

Nov 8-46 8 Nov 46
M. G. L.

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Record of Proceedings
of the
INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The United States of America, the Republic of China,
the United Kingdom of Great Britain and Northern Ireland,
the Union of Soviet Socialist Republics, the Commonwealth of
Australia, Canada, the Republic of France, the Kingdom of
the Netherlands, New Zealand, India, and the Commonwealth
of the Philippines

-Against-

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO,
Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIRO-
TA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA,
Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuni-
aki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI,
Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi;
OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHI-
GEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATO-
RI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO,
Hideki; UMEZU, Youshijiro;

-Accused-

Official Court Reporters

- Jack Greenberg, Chief
- Fred T. Abram
- James F. Barton
- Antoinette Duda
- Samuel Goldberg
- Robert B. Morse
- John J. Smith
- Daphne Spratt
- Elvira Whalen
- Julian Wolf
- Lorraine Yelden

I N D E X
of
WITNESSES
(none)

I N D E X
of
EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
4061B	1086		Telegram from Ott in Tokyo to Ribbentrop dated 11 June 1941		9986
220 C(35)	1087		Draft of the Proposal received from NOMURA dated 15 June 1941		9988
219P(77)	1088		Excerpt from Telegram of Ambassador Grew to Secretary of State Hull dated 16 June 1941		9996
1632W(52)	1089		Entry in KIDO's Diary dated 18 June 1941		9998
1632W(53)	1090		Entry in KIDO's Diary dated 20 June 1941		9999
220C (36)	1091		Oral Statement by Secretary of State handed to Ambassador NOMURA dated 21 June 1941		10000
220 C(37)	1092		Draft Proposal of a Settlement between Japan and the U.S. by the Secretary of State to the Japanese Ambassador dated 21 June 1941		10004

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1632W(55)	1093		Entry from KIDO's Diary dated 22 June 1941		10019
1632W(56)	1094		Entry in KIDO's Diary dated 23 June 1941		10023
1632W(57)	1095		Entry in KIDO's Diary dated 23 June 1941		10026
4081C	1096		Telegram from Ribbentrop at the German Embassy at Tokyo		10029
4081D	1097		Telegram from the German Files at Nuernberg from Ott to Ribbentrop dated 28 June 1941		10034
1632W(58)	1098		Entry in KIDO' Diary dated 28 June 1941		10036
219P(78)	1099		Message from the American Ambassador in Japan to the Japanese Minister for Foreign Affairs MATSUOKA dated 8 July 1941		10039
220C(14)	1100		Excerpt from an Oral State- ment of Ambassador Grew to Minister MATSUOKA dated 8 July 1941		10041
1339A(5)	1101		Foreign Minister MATSUOKA's Reply of February 17 to Foreign Secretary Eden		10043
220C(14)	1102		Excerpt from Press Release by the Department of State in Washington dated 24 July 1941		10047

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1699	1103		Relating to Central Liaison Conferences held during 1941		10051
2216	1104		Affidavit of the Honorable Henry L. Stinson, dated 7 June 1946		10067
239	1105		Affidavit of Ambassador Joseph Clark Grew		10089
2007B	1106		Excerpt from the Testimony of former Secretary of State Cordell Hull before the United States Con- gressional Committee for the investigation of the Pearl Harbor Attack (pp. 1076 to 1083)		10109

1 Friday, 8 November, 1946

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

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

11 - - -

12
13 Appearances:

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

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

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

THE PRESIDENT: All the accused are present except OKAWA, HIRANUMA and MATSUI who are represented by their respective counsel. We have certificates from the Medical Superintendent of Sugamo Prison to the effect that the accused HIRANUMA and MATSUI are still unable to attend the trial owing to illness.

The certificates will be recorded and filed.

Major Moore.

LANGUAGE ARBITER (Major Moore): If the Tribunal please, referring to exhibit 1068, record page 9877, line 7, the words "his opinion" should read "my opinion." We recommend this correction be made.

THE PRESIDENT: It will be adopted. Thank you, Major Moore.

Mr. Williams.

MR. E. WILLIAMS: We offer in evidence IPS document 4061 B which is a telegram dated June 11, 1941 from Ott in Tokyo to Ribbentrop. It was recovered from the German files in Nuernberg.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document No. 4061 B will receive exhibit No. 1086.

1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 1086 and received in evidence.)

4 MR. E. WILLIAMS: We read prosecution ex-
5 hibit No. 1086:

6 "Telegram (Secret Cipher Process)

7 "Tokyo 11 June 1941

8 "Arrival 12 June 1941

9 "No. 927 of 11 June.

10 "Prince URACH has informed us of a conver-
11 sation with the Commander-in-Chief of the KWANTUNG
12 Army, General UMEZU, in HSINKING: 'Commander-in-
13 Chief of the KWANTUNG Army, General UMEZU, stressed
14 that he welcomed the Neutrality Pact JAPAN-RUSSIA for
15 the moment. Since, however, the Tripartite Pact is
16 the unchangeable basis of Japanese foreign policy,
17 Japan's attitude towards the Neutrality Pact must
18 undergo a change just as soon as the hitherto exist-
19 ing German-Russian relations undergo an alteration.

20 "OTT"
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1 We offer in evidence IPS document No.
2 220 C (35) from exhibit for identification 58, Vol-
3 ume II, which is a draft of the document or proposal
4 received from NOMURA June 15, 1941.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 220 C (35) will receive exhibit No. 1087.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1087 and received in evidence.)

11 MR. E. WILLIAMS: We read prosecution's
12 document No. 1087:

13 "DRAFT DOCUMENT RECEIVED INFORMALLY FROM ASSOCIATES
14 OF THE JAPANESE AMBASSADOR (NOMURA) ON JUNE 15, 1941

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

20 "Without reference to specific causes of
21 recent estrangement, it is the sincere desire of both
22 Governments that the incidents which led to the de-
23 terioration of amicable sentiment between their
24 countries should be prevented from recurrence and cor-
25 rected in their unforeseen and unfortunate consequences."

1 "It is our earnest hope that, by a coopera-
2 tive effort, the United States and Japan may contri-
3 bute effectively toward the establishment and pre-
4 servation of peace in the Pacific area and, by the
5 rapid consumation of an amicable understanding, en-
6 courage world peace and arrest, if not dispel, the
7 tragic confusion that now threatens to engulf civi-
8 lization.

9 "For such decisive action, protracted ne-
10 negotiations would seem ill-suited and weakening.
11 Both Governments, therefore, desire that adequate
12 instrumentalities should be developed for the reali-
13 zation of a general understanding which would bind,
14 meanwhile, both Governments, in honor and in act.

15 "It is the belief of the two Governments
16 that such an understanding should comprise only the
17 pivotal issues of urgency and not the accessory con-
18 cerns which could be deliberated later at a Conference.

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

- 23 "1. The concepts of the United States and of
24 Japan respecting the international relations
25 and the character of nations."

- 1 "2. The attitudes of both Governments toward
2 the European war.
3 "3. Action toward a peaceful settlement be-
4 tween China and Japan.
5 "4. Commerce between both nations.
6 "5. Economic activity of both nations in the
7 Pacific area.
8 "6. The policies of both nations affecting po-
9 litical stabilization in the Pacific area.
10 "7. Neutralization of the Philippine Islands.

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

15 "I. The concepts of the United States and of Japan
16 respecting international relations and the charac-
17 ter of nations.

18 "Both Governments affirm that their national
19 policies are directed toward the foundation of a last-
20 ing peace and the inauguration of a new era of reci-
21 procal confidence and cooperation between our peoples.

22 "Both Governments declare that it is their
23 traditional, and present, concept and conviction
24 that nations and races compose, as members of a family,
25 one household living under the ideal of universal

1 concord through justice and equity; each equally
2 enjoying rights and admitting responsibilities with
3 a mutuality of interests regulated by peaceful pro-
4 cesses and directed to the pursuit of their moral
5 and physical welfare, which they are bound to defend
6 for themselves as they are bound not to destroy for
7 others; they further admit their responsibilities
8 to oppose the oppression or exploitation of other
9 people.

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

17 "II. The attitudes of both Governments toward the
18 European war.

19 "The Government of Japan maintains that the
20 purpose of the Tripartite Pact was, and is, defensive
21 and is designed to prevent the participation of na-
22 tions in the European war not at present involved in
23 it.

24 "The Government of the United States main-
25 tains that its attitude toward the European hostili-

1 ties is and will continue to be determined solely
2 and exclusively by considerations of protection and
3 self-defense: its national security and the defense
4 thereof.

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

7 "The Government of Japan having declared
8 that the general terms, within the framework of which
9 the Government of Japan will propose the negotiation
10 of a peaceful settlement of the China Affair, are
11 implied in the KONOYE principles and in the practical
12 application of these principles, the President of the
13 United States, relying upon the policy of the Govern-
14 ment of Japan to establish a relation of neighborly
15 friendship with China, will suggest to the Government
16 at Chungking that it enter with the Government of
17 Japan into a negotiation for a termination of hostili-
18 ties and resumption of peaceful relations.

19 "IV. Commerce between both nations.

