3 assure that that meeting would accomplish the ob-  
4 jective in view, to clarify the interpretation of cer-  
5 tain principles and the practical application thereof  
6 to concrete problems in the Pacific area. It has  
7 not been the purpose of this Government to enter into  
8 a discussion of details; this Government has felt,  
9 however, that the clarification sought would afford  
10 a means of expediting our effort to arrive at a meet-  
11 ing of minds.

12 "On September 3, 1941, the President in  
13 giving reply to the Japanese Ambassador expressed in  
14 earnest desire of the Government of the United States  
15 to collaborate in efforts to make effective in practice  
16 the principles to which the Japanese Government made  
17 reference. The President reiterated the four princi-  
18 ples regarded by this Government as the foundation  
19 upon which relations between nations should properly  
20 rest. Those principles are:

21 "1. Respect for the territorial integrity  
22 and the sovereignty of each and all nations.

23 "2. Support of the principle of non-inter-  
24 ference in the internal affairs of other countries.

25 "3. Support of the principle of equality,

including equality of commercial opportunity.

1  
2 "4. Non-disturbance of the status quo in  
3 the Pacific except as the status quo may be altered  
4 by peaceful means.

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

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

18 "The foregoing developments and assurances,  
19 together with other statements made by the Japanese  
20 Government, seemed to justify this Government in con-  
21 cluding that the Japanese Government might be expected  
22 to adhere to and to give practical application to a  
23 broad progressive program covering the entire Pacific  
24 area. It was, therefore, a source of disappointment  
25 to the Government of the United States that the pro-

BALLANTINE

DIRECT

1 proposals of the Japanese Government presented by the  
2 Japanese Ambassador on September 6, 1941, which the  
3 Japanese Government apparently intended should con-  
4 stitute a concrete basis for discussions, appeared to  
5 disclose divergence in the concepts of the two Govern-  
6 ments. That is to say, those proposals and the sub-  
7 sequent explanatory statements made, in regard thereto  
8 serve, in the opinion of this Government, to narrow  
9 and restrict not only the application of the principles  
10 upon which our informal conversations already referred  
11 to had been based but also the various assurances given  
12 by the Japanese Government of its desire to move along  
13 with the United States in putting into operation a  
14 broad program looking to the establishment and main-  
15 tenance of peace and stability in the entire Pacific  
16 area."

BALLANTINE

DIRECT

1 "As has already been said, the various  
2 broad assurances given by the Japanese Premier and  
3 the Japanese Government are highly gratifying. In  
4 putting forward its attitude of peaceful intent to-  
5 ward other nations, the Japanese Government qualified  
6 its assurances with certain phrases the need for  
7 which is not easily understood. It is difficult to  
8 conceive of there developing under present circum-  
9 stances in any of the territories neighboring French  
10 Indo-China, in Thailand or in the Soviet Union any  
11 aggressive threat or provocation to Japan. The in-  
12 alienable right of self-defense is, of course, well  
13 recognized by all nations and there could arise in  
14 some minds a question as to just what the Japanese  
15 Government has in view in circumscribing its assur-  
16 ances of peaceful intent with what would seem to be  
17 unnecessary qualifying phrases.

18 "In the informal conversations there was  
19 tentatively arrived at a formula in regard to econom-  
20 ic policy (Section V of the draft understanding),  
21 which provided that Japanese activity and American  
22 activity in the Pacific area shall be carried on by  
23 peaceful means and in conformity with the principle  
24 of non-discrimination in international commercial  
25 relations. In the Japanese Government's proposals of



BALLANTINE

DIRECT

1 September 6 and in subsequent communications from the  
2 Japanese Government the commitments contained in that  
3 formula were restricted to the countries of the South-  
4 west Pacific area (not the Pacific area as a whole).

5 In reference to China, the Japanese Government states  
6 that it will respect the principle of non-discrimina-  
7 tion, but the explanation given in regard to this  
8 point would seem to be open to the implication that  
9 the Japanese Government has in mind some limitation  
10 upon the application of this principle occasioned by  
11 reasons of Japan's geographical propinquity to China.