20 "When official approbation to the present
21 understanding has been given by both Governments,
22 the United States and Japan shall assure each other
23 mutually to supply such commodities as are, respective-
24 ly, available and required by either of them. Both
25 Governments further consent to take necessary steps

1 to resume normal trade relations as formerly estab-
2 lished under the Treaty of Commerce and Navigation
3 between the United States and Japan. If a new commer-
4 cial treaty is desired by both Governments, it would
5 be negotiated as soon as possible and be concluded
6 in accordance with usual procedure.

7 "V. Economic activity of both nations in the Paci-
8 fic area.

9 "On the basis of mutual pledges hereby given
10 that Japanese activity and American activity in the
11 Pacific area shall be carried on by peaceful means
12 and in conformity with the principle of non-discrim-
13 ination in international commercial relations, the
14 Japanese Government and the Government of the United
15 States agree to cooperate each with the other toward
16 obtaining non-discriminatory access by Japan and by
17 the United States to commercial supplies of natural
18 resources (such as oil, rubber, tin, nickel) which
19 each country needs for the safeguarding and develop-
20 ment of its own economy.

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

23 "Both Governments declare that the control-
24 ling policy underlying this understanding is peace
25 in the Pacific area; that it is their fundamental

1 purpose, through cooperative effort, to contribute
2 to the maintenance and the preservation of peace in
3 the Pacific area; and that neither has territorial
4 designs in the area mentioned.

5 "VII. Neutralization of the Philippine Islands.

6 "The Government of Japan declares its will-
7 ingness to enter at such time as the Government of
8 the United States may desire into negotiation with
9 the Government of the United States with a view to
10 the conclusion of a treaty for the neutralization
11 of the Philippine Islands, when Philippine indepen-
12 dence shall have been achieved.

13 "(Enclosure)

14 "ANNEX AND SUPPLEMENT ON THE PART OF THE GOVERNMENT
15 OF THE UNITED STATES

16 "IV. Commerce between both nations.

17 "It is understood that during the present
18 international emergency Japan and the United States
19 each shall permit export to the other of commodities
20 in amounts up to the figures of usual or pre-war trade,
21 except, in the case of each, commodities which it
22 needs for its own purposes of security and self-de-
23 fense. These limitations are mentioned to clarify
24 the obligations of each Government. They are not
25 intended as restrictions against either Government;

1 and, it is understood, that both Governments will
2 apply such regulations in the spirit dominating re-
3 lations with friendly nations."
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1 We offer in evidence IPS document No.
2 219P (77) from exhibit for identification 58, Vol-
3 une I, which is an excerpt from a telegram of Ambas-
4 sador Grew to Secretary of State Hull, dated June
5 16, 1941.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 219P (77) will receive exhibit No. 1088.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1088 and received in evidence.)

12 MR. E. WILLIAMS: We read prosecution ex-
13 hibit 1088:

14 "TELEGRAM

15 "THE AMBASSADOR IN JAPAN (GREW) TO THE SECRETARY OF
16 STATE

17 "TOKYO, June 16, 1941 - 9 p.m.
18 (Received June 16 - 10:35 a.m.)

19 "Excerpts

20 "830. Chungking's 240, June 15, 3 p.m.
21 Without delay I immediately sought an appointment
22 with the Minister for Foreign Affairs and delivered
23 to him in person a signed note quoted below. I made
24 the most emphatic representations and pointed out the
25 grave danger to American Japanese relations involved in
recent bombing attacks on Chungking which have now

1 resulted in heavy damage to our Embassy property,
2 including the residence of the Ambassador, and serious-
3 ly jeopardizing both the lives of the Ambassador and
4 other American nationals and the U. S. S. Tutuila.

5 "Excellency: I have the honor to inform
6 your Excellency that according to information
7 just received from the American Ambassador at
8 Chungking, during an air raid early on the
9 afternoon of June 15, 1941, twenty-seven Japa-
10 nese airplanes flying high bombed Chungking
11 and also dropped several, about five, bombs
12 within areas of one to three hundred yards of
13 the entrance to the Embassy Chancery and the
14 United States ship Tutuila. A bomb which
15 dropped within fifty yards of the entrance to
16 the Embassy dugout hit alongside of and heavily
17 damaged the offices of the assistant military
18 attache; about half way between the Chancery
19 and the United States ship Tutuila. The con-
20 cussion and flying debris damaged the Chancery,
21 including the windows, transoms, tile roof,
22 screens and shutters. Some damage was also
23 caused at the Ambassador's residence a half
24 mile away and at the Standard Oil offices near
25 the Chancery."

1 We offer in evidence IPS document No.
2 1632W (52), an entry in KIDO's Diary, June 18, 1941.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 1632W (52) will receive exhibit No. 1089.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1089 and received in evidence.)

9 MR. E. WILLIAMS: We read prosecution's
10 exhibit No. 1089:

11 "'Extract from Entry From Marquis KIDO's
12 Diary, 18 June '41.'

13 "June 18th, 1941 - (Extract)

14 ".....I had a visit from the Premier and
15 the Foreign Minister at 11 a.m.. The Foreign Minister
16 told me that instructions had been sent to have
17 the German Government negotiate with the Vichy Govern-
18 ment in connection with the French Indo-China Prob-
19 lem."

20 MR. LOGAN: If the Tribunal please, may we
21 have that exhibit referred to the Language Section?

22 THE PRESIDENT: What do you suggest is wrong
23 with it, Mr. Logan?

24 MR. LOGAN: According to our translation,
25 it should read: "I had a visit from the Premier and

1 the Foreign Minister at 11 a.m.. The Foreign Minister
2 told me that instructions had been sent to negotiate
3 with the Vichy Government through the German Govern-
4 ment in connection with the French Indo-China prob-
5 lem."

6 THE PRESIDENT: There seems to be no sub-
7 stantial difference, but we will refer it to the
8 Language Section.

9 Mr. Williams.

10 MR. E. WILLIAMS: We offer in evidence IPS
11 document No. 1632W (53) which is an entry in KIDO's
12 Diary, June 20, 1941.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 1632W (53) will receive exhibit No. 1090.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1090 and received in evidence.)

19 MR. E. WILLIAMS: We read prosecution's
20 exhibit No. 1090:

21 "Extract from Entry from Marquis KIDO's
22 Diary, 20 June 1941.

23 ".....Prince KONOYE called on me at 5:50
24 p.m. and informed me confidentially that there was
25 something hard to understand about the Foreign

1 Minister's opinion in view of the present strained
2 international relations including the outbreak of
3 the war between the Soviet and Germany. He took this
4 occasion to refer to the responsibility of the Cabin-
5 et, but I advised him that it was still too early
6 to discuss this. I promised him that we would talk
7 over the matter with Mr. HIRANUMA, Minister of Home
8 Affairs, at the earliest opportunity. He went home
9 after about an hour's talk."

10 MR. LOGAN: If the Tribunal please, we
11 would like to have this referred to the Language
12 Section.

13 THE PRESIDENT: Why, Mr. Logan?

14 MR. LOGAN: The middle sentence should read:
15 "He took this occasion to refer to the responsibility
16 of the Cabinet, but I advised him that it was out of
17 the question."

18 THE PRESIDENT: It will be referred.

19 MR. E. WILLIAMS: We offer in evidence IPS
20 document No. 220C (36) which is an oral statement by
21 Secretary of State handed to Ambassador NOMURA, June
22 21, 1941.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 220C (36) will receive exhibit No. 1091.

1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 1091 and received in evidence.)

4 MR. E. WILLIAMS: We read prosecution's
5 exhibit No. 1091.

6 "ORAL STATEMENT HANDED BY THE SECRETARY OF STATE TO
7 THE JAPANESE AMBASSADOR (NOMURA) ON JUNE 21, 1941

8 "Excerpt.

9 "The Secretary of State has no reason to doubt
10 that many Japanese leaders share the views of the Jap-
11 anese Ambassador and his associates as indicated above
12 and would support action toward achieving those high
13 objectives. Unfortunately, accumulating evidence
14 reaches this Government from sources all over the
15 world, including reports from sources which over many
16 years have demonstrated sincere good will toward Japan,
17 that some Japanese leaders in influential official
18 positions are definitely committed to a course which
19 calls for support of Nazi Germany and its policies of
20 conquest and that the only kind of understanding with
21 the United States which they would endorse is one that
22 would envisage Japan's fighting on the side of Hitler
23 should the United States become involved in the Euro-
24 pean hostilities through carrying out its present
25 policy of self-defense. The tenor of recent public

1 statements gratuitously made by spokesmen of the Jap-
2 anese Government emphasizing Japan's commitment and
3 intentions under the Tripartite alliance exemplify an
4 attitude which cannot be ignored. So long as such
5 leaders maintain this attitude in their official
6 positions and apparently seek to influence public
7 opinion in Japan in the direction indicated, is it
8 not illusory to expect that adoption of a proposal
9 such as the one under consideration offers a basis
10 for achieving substantial results along the desired
11 lines?

12 "Another source of misgiving in the Japanese
13 proposal relates to the desire of the Japanese Gov-
14 ernment to include in its terms for a peaceful settle-
15 ment to be offered to the Chinese Government, a pro-
16 vision which would permit the stationing of Japanese
17 troops in certain areas in Inner Mongolia and North
18 China as a measure of a cooperation with China in
19 resisting communistic activities. While this Gov-
20 ernment has given careful thought to the considera-
21 tions which have prompted the Japanese Government to
22 make such a proposal, and while this Government does
23 not desire to enter into the merits of such a pro-
24 posal, it feels that the liberal policies to which the
25 United States is committed, as explained on numerous

1 occasions to the Japanese Ambassador and his associates,
2 would not permit this Government to associate itself
3 with any course which appears to be inconsistent with
4 these policies. Furthermore, although in matters
5 affecting only this country there might be some lati-
6 tude of decision as to the qualifying of rights, the
7 matter under discussion affects the sovereign rights
8 of a third country, and accordingly it is felt that
9 this Government must be most scrupulous in dealing
10 with such a matter.

11 "The Secretary of State has therefore re-
12 luctantly come to the conclusion that this Government
13 must await some clearer indication than has yet been
14 given that the Japanese Government as a whole desires
15 to pursue courses of peace such as constitute the ob-
16 jectives of the proposed understanding. This Govern-
17 ment sincerely hopes that the Japanese Government will
18 manifest such an attitude.

19 "NOTE: In order to bring the current dis-
20 cussions up to date as far as the American attitude is
21 concerned, there is being handed the Japanese Ambassa-
22 dor separately a revision, bearing the date of June 21,
23 of the document marked 'Unofficial, Exploratory and
24 without Commitment' which was handed the Japanese Am-
25 bassador on May 31."

1 THE PRESIDENT: Mr. Chief Counsel.

2 MR. KEENAN: Mr. President, the prosecution
3 now offers in evidence IPS document 220 C (37) from
4 exhibit for identification 58, Volume 2, which is
5 draft proposal of a settlement between Japan and the
6 United States by the Secretary of State to the Jap-
7 anese Ambassador June 21, 1941.

8 THE PRESIDENT: Admitted on the usual terms.

9 MR. KEENAN: I hope the Court will permit
10 me at this time to state for the clearer understand-
11 ing, not only of the Court but the defense counsel,
12 that this is a document very similiar to exhibit
13 1078, which was a draft handed by the Secretary of
14 State to the Japanese Ambassador at Washington on
15 31 May 1941. There are the following changes in
16 this draft: One has reference to the exchange of
17 views as to the attitude toward the European War of
18 the two nations by letters instead of by annexes
19 to the document itself as of May 31. The second
20 change has reference to the treatment of the sub-
21 ject matter of economic affairs in China, and the
22 third includes the entire Pacific area instead of
23 the Western Pacific.

24 The prosecution apologizes for its offering
25 this entire document, because it is so closely in

1 resemblance to the former one, but believes this part
2 of the case is so important it craves the Court's in-
3 dulgence for such purpose. So, with the Court's per-
4 mission, I will read this exhibit, if the Court ad-
5 mits it.

6 THE PRESIDENT: Read it, Mr. Counsel.

7 CLERK OF THE COURT: Prosecution's document
8 No. 220 C (37) will receive exhibit No. 1092.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit No.
11 1092 and received in evidence.)

12 MR. KEENAN: (Reading)

13 "DRAFT PROPOSAL HANDED BY THE SECRETARY OF
14 STATE TO THE JAPANESE AMBASSADOR (NOMURA) ON JUNE
15 21, 1941.

16 "Unofficial, Exploratory and Without Commitment.

17 "Washington, June 21, 1941.

18 "The Governments of the United States and of
19 Japan accept joint responsibility for the initiation
20 and conclusion of a general agreement of under-
21 standing as expressed in a joint declaration for
22 the resumption of traditional friendly relations.

23 "Without reference to specific causes of recent
24 estrangement, it is the sincere desire of both
25 Governments that the incidents which led to the

1 deterioration of amicable sentiment between their
2 countries should be prevented from recurrence and
3 corrected in their unforeseen and unfortunate con-
4 sequences.

5 "It is our earnest hope that, by a cooperative
6 effort, the United States and Japan may contribute
7 effectively toward the establishment and preserva-
8 tion of peace in the Pacific area and, by the rapid
9 consummation of an amicable understanding, encourage
10 world peace and arrest, if not dispel, the tragic
11 confusion that now threatens to engulf civilization.

12 "For such decisive action, protracted negotia-
13 tions would seem ill-suited and weakening. Both
14 Governments, therefore, desire that adequate instru-
15 mentalities should be developed for the realization
16 of a general understanding which would bind, mean-
17 while, both Governments in honor and in act.

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

23 "Both Governments presume to anticipate that
24 they could achieve harmonious relations if certain
25 situations and attitudes were clarified or improved,

to wit:

1
2 "1. The concepts of the United States and of
3 Japan respecting international relations and the
4 character of nations.

5 "2. The attitudes of both Governments toward
6 the European war.

7 "3. Action toward a peaceful settlement be-
8 tween China and Japan.

9 "4. Commerce between both nations.

10 "5. Economic activity of both nations in the
11 Pacific area.

12 "6. The policies of both nations affecting
13 political stabilization in the Pacific area.

14 "7. Neutralization of the Philippine Islands.

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

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

22 "Both governments affirm that their national
23 policies are directed toward the foundation of a
24 lasting peace and the inauguration of a new era of
25 reciprocal confidence and cooperation between our

1 peoples.

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

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

22 "II. The attitudes of both Governments toward the
23 European war.

24 "The Government of Japan maintains that the
25 purpose of the Tripartite Pact was, and is, defensive

1 and is designed to contribute to the prevention
2 of an unprovoked extension of the European war.

3 "The Government of the United States main-
4 tains that its attitude toward the European hostili-
5 ties is and will continue to be determined solely
6 and exclusively by considerations of protection and
7 self-defense; its national security and the defense
8 thereof.

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

17 "III. Action toward a peaceful settlement be-
18 tween China and Japan.

19 "The Japanese Government having communicated to
20 the Government of the United States the general terms
21 within the framework of which the Japanese Government
22 will propose the negotiations of a peaceful settle-
23 ment with the Chinese Government, which terms are
24 declared by the Japanese Government to be in har-
25 mony with the KONOYE principles regarding neighborly

1 friendship and mutual respect of sovereignty and
2 territories and with the practical application of
3 those principles, the President of the United
4 States will suggest to the Government of China that
5 the Government of China and the Government of Japan
6 enter into a negotiation on a basis mutually ad-
7 vantageous and acceptable for a termination of hos-
8 tilities and resumption of peaceful relations.

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

21 "IV. Commerce between both nations.

22 "When official approbation to the present under-
23 standing has been given by both Governments, the
24 United States and Japan shall assure each other
25 mutually to supply such commodities as are,

1 respectively, available and required by either of
2 them. Both Governments further consent to take
3 necessary steps to resume normal trade relations as
4 formerly established under the Treaty of Commerce
5 and Navigation between the United States and Japan.
6 If a new commercial treaty is desired by both Gov-
7 ernments, it would be negotiated as soon as possible
8 and be concluded in accordance with usual procedures.
9 "V. Economic activity of both nations in the Pacific
10 area.

11 "On the basis of mutual pledges hereby given
12 that Japanese activity and American activity in the
13 Pacific area shall be carried on by peaceful means
14 and in conformity with the principle of non-discrimi-
15 nation in international commercial relations, the
16 Japanese Government and the Government of the United
17 States agree to cooperate each with the other to-
18 ward obtaining non-discriminatory access by Japan
19 and by the United States to commercial supplies of
20 natural resources (such as oil, rubber, tin,
21 nickel) which each country needs for the safe-
22 guarding and development of its own economy.

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

25 "Both Governments declare that the controlling

1 policy underlying this understanding is peace in
2 the Pacific area; that it is their fundamental pur-
3 pose, through cooperative effort, to contribute to
4 the maintenance and the preservation of peace in
5 the Pacific area; and that neither has territorial
6 designs in the area mentioned.

7 "VII. Neutralization of the Philippine Islands.

8 "The Government of Japan declares its willing-
9 ness to enter at such time as the Government of the
10 United States may desire into negotiation with the
11 Government of the United States with a view to the
12 conclusion of a treaty for the neutralization of the
13 Philippine Islands, when Philippine independence
14 shall have been achieved."
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1 "(Annex 1)

2 "Annex and Supplement on the Part of the
3 Japanese Government.

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

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

8 "1. Neighborly friendship.

9 "2. (Cooperative defense against injurious
10 communistic activities -- including the stationing
11 of Japanese troops in Chinese territory.) Subject to
12 further discussion.

13 "3. (Economic cooperation.) Subject to agree-
14 ment on an exchange of letters in regard to the appli-
15 cation to this point of the principle of non-discrim-
16 ination in international commercial relations.

17 "4. Mutual respect of sovereignty and terri-
18 tories.

19 "5. Mutual respect for the inherent character-
20 istics of each nation cooperating as good neighbors
21 and forming an East Asian nucleus contributing to world
22 peace.