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

18 "This Government has noted the views of the  
19 Japanese Government in support of its desire to sta-  
20 tion troops for an indeterminate period in certain  
21 areas of China. Entirely apart from the question of  
22 the reasons for such a proposal, the inclusion of such  
23 a provision in the proposed terms of a peaceful settle-  
24 ment between Japan and China at a time when Japan is  
25 in military occupation of large areas in China is

BALLANTINE

DIRECT

1 open to certain objections. For example, when a  
2 country in military occupation of territory of another  
3 country proposes to the second country the continued  
4 stationing of troops of the first country in certain  
5 areas as a condition for a peaceful settlement and  
6 thus for the withdrawal of the occupationary forces  
7 from other areas, such procedure would seem to be out  
8 of keeping with the progressive and enlightened  
9 courses and principles which were discussed in the in-  
10 formal conversations and thus would not, in the  
11 opinion of this Government, make for peace or offer  
12 prospects of stability.

13 "It is believed that a clear-cut manifesta-  
14 tion of Japan's intention in regard to the withdrawal  
15 of Japanese troops from China and French Indo-China  
16 would be most helpful in making known -- in particu-  
17 lar to those who might be inclined to be critical --  
18 Japan's peaceful intentions and Japan's desire to  
19 follow courses calculated to establish a sound basis  
20 for future stability and progress in the Pacific area.

21 "With reference to the attitude of each  
22 country toward the European war, this Government has  
23 noted with appreciation the further step taken by the  
24 Japanese Government to meet the difficulties inherent  
25 in this aspect of the relations between the two count-

BALLANTINE

DIRECT

1 rles. It is believed that it would be helpful if  
2 the Japanese Government could give further study to  
3 the question of possible additional clarification of  
4 its position.

5 "In the exchanges of views which have taken  
6 place between the two Governments in an effort to  
7 reach an agreement in principle upon fundamental  
8 questions in order to prepare the ground for the pro-  
9 posed meeting of the responsible chiefs of government,  
10 this Government has endeavored to make clear that what  
11 it envisages is a comprehensive program calling for  
12 the application uniformly to the entire Pacific area  
13 of liberal and progressive principles. From what  
14 the Japanese Government has so far indicated in re-  
15 gard to its purposes this Government derives the im-  
16 pression that the Japanese Government has in mind a  
17 program which would be circumscribed by the imposition  
18 of qualifications and exceptions to the actual appli-  
19 cation of those principles.

20 "If this impression is correct, can the  
21 Japanese Government feel that a meeting between the  
22 responsible heads of government under such circum-  
23 stances would be likely to contribute to the advance-  
24 ment of the high purposes which we have mutually had  
25 in mind?"

BALLANTINE

DIRECT

1           " 'As already stated, this Government wel-  
2           comed the assurances contained in the statement of the  
3           Japanese Government which accompanied the Japanese  
4           Prime Minister's message to the President of the  
5           United States that the Japanese Government subscribed  
6           to the principles which have long been advocated by  
7           this Government as the only sound basis for stable  
8           international relations. This Government believes  
9           that renewed consideration of these fundamental  
10          principles may be helpful in our effort to seek a  
11          meeting of minds in regard to the essential questions  
12          on which we seek agreement and thus lay a firm founda-  
13          tion for a meeting between the responsible heads of  
14          the two Governments. The subject of the meeting pro-  
15          posed by the Prime Minister and the objectives sought  
16          have engaged, and continue to engage, the close and  
17          active interest of the President of the United States,  
18          and it is the President's earnest hope that discussion  
19          of the fundamental questions may be so developed that  
20          such a meeting can be held. It is also the President's  
21          hope that the Japanese Government shares the convic-  
22          tion of this Government that, if the Governments of  
23          Japan and of the United States are resolved to give  
24          those principles practical and comprehensive applica-  
25          tion, the two Governments can work out a fundamental

BALLANTINE

DIRECT

1 rehabilitation of the relations between the United  
2 States and Japan and contribute to the bringing about  
3 of a lasting peace with justice, equity and order in  
4 the whole Pacific area.'"

5 THE PRESIDENT: We will adjourn now until  
6 half-past nine tomorrow morning.

7 (Whereupon, at 1608, an adjourn-  
8 ment was taken until Tuesday, 19 November  
9 1946 at 0930.)

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