23 "6. Withdrawal of Japanese armed forces from
24 Chinese territory as promptly as possible and in
25 accordance with an agreement to be concluded between

1 Japan and China.

2 "7. No annexation.

3 "8. No indemnities.

4 "9. Amicable negotiation in regard to
5 Manchoukuo.

6 "(Annex 2)

7 "Annex and Supplement on the Part of the Govern-
8 ment of the United States.

9 "IV. Commerce between both nations.

10 "It is understood that during the present inter-
11 national emergency Japan and the United States each
12 shall permit export to the other of commodities in
13 amounts up to the figures of usual or pre-war trade,
14 except, in the case of each, commodities which it needs
15 for its own purposes of security and self-defense.
16 These limitations are mentioned to clarify the obli-
17 gations of each Government. They are not intended as
18 restrictions against either Government; and, it is
19 understood, both Governments will apply such regula-
20 tions in the spirit dominating relations with friendly
21 nations.

22 "(Annex 3)

23 "Suggested Exchange of Letters between the
24 Secretary of State and the Japanese Ambassador.

25 "The Secretary of State to the Japanese Ambassador:

1 "EXCELLENCY: In Section II of the Joint Declar-
2 ation which was entered into today on behalf of our
3 two Governments, statements are made with regard to
4 the attitudes of the two Governments toward the European
5 war. During the informal conversations which resulted
6 in the conclusion of this Joint Declaration I explained
7 to you on a number of occasions the attitude and policy
8 of the Government of the United States toward the
9 hostilities in Europe and I pointed out that this
10 attitude and policy were based on the inalienable right
11 of self-defense. I called special attention to an
12 address which I delivered on April 24 setting forth
13 fully the position of this Government upon this sub-
14 ject.

15 "I am sure that you are fully cognizant of this
16 Government's attitude toward the European war but in
17 order that there may be no misunderstanding I am again
18 referring to the subject. I shall be glad to receive
19 from you confirmation by the Government of Japan that,
20 with regard to the measures which this nation may be
21 forced to adopt in defense of its own security, which
22 have been set forth as indicated, the Government of
23 Japan is not under any commitment which would require
24 Japan to take any action contrary to or destructive of
25 the fundamental objective of the present agreement,

1 to establish and to preserve peace in the Pacific areas.

2 "Accept, Excellency, the renewed assurances
3 of my highest consideration.

4 "The Japanese Ambassador to the Secretary
5 of State:

6 "EXCELLENCY: I have received your letter of
7 June --.

8 "I wish to state that my government is fully
9 aware of the attitude of the Government of the United
10 States toward the hostilities in Europe as explained
11 to me by you during our recent conversations and as
12 set forth in your address of April 24. I did not fail
13 to report to my Government the policy of the Government
14 of the United States as it had been explained to me,
15 and I may assure you that my Government understands
16 and appreciates the attitude and position of the
17 Government of the United States with regard to the
18 European war.

19 "I wish also to assure you that the Government
20 of Japan, with regard to the measures which the Govern-
21 ment of the United States may be **forced** to adopt in
22 defense of its own security, is not under any commit-
23 ment requiring Japan to take any action contrary to or
24 destructive of the fundamental objective of the present
25 agreement. "

1 "The Government of Japan, fully cognizant of
2 its responsibilities freely assumed by the conclusion
3 of this agreement, is determined to take no action
4 inimical to the establishment and preservation of peace
5 in the Pacific area.

6 "Accept, Excellency, the assurances of my
7 most distinguished consideration.

8 "(Annex 4)

9 "Suggested Letter to be Addressed by the
10 Secretary of State to the Japanese Ambassador in
11 Connection with the Joint Declaration.

12 "EXCELLENCY: In the informal conversations
13 which resulted in the conclusion of a general agree-
14 ment of understanding between our two Governments, you
15 and your associates expressed fully and frankly views
16 on the intentions of the Japanese Government in regard
17 to applying to Japan's proposed economic cooperation
18 with China the principle of non-discrimination in inter-
19 national commercial relations. It is believed that
20 it would be helpful if you could be so good as to con-
21 firm the statements already expressed orally in the form
22 of replies on the following points:

23 "1. Does the term 'economic cooperation'
24 between Japan and China contemplate the granting by the
25 Government of China to the Japanese Government or its

1 nationals of any preferential or monopolistic rights
2 which would discriminate in favor of the Japanese
3 Government and Japanese nationals as compared with the
4 Government and nationals of the United States and of
5 other third countries? Is it contemplated that upon
6 the inauguration of negotiations for a peaceful
7 settlement between Japan and China the special Japan-
8 ese companies, such as the North China Development
9 Company and the Central China Promotion Company and
10 their subsidiaries, will be divested, in so far as
11 Japanese official support may be involved, of any
12 monopolistic or other preferential rights that they
13 may exercise in fact or that may inure to them by
14 virtue of present circumstances in areas of China under
15 Japanese military occupation?

16 "2. With regard to existing restrictions
17 upon freedom of trade and travel by nationals of third
18 countries in Chinese territory under Japanese military
19 occupation, could the Japanese Government indicate
20 approximately what restrictions will be removed immedi-
21 ately upon the entering into by the Government of
22 Chungking of negotiations with the Government of Japan
23 and what restrictions will be removed at later dates,
24 with an indication in each case in so far as possible
25 of the approximate time within which removal of

1 restrictions would be effected?

2 "3. Is it the intention of the Japanese
3 Government that the Chinese Government shall exercise
4 full and complete control of matters relating to trade,
5 currency and exchange? Is it the intention of the
6 Japanese Government to withdraw and to redeem the
7 Japanese military notes which are being circulated in
8 China and the notes of Japanese-sponsored regimes in
9 China? Can the Japanese Government indicate how soon
10 after the inauguration of the contemplated negotiations
11 arrangements to the above ends can in its opinion be
12 carried out?

13 "It would be appreciated if as specific
14 replies as possible could be made to the questions
15 above listed.

16 "Accept, Excellency, the renewed assurances
17 of my highest consideration.

18 "Foreign Relations Volume II, pages 486-492."

19 THE PRESIDENT: Mr. Higgins.

20 MR. HIGGINS: We offer in evidence IPS docu-
21 ment No. 1632W (55), an entry in KIDO's Diary, June 22,
22 1941.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 1632W (55) will receive exhibit No. 1093.

1 (Whereupon, the document above referred
2 to was marked prosecution's exhibit No. 1093 and
3 received in evidence.)
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MR. HIGGINS: I read prosecution exhibit 1093:

"Extract from Entry from Marquis KIDO's Diary,
22 June 41.

"June 22nd, 1941 - (Extract)

"At 2 p.m. General SUZUKI, President of the Planning Board, telephoned me saying that the report relating to the outbreak of war between Soviet Russia and Germany had been received. Foreign Minister MATSUOKA also telephoned me to say that the official report of the commencement of the war between Soviet Russia and Germany from Ambassador OSHIMA had been received. So I asked TOKUGAWA, the gentlemen in waiting on duty, to consult the Imperial convenience to see Foreign Minister MATSUOKA, and it was decided that he would be granted an audience with the Emperor at 5.30 p.m. Before Foreign Minister MATSUOKA had his audience with the Emperor, I was received in audience by the Emperor to present my opinion based on my talk with Prince KONOYE and Baron HIRANUMA last night as follows: There has been a difference of opinion between the Premier and the Foreign Minister concerning our foreign policy to be followed in case of war breaking out between Germany and Soviet Russia. As this war would have a predominant influence upon the future of this country, it was very desirable that his Majesty the

1 Emperor should ask Foreign Minister MATSUOKA whether
2 he had already consulted the Premier about it or not,
3 and if not, prevail upon him to follow Prince KONOYE's
4 opinion.

5 "At 5.30 p.m. Foreign Minister MATSUOKA had
6 his audience with the Emperor. After that I was
7 requested to proceed to the Palace and was received
8 in audience from 6.40 to 6.50 p.m. On this occasion,
9 the Emperor was pleased to point out that the Foreign
10 Minister's policy would mean Japan's positive advance
11 to both the Northern and Southern regions and that it
12 was quite doubtful whether or not the Government and
13 the Supreme War Command would agree and whether or not
14 such policy would ever be appropriate in consideration
15 of our national strength. His Majesty looked very
16 anxious about this matter. I therefore telephoned
17 Prince KONOYE to consult with him, but found he was
18 not at home. Then I telephoned Baron HIRANUMA to
19 say that it was desirable for him to pay careful consider-
20 ation to this matter. At 9.30 p.m. I telephone
21 Prince KONOYE to report the progress of Mr. HATSUOKA's
22 audience with the Emperor, and to ask him to act with
23 prudence at the Liaison Conference. At 00.30 a.m.
24 Prince KONOYE telephoned me to say that he had just
25 had a visit from Foreign Minister MATSUOKA, who

1 explained that what he had reported to the Throne
2 yesterday was his prospect of the future and was never
3 meant as a matter to be put into action immediately."

4 THE PRESIDENT: Mr. Logan.

5 MR. LOGAN: I ask that this be referred to
6 the Language Section, if the Tribunal please.

7 THE PRESIDENT: Why, Mr. Logan?

8 MR. LOGAN: There are so many corrections in
9 it that I think it would be quicker if I read the
10 entire report the way we have it rather than make the
11 corrections line by line.

12 THE PRESIDENT: If they are lengthy, it will
13 be sufficient if you point them out to Major Moore, to
14 whom we refer the matter.

15 MR. LOGAN: Yes, sir.

16 MR. HIGGINS: We offer in evidence IPS
17 document 1632-W(56), which is an entry in KIDO's Diary,
18 June 23, 1941.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 1632-W(56) will receive exhibit No. 1094.

22 (Whereupon, the document above
23 referred to was marked prosecution's exhibit
24 No. 1094, and was received in evidence.)

25 MR. HIGGINS: I read prosecution's exhibit 1094:

1 "Extract from Entry from Marquis KIDO's Diary,
2 23 June 41.

3 "I went to my office at 10 a.m. I talked with
4 the Chief Aide-de-Camp to the Emperor concerning the
5 war between Germany and Soviet Russia. From 10:30 a.m.
6 to 11 a.m. I was received in audience by the Emperor,
7 and expressed my opinion about such matters as the
8 Foreign Minister's report submitted to the Throne yes-
9 terday and the future outlook of the international
10 situation. The Lord Chamberlain called on me at my
11 office at 11:30 a.m. I informed him what I had just
12 reported to the Throne. At 1 p.m. the Chief Aide-de-
13 Camp to the Emperor called on me to report on matters
14 relative to the Chief of the General Staff's audience
15 with His Majesty, the Emperor. Prince KONOYE proceeded
16 to the Palace. We talked from 2:40 p.m. to 4 p.m.
17 exchanging frank opinions on the changed situation
18 caused by Germany's war against Soviet Russia. I went
19 to my official residence at 4:20 p.m. when I had a call
20 from General SUZUKI, President of the Planning Board,
21 with whom I exchanged opinions. He put forth his
22 opinion as to the unification and reinforcement of the
23 Imperial General Headquarters. I agreed in principle,
24 but called his attention to the matter concerning
25 consultation with the Board of Field Marshals and Fleet

Admirals."

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2 MR. LOGAN: If the Tribunal please, may we have
3 prosecution exhibit 1094 referred to the Language
4 Section?

5 THE PRESIDENT: I think we had better give
6 you general permission to point out what you think are
7 errors to Major Moore without coming for express
8 permission.

9 MR. LOGAN: Thank you.

10 THE PRESIDENT: That will apply to all
11 documents.

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1 MR. HIGGINS: We now offer in evidence IPS
2 document 1632W(57), an entry of June 23, 1941, in
3 KIDO's Diary.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 1632W(57) will receive exhibit No. 1095.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1095 and received in evidence.)

10 MR. HIGGINS: I read prosecution's exhibit 1095.

11 "Entry from Marquis KIDO's Diary, 25 June 41

12 "June 25th, 1941 - Full

13 "Mr. HASHIMOTO, Director of the Police Bureau,
14 came to my house and reported about repercussions
15 in various circles in this country. At 9 a.m. I went
16 to Tokyo station to send off President WANG CHING
17 WEI. After this I had an interview with Prince
18 KONOYE who said that he had a private talk with
19 WANG CHING WEI last night, when the latter had ex-
20 pressed his opinion regarding general peace between
21 China and Japan, saying that for the purpose of bring-
22 ing about general peace, it was quite necessary as a
23 matter of course to win over LI Tsung-jen and PAI
24 Chung-Hsi, but at the same time our political
25 demarche to CHIANG Kai-Shek was also necessary.
Since we have to ask for the United States assistance

1 for this purpose, Wang further said, the pro-American
2 politicians would inevitably gain influence once
3 more, but to meet this situation we would have to
4 get our comrades properly posted in the Government.
5 The matter of the adjustment of relations between
6 CHIANG Kai-Shek and WANG Ching-Wei would be placed
7 in the hands of TOYAMA. As regards the Japanese
8 General Army Headquarters in China, the senior
9 officers have a good understanding of our Chinese
10 policy but the contacts between 'Superiors and
11 inferiors', 'left and right', and 'front and rear'
12 are bad. In consequence, it is no easy task to carry
13 out our Chinese policy on the spot. Corrupt
14 practices of the Army in China also have been
15 indeed rife.

16 "At 9.20 a.m. Karoku NOMURA paid me a visit
17 to talk with me. From 10.45 a.m. to 11.35 a.m. I
18 was received in audience by the Emperor. At 1 p.m.
19 I consulted the Chief Aide-de-camp to the Throne as
20 to the holding of the Liaison Conference and on other
21 problems. I went home, and then I left home again
22 for the Empress Dowager's Palace to offer my con-
23 gratulations on her birthday. At 4 p.m. the
24 Premier, the Chief of the Army General Staff, and
25 Chief of the Naval General Staff proceeded to the

1 Palace to report on the decisions of the Liaison
2 Conference regarding the Japanese troops' entry
3 into French Indo-China. I met Prince KONOYE at
4 4.30 p.m. and had a talk with him."

5 MR. LOGAN: If the Tribunal please, may I
6 just point out at this time that many of these
7 excerpts have very material errors in them, and I
8 have checked it back with the translations that
9 were made by the prosecution which they call "screen
10 translations," as the Court will probably recall,
11 and some of these excerpts are those screen trans-
12 lations. They are not revised.

13 THE PRESIDENT: We can do no more than
14 give you complete access to Major Moore on all
15 points, Mr. Logan.

16 MR. LOGAN: I appreciate that. I just
17 wanted to point that out, that some of them have
18 material erros -- very material.

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

21 (Whereupon, at 1045, a recess
22 was taken until 1100, after which the pro-
23 ceedings were resumed as follows:)
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1 MARSHAL OF THE COURT: The Tribunal is
2 now resumed.

3 THE PRESIDENT: Mr. Higgins.

4 MR. HIGGINS: Mr. President, we now tender
5 in evidence IPS document No. 4081-C. This is a
6 telegram dated 28 June 1941, taken from the German
7 files at Nuernberg and is from Ribbentrop at the
8 German Embassy at Tokyo.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 4081-C will receive exhibit No. 1096.

12 (Whereupon, the document above
13 referred to was marked prosecution's exhibit
14 No. 1096 and received in evidence.)

15 MR. SHIMANOUCI: I am counsel SHIMANOUCI.

16 THE PRESIDENT: Counsel SHIMANOUCI.

17 MR. SHIMANOUCI: This document is similar
18 to IPS document No. 4033 and it had been presented
19 to the Court already numbered -- received Court
20 exhibit No. 587. The whole text was read by
21 Prosecutor Hyde.

22 THE PRESIDENT: You heard what he said,
23 Mr. Higgins.

24 MR. HIGGINS: Yes, your Honor.

25 MR. HARDIN: If it please you, Mr. President,

1 our advice from the record was that this was not--
2 this is "C," 4081-C, and that the one that corres-
3 ponded to 4033-D was 4081-B; and we left out--

4 THE PRESIDENT: But the counsel said this
5 is already in as exhibit 587.

6 MR. HARDIN: If it is, it is an error of
7 the record.

8 MR. CUNNINGHAM: If the Tribunal please--

9 THE PRESIDENT: Mr. Cunningham.

10 MR. CUNNINGHAM: The document which is
11 now introduced is the same except for translation
12 and the translation of one word changes the sense
13 of the whole document.

14 THE PRESIDENT: What one word is that?

15 MR. CUNNINGHAM: I would like to have it
16 referred to the translation section to determine
17 whether or not the document introduced by Mr. Hyde
18 is the correct translation or the document intro-
19 duced in this phase of the case is the correct
20 translation.

21 THE PRESIDENT: For our convenience, it
22 might be read again if it is important enough.

23 MR. CUNNINGHAM: If your Honor please, it
24 is not that important but I would like to call
25 attention to the translation section of the vital

1 feature. This document says that there is an agree-
 2 ment that OSHIMA "should" use his influence and the
 3 other document says there is an agreement that OSHIMA
 4 "will" use his influence, and I would like to have
 5 the correct translation.

6 THE PRESIDENT: It seems very important
 7 so read it again and we will refer it to the trans-
 8 lation section.

9 MR. HIGGINS: Very well, Mr. President.

10 (Reading): "To be kept in locked file.

11 "Telegram (Secret Cipher Process)

12 "Special Train 28 June 1941, 2010 hours

13 "Arrival: 28 June 1941, 2030 hours

14 "No. 267/R German Foreign Office, 28 June

15 "No. 560 of 28 June 1) German Embassy Tokyo

16 2) Cipher-Bureau, Secret
 17 remarks for officials in charge.

18 "(Marginal note: Sent on to Tokyo under No. 916,
 19 28 June 1941, 2130 hours).

20 "I have agreed with Ambassador OSHIMA
 21 that he should influence his government to the
 22 effect of a speedy military action against Soviet
 23 Russia. I also request you now to utilize all
 24 available possibilities to influence to the same
 25 effect the government there, and other influential

1 circles. Please make use of the following arguments:

2 "1) The war between Germany and Soviet Russia
3 will not merely lead to the solution of more or less
4 limited individual problems, but will result in a
5 final solution through a fight to the finish
6 /Endkampf-leesung/ of the Russian question.

7 "2) The annihilation of Russian power by our
8 military action, to be expected in relatively short
9 time, will also make Germany's victory over England
10 an irrevocable fact. If Germany gets hold of the
11 Russian oil fields and wheat fields, sufficient
12 provisions for the whole of Europe is thereby
13 guaranteed, so that the British blockade becomes
14 entirely senseless. Direct land communication to
15 East Asia will likewise be established at this
16 occasion.

17 "3) In this way all requirements then exist
18 for making possible the New Order of the European
19 Sphere as intended by the Axis Powers.

20 "4) The present situation provides Japan, too,
21 with a unique opportunity just as Germany in Europe.
22 Japan can now create the basis for the New Order
23 planned by it in East Asia by a military action
24 against Soviet Russia. After the elimination of
25 Soviet power in the Far East also, the solution of

1 the Chinese problem as desired by Japan, will meet
2 with no further difficulties.

3 "5) From the point of view of Japan's interests,
4 the idea of a move to the South in the direction of
5 Singapore is and will be of great importance. Since,
6 at present, Japan is not ready for this, and in
7 addition such move is not yet possible in the present
8 phase of the war, it is in the utmost Japanese inter-
9 est not to leave unused the at present available
10 opportunity to solve the Russian problem in the
11 Far East as well. She would thereby protect her rear
12 for the move to the South.

13 "6) In view of the speedy course of events
14 to be expected, Japan should, without delay, decide
15 upon a military attack against Soviet Russia. A
16 Japanese move against an already beaten Soviet
17 Russia would considerably injure Japan's moral and
18 political position.

19 "7) It may be counted upon that the speedy
20 conquest of Soviet Russia, especially if Japan
21 takes part in it from the East, will probably be the
22 best way to convince the United States of the abso-
23 lute futility of entering into the war on the side
24 of England, then completely isolated and facing the
25 most powerful alliance of the earth. RIBBENTROP."

1 I now offer in evidence IPS document
2 No. 4081-D, taken from the German files at Nuern-
3 berg. It is a telegram, No. 1069, from Ott to
4 Ribbentrop, 28 June 1941.

5 THE PRESIDENT: Admitted on the usual
6 terms.

7 CLERK OF THE COURT: Prosecution's docu-
8 ment No. 4081-D will receive exhibit No. 1097.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1097 and received in evidence.)

12 MR. HIGGINS: I now read prosecution
13 exhibit No. 1097:

14 "Telegram (Secret Cipher Process)

15 "Tokyo 28 June 41 1145 hours

16 "Arrival 28 June 41 2210 hours

17 "To be kept in locked file.

18 "No. 1069 of 28 June Secret!

19 "Re Telegram No. 1034 with Pol VIII, of
20 25 June.

21
22 "Within the last days the leadership
23 committee of the Cabinet has repeatedly met in the
24 presence of the Chief of Staff, the entire Cabinet
25 and deliberating committees without reaching a clear-
cut decision as to Japan's future attitude to the

1 German-Russian war. As far as could be found out,
2 only preparatory measures for the various possible
3 actions on the part of Japan have been ordered thus
4 far. As Army memorandum confirms, preparatory
5 measures have indeed begun with zest. Under the
6 circumstances the preparations for attack against
7 Russia will take at least six weeks, unless a
8 decisive material and moral weakening of Russia in
9 the Far East takes place beforehand. According to
10 reliable, confidential information, Premier KONOYE
11 and the majority of Cabinet Ministers, to be sure,
12 seem to maintain the view that nothing must be
13 undertaken that would injure Japan's military pos-
14 ition in China. Hence, the Cabinet seems thus far
15 merely to have resolved on tightening their grip on
16 Indo-China for which purpose three divisions are
17 allegedly being prepared.

18 "In public and behind the scenes discus-
19 sions concerning the attitude to be taken are in
20 full swing. Noted nationalists, who always closely
21 work together with the Embassy, have held various
22 confidential conversations -- cf. DNB No. 244 of 26
23 June -- in which caution towards the Soviet Union
24 and determined action in the South was advocated.

25 "The danger exists that the Southern

1 expansion desired by this group will at first be
2 limited to French Indo-China, while their efforts*
3 (* Clear text evidently missing) could hinder Japan's
4 activity in the North. Under these circumstances,
5 the question arises whether the general directions,
6 given to me at Berlin, to work, in the first place,
7 for Japan's activity in the South while ignoring the
8 Soviet Union, are still valid if a successful move
9 to the South beyond Indo-China cannot be counted on
10 at present. According to confidential reports
11 coming to me from the Japanese Foreign Office,
12 Ambassador OSHIMA is said to have urgently advised
13 the Japanese government to attack Russia soon.

14 "I request telegraphic instructions.

15 "Ott."

16 We now offer in evidence IPS document
17 No. 16327 (58), which is an entry in KIDO's Diary,
18 June 28, 1941.

19 THE PRESIDENT: Admitted on the usual
20 terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 16327 (58) will receive exhibit No. 1098.

23 ("hereupon, the document above
24 referred to was marked prosecution's exhibit
25 No. 1098 and received in evidence.)

1 MR. HIGGINS: I now read prosecution
2 exhibit No. 1098:

3 "Extract from entry from Marquis KIDO's
4 Diary, 28 June 41.

5 "War Minister TOJO proceeded to the
6 Palace, and after his withdrawal from the presence
7 of the Emperor, he had a talk with me. He explained
8 the following matters: (1) The Army's policy
9 dealing with the German-Soviet War is that the
10 attitude of the Kwantung Army towards that war should
11 be calm and prudent. (2) Various information from
12 Ambassadors in China regarding that war. (3) Political
13 moves or demarches towards YEN Hsi-shan, LI Tsung-jen
14 and PAI Chung-hsi. (4) The strengthening of the
15 Imperial General Headquarters, and arrangements for
16 them to meet every day in the Palace."

17 MR. LOGAN: If the Tribunal please, in view
18 of the ruling this morning, may the record show after
19 each one of these entries are read -- may it appear
20 after each one is read in the record itself that that
21 particular excerpt is referred to the language section
22 without further order?

23 THE PRESIDENT: Every counsel, defense and
24 other counsel, is at liberty to refer any point of
25 translation to the head of the language section,

Major Moore, without the permission of the Tribunal.

1 If that right is fully exercised there will be no
2 need for the Tribunal to refer any document to
3 Major Moore. If Major Moore advises a correction
4 he will notify the fact to the counsel who presented
5 the document, who will read it as corrected unless
6 he dissents when the Court may have to take other
7 steps to secure finality, but we do not contemplate
8 that in any circumstances.
9

10 Dr. KIYOSE.

11 DR. KIYOSE: I wish to make one request
12 regarding the Court exhibit.

13 I have been noticing this since yesterday
14 that the translations presented to the Court by the
15 prosecutors are, generally speaking, fairly accurate.
16 However, in the translation of the diary of KIDO there
17 are very many errors. It may be one way to read the
18 documents here before any corrections are made and
19 then corrected after consideration; however, if it
20 can be arranged so that the translations can be pre-
21 sented to us beforehand, one day beforehand, I believe
22 it would speed up matters here in the Court and
23 there will be no misunderstanding on that point, and
24 it would be much better both for the Tribunal and for
25 us. I hope the Court will consider this matter.

1 THE MONITOR: Slight addition: If the
2 translations are handed to us one day before the
3 required time and necessary corrections made -- one
4 or two days beforehand -- so that counsel will read
5 the corrected copy.

6 THE PRESIDENT: If the Court's permission
7 is availed of fully there will be no need for the
8 Court to make any references to the language section.
9 We insist on that course being followed.

10 Mr. Higgins.

11 MR. HIGGINS: We now offer in evidence IPS
12 document No. 219P (78) from exhibit for identification
13 No. 58, Volume 1. This is an excerpt from statement
14 of Ambassador Crew to Foreign Minister MATSUOKA,
15 dated 8 July 1941.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 219P (78) will receive exhibit No. 1099.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1099 and received in evidence.)
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1 MR. HIGGINS: I now read prosecution's
2 exhibit No. 1099.

3 "THE AMERICAN AMBASSADOR IN JAPAN (GREW)
4 TO THE JAPANESE MINISTER FOR FOREIGN AFFAIRS
5 (MATSUOKA).

6 "Excerpt. No. 1845. TOKYO, July 8, 1941.

7 EXCELLENCY: I have the honor to inform
8 Your Excellency that during a severe Japanese air
9 raid on Chungking on June 29, 1941, at which time
10 the British Embassy was badly damaged, the con-
11 cussion from bombs dropped on the south bank of the
12 river caused some damage to the staff residence of
13 the American Embassy."

14 I now offer in evidence I. P. S. document
15 No. 220C (14), which is an excerpt from the press
16 release by the Department of State -- no, I beg your
17 pardon; I have skipped one -- (13) from exhibit for
18 identification 58, volume II, which is an excerpt
19 from an oral statement of Ambassador Grew to Minister
20 MATSUOKA, 8 July 1941.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 220C (13) will receive exhibit No. 1100.

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

1 No. 1100 and received in evidence.)

2 MR. HIGGINS: I read prosecution's exhibit
3 No. 1100:

4 "ORAL STATEMENT BY THE AMERICAN AMBASSADOR
5 IN JAPAN (GREW) TO THE JAPANESE MINISTER FOR FOREIGN
6 AFFAIRS (MATSUOKA).

7 "Excerpt.

8 "Since that time, information has been
9 received to the effect that certain cargo at Hanoi
10 as well as at Haiphong has been seized by the
11 Japanese military, but that it was impossible to
12 check the amount and nature of the cargo so seized
13 because the rightful owners were not permitted to
14 inspect the warehouses where their merchandise was
15 stored. Nevertheless, it is known that a substantial
16 amount of American cargo has been taken away.

17 "In bringing this subject again to the
18 attention of the Foreign Office, it is urgently
19 requested that immediate steps be taken to restore
20 the merchandise to its rightful owners. The Govern-
21 ment of the United States, as has been stated before,
22 does not recognize the right of the Japanese military
23 to take any action whatsoever in French-Indo China
24 against property in which there is an American in-
25 terest. The American Embassy has been instructed to

1 state that the result of persistence by the Japanese
2 in action such as that described above can only be
3 further deterioration in relations between the
4 United States and Japan.

5 "TOKYO, July 8, 1941."

6 MR. HARDIN: Mr. President, may I ask per-
7 mission to depart from the order here and introduce
8 in evidence I. P. S. document No. 1339 '85). I
9 desire this -- this is the document which counsel
10 called to our attention yesterday morning as being
11 telegram No. 47. It does not show on the translation
12 nor any of the English that we found, but they say
13 that from the Japanese it is that telegram, and in
14 obedience to your Honor's request we have investigated
15 and are willing to accept that and read it in evidence.

16 THE PRESIDENT: It has not been read before?

17 MR. HARDIN: It has not. It is similar to
18 one which was read, but not identical.

19 THE PRESIDENT: A different translation has
20 already been read, is that so?

21 MR. HARDIN: No, sir, another telegram very
22 similar to this was in evidence, but not this one.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 1339A (5) will receive exhibit No. 1101.

1 (Whereupon, the document above
2 referred to was marked prosecution's exhibit
3 No. 1101 and received in evidence.)

4 MR. HARDIN: We read prosecution's exhibit
5 No. 1101:

6 "FOREIGN MINISTER MATSUOKA'S REPLY OF
7 FEB. 17 TO FOREIGN SECRETARY EDEN.

8 "His Imperial Japanese Majesty's Minister
9 for Foreign Affairs is rather surprised to learn
10 about the undue concern shown on the part of His
11 Britannic Majesty's Principal Secretary for Foreign
12 Affairs which is, no doubt, based upon information
13 emanating from the British Embassy in Tokyo and
14 other sources. There is, of course, no way to as-
15 certain what kind of information the British Govern-
16 ment has been receiving, but the Minister for Foreign
17 Affairs would like to avail himself of this oppor-
18 tunity to state that so far as he can see there is no
19 ground for entertaining such alarming views on the
20 situation in East Asia.

21 "On more than one occasion the Minister
22 for Foreign Affairs has explained to the British
23 Ambassador in Tokyo and even to the public at large
24 that one of the primary purposes of the Tripartite
25 Pact is to limit the sphere of the European war by

1 preventing those Powers not engaged in hostilities
2 at present from joining the war and also to bring
3 about its termination as quickly as possible. The
4 Japanese Government has so far found no reason or
5 occasion to alter this avowed aim which constitutes
6 a fundamental basis of its policy. The British
7 Government may rest assured on this point.

8 "However, the Minister for Foreign Affairs
9 feels obliged to say candidly that he cannot help
10 entertaining a certain amount of anxiety, if not
11 misgivings, on the movements of the British and
12 American Governments in their attempt to expedite
13 and enlarge warlike preparations with an eye to
14 meeting supposed contingencies in the Pacific and
15 the South Seas. Press reports about these move-
16 ments originating from American sources and else-
17 where are causing increasing misgivings in Japan
18 with the consequence that in some quarters it is even
19 contended that Japan should lose no time in taking
20 measures to meet the worst eventuality in these
21 regions. The concern felt is quite natural in the
22 face of these disturbing reports. If the American
23 Government could only be persuaded to restrict its
24 activities to the Western Hemisphere, and prudently
25 avoid causing unnecessary anxiety to the Japanese,

1 the situation would indeed be very much mitigated.

2 "Having had the privilege of forming personal
3 acquaintanceship at Geneva with His Britannic
4 Majesty's Principal Secretary for Foreign Affairs
5 and prompted by the belief that a general exchange of
6 frank views at this juncture will be of some ser-
7 vice in enabling the two nations to see eye to eye,
8 the Minister for Foreign Affairs wishes to take the
9 liberty of making further observations. The upper-
10 most thought in my mind has always been world peace.
11 He sincerely hopes that on the one hand, the China
12 Affair will be brought to an end as soon as possible
13 and on the other, the European war will see an early
14 termination. It is my earnest and constant prayer
15 that the Powers may gather again to discuss at a
16 round table their differences and disputes and
17 deliberate on the great question of organizing an
18 enduring peace upon a just and equitable world order.
19 In this connection, I desire to assure my eminent
20 colleague that far from aspiring to control the
21 destinies of, or to dominate, other peoples, it is
22 Japan's established policy to inaugurate an era of
23 peace and plenty and mutual helpfulness throughout
24 the region of Greater East Asia by promoting the
25 spirit of concord and conciliation. As repeatedly

1 affirmed, Japan's motto is 'no conquest, no
2 oppression, no exploitation.' I, therefore,
3 strongly deprecate those biased reports designed
4 to calumniate Japan.

5 "The Minister for Foreign Affairs frankly
6 confesses his utter inability to see any good purposes
7 served by prolonging the war whatever the motive.
8 Whatever the outcome, whoever the victor, there are
9 present in the world situation, especially in Europe,
10 elements of great danger such as would bring about
11 a fearful state of chaos and confusion, possibly
12 eventuating in the downfall of modern civilization.
13 It takes statesmanship of a high order to foresee and
14 meet in time such catastrophic contingency. The
15 Minister for Foreign Affairs has not lost hope yet
16 that such statesmanship is not wanting in the British
17 Empire.

18 "Lastly, the Minister for Foreign Affairs
19 would like to make it clear that Japan, deeply con-
20 cerned as she is with an early restoration of peace,
21 is fully prepared to act as a mediator, not only in
22 Greater East Asia but anywhere the world over, or to
23 take whatever action is calculated to recover normal
24 conditions.

25 "The Minister for Foreign Affairs trusts that

1 His Britannic Majesty's Principal Secretary for
2 Foreign Affairs will not hesitate to share with him
3 the conviction that upon the shoulders of the leading
4 Powers rests the great and grave responsibility of
5 restoring peace and saving modern civilization from
6 the impending collapse. Such a responsibility can
7 only be fulfilled by a wise and courageous statesman-
8 ship willing to display an accommodating and generous
9 spirit in listening to others' claims and contentions.
10 It is hardly necessary to add that whatever Japan
11 may do, she will always be actuated by the conscious-
12 ness of the responsibility she owes to Humanity."

13 We offer now in evidence I. P. S. document
14 220C (14), which is an excerpt from press release by
15 the Department of State in Washington, dated July 24,
16 1941.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 220C (14) will receive exhibit No. 1102.

20 (Whereupon, the document above referred
21 to was marked prosecution's exhibit No. 1102
22 and received in evidence.)

23 MR. HARDIN: We read prosecution's exhibit
24 No. 1102:

25 "PRESS RELEASE ISSUED BY THE DEPARTMENT OF

1 STATE ON JULY 24, 1941.

2 "In response to inquiries by press corres-
3 pondents, the Acting Secretary made the following
4 statement:

5 "It will be recalled that in 1940 the
6 Japanese Government gave expression on several
7 occasions to its desire that conditions of disturbance
8 should not spread to the region of the Pacific, with
9 special references to the Netherlands East Indies
10 and French Indo-china. This desire was expressly
11 concurred in by many other Governments, including
12 the Government of the United States. In statements
13 by this Government, it was made clear that any alter-
14 ation in the existing status of such areas by other
15 than peaceful processes could not but be prejudicial
16 to the security and peace of the entire Pacific area
17 and that this conclusion was based on a doctrine which
18 has universal application.

19 "On September 23, 1940, referring to the
20 events then rapidly happening in the Indo-China situ-
21 ation, the Secretary of State stated that it seemed
22 obvious that the existing situation was being upset
23 and that the changes were being achieved under duress.
24 Present developments relating to Indo-China provide clear
25 indication that further changes are now being effected

1 under duress.

2

3 "There is no doubt as to the attitude of
4 the Government and people of the United States toward
5 acts of aggression carried out by use or threat of
6 armed force. That attitude has been made abundantly
7 clear.

8 "By the course which it has followed and
9 is following in regard to Indo-China, the Japanese Govern-
10 ment is giving clear indication that it is determined
11 to pursue an objective of expansion by force or threat
12 of force.

13 "There is not apparent to the Government
14 of the United States any valid ground upon which the
15 Japanese Government would be warranted in occupying
16 Indo-China or establishing bases in that area as measures
17 of self-defense.

18 "There is not the slightest ground for
19 belief on the part of even the most credulous that
20 the Governments of the United States, of Great
21 Britain, or of the Netherlands have any territorial
22 ambitions in Indo-china or have been planning any moves
23 which could have been regarded as threats to Japan.
24 This Government can, therefore, **only conclude** that the
25 action of Japan is undertaken because of the estimated

1 value to Japan of bases in that region primarily for
2 the purpose of further and more obvious movements of
3 conquest in adjacent areas.'"
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1 MR. HARDIN: We wish to tender in evidence
2 I. P. S. document No. 1699, which is a document taken
3 from the Japanese Foreign Office, Tokyo, duly authenti-
4 cated, and which relates to Central Liaison Conferences
5 held during 1941.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 1699 will receive exhibit No. 1103.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1103 and received in evidence.)

12 MR. HARDIN (Reading):

13 "Liaison Conferences held during 1941.

14 "(An Abstract from Article in Asahi)

15 "Date and place: 6:00 - 9:30 p. m., on 13
16 January at Megro-Saryo (Japanese Restaurant).

17 "Attendance: KONOYE (Prime Minister); TOJO (War
18 Minister); SUGIYAMA (Chief of Army General Staff);
19 TOMIDA (Chief Secretary of the Cabinet); ANAMI (Vice
20 Minister of War); MUTO (Chief of Military Bureau);
21 TSUKADA (Vice Chief of Army General Staff); TANAKA
22 (Director of Army General Staff); TOYODA (Vice Minis-
23 ter of Navy); OKA (Chief of Naval Affairs Bureau);
24 KONDO (Vice Chief of Naval General Staff); UGAKI (Vice
25 Chief of Naval General Staff)."

"Remarks: Exchange of views."

1 THE PRESIDENT: Mr. Hardin, the majority of
2 my colleagues do not want this read.

3 MR. HARDIN: Very well. We submit it in
4 evidence.

5 THE PRESIDENT: If it showed the nature of
6 the business on each day, it would be different, but
7 it does not in any detail, at all events.

8 MR. HARDIN: We will offer it in evidence
9 without reading it, your Honor.

10 THE PRESIDENT: Well, is there any part you
11 would like to point out in particular? It may be an
12 extremely useful document, but there is no advantage,
13 so far as I can see, in reading it into the trans-
14 cript if the nature of the business is so indefinite.

15 Mr. Smith.

16 MR. HARDIN: We think it important as to each
17 defendant in this case to show his attendance at
18 Liaison Conferences during this period, even though
19 this document does not show the business transacted
20 at the Liaison Conferences.

21 THE PRESIDENT: Well, what advantage has it
22 as a part of the transcript that it does not possess
23 as an exhibit?

24 MR. HARDIN: Well, Mr. President, I do not
25

1 know that there is any particular difference in its
2 advantage on the transcript beyond its influence as
3 an exhibit. It is the information that during this
4 critical period these particular defendants were
5 taking part in the conferences in this period leading
6 to -- and all the context of the evidence in the case
7 shows important matters were on hand.

8 THE PRESIDENT: As you deal with the happen-
9 ings in these conferences you can indicate who was
10 present.

11 MR. SMITH: If the Court please, we wanted
12 to record an objection. This document has no
13 probative value at all.

14 MR. LOGAN: If the Tribunal please, it appears
15 in the document which has been filed with the Tribunal
16 that it is a copy which was taken from, prepared by
17 somebody from this newspaper, Asahi, and filed in the
18 Cabinet Secretariat's office. It does not appear from
19 the document filed what date or dates of the newspaper
20 were used in compiling that report which was filed in
21 the Cabinet Secretariat's office. The newspaper or
22 newspapers in which these reports appeared have not
23 been filed with the Tribunal, and, furthermore, it
24 does not seem possible -- it may be so -- that a
25

1 newspaper would publish data like this which is
2 supposed to refer to secret conferences.

3 THE PRESIDENT: You might consider for what
4 purpose you are really introducing this. You may have
5 some good purpose. It may be that it will be suffi-
6 cient to meet that purpose if you read only part of
7 it. Think it over during the luncheon adjournment,
8 Mr. Hardin.

9 We will recess until half past one.

10 (Whereupon, at 1155, a recess was
11 taken.)
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AFTERNOON SESSION

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

5 THE PRESIDENT: Major Moore.

6 LANGUAGE ARBITER (Major Moore) : If the
7 Tribunal please, referring to exhibit 587, record page
8 6562, line 18, and exhibit 1096, line 1, after consult-
9 ation with both prosecution and defense, it has been
10 agreed to recommend that in exhibit 587 the word
11 "will" be deleted and, in exhibit 1096, the word
12 "should" be deleted. Thus, in both cases, the line
13 will read, "OSHIMA that he influence," and so forth.

14 THE PRESIDENT: Both exhibits will be read
15 accordingly. Thank you, Major.

16 Mr. Hardin.

17 MR. HARDIN: Mr. President, as to exhibit
18 1103, we have conferred during the noon hour and are
19 still of the opinion that the document is important,
20 and we would like to have it in the record. This
21 document will be followed later during this trial
22 with evidence from interpretations of the various
23 defendants as to the purpose of these liaison confer-
24 ences, as to the questions discussed, and the de-
25 cisions made at them.

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THE PRESIDENT: Should you not name them
when you reveal what the discussions were to obviate

the need for us to refer back to this document?

1 MR. HARDIN: I, of course, see the force of
2 that. But, in those interrogations, they will not be
3 definite as to the number of these conferences or the
4 dates of them and as to the individuals who attended.
5 This evidence --

6 THE PRESIDENT: Can you not tell us then
7 the dates and the persons present?

8 MR. HARDIN: Yes, sir.

9 THE PRESIDENT: This document at this stage
10 of the transcript would be no more useful to us than
11 the exhibit itself if omitted from the transcript.

12 MR. HARDIN: At this time, simply because it
13 is dated within this period, I am happy to give the
14 names of the defendants and the dates of these con-
15 ferences. In each case I would like to add that
16 Premier KONOYE was present at all of them but three.

17 THE PRESIDENT: You had better read it.

18 MR. HARDIN: I shall start at the first
19 although I have read a little.

20 (Whereupon, IPS document No. 1699,
21 exhibit No. 1103 was read as follows:)

22 "Liaison Conference held during 1941.

23 "Date and place: 6:00 - 9:30 p.m. on 13
24 January at Megro-Saryo (Japanese Restaurant).
25

1 "Attendance: KONOYE (Prime Minister); TOJO
2 (War Minister); SUGIYAMA (Chief of Army General
3 Staff); TOMIDA (Chief Secretary of the Cabinet);
4 ANAMI (Vice Minister of War); MUTO (Chief of Military
5 Bureau); TSUKADA (Vice Chief of Army General Staff);
6 TANAKA (Director of Army General Staff); TOYODA
7 (Vice Minister of Navy); OKA (Chief of Naval Affairs
8 Bureau); KONDO (Vice Chief of Naval General Staff);
9 UGAKI (Vice Chief of Naval General Staff).

10 "Remarks: Exchange of views.

11 "Date and place: 11:00 a.m. on 16 January
12 at the official residence of the Prime Minister.

13 "Attendance: KONOYE; HIRANUMA (Home
14 Minister); MATSUOKA (Foreign Minister); TOJO;
15 OIKAWA (Navy Minister); TSUKADA; KONDO.

16 "Remarks: Exchange of informations and views
17 on important matters.

18 "Date and place: 9:00 - 11:00 a.m. on
19 17 January at the official residence of the Prime
20 Minister.

21 "Attendance: KONOYE; HIRANUMA, MATSUOKA,
22 TOJO, OIKAWA, SUGIYAMA, KONDO.

23 "Remarks: Discussion of important matters.

24 "Date and place: "10:30 a.m. on 19 January."
25

No remarks, no record of attendance.

1 "Date and place: 11:00 - 12:00 a.m. on 23
2 January.

3 "Remarks: Conference on various matters of
4 the day.

5 "Date and place: 4:30 - 6:30 p.m. on 30
6 January at the official residence of the Prime
7 Minister.

8 "Attendance: KONOYE; MATSUOKA, TOJO, OIKAWA,
9 HIRANUMA, SUGIYAMA, KONDO, MUTO, OKA, TOMIDA.

10 "Remarks: Exchange of informations and
11 views.

12 "Date and place: 4:00 p.m. on 3 February.

13 "Attendance: KONOYE, MATSUOKA, TOJO, OIKAWA,
14 HIRANUMA, SUGIYAMA, KONDO, MUTO, OKA.

15 "Remarks: Exchange of views on matters of
16 the day.

17 "Date and place: 11:15 a.m. on 13 February.

18 "Attendance: KONOYE; MATSUOKA, TOJO, OIKAWA,
19 HIRANUMA, SUGIYAMA, KONDO, TOMIDA, MUTO, OKA.

20 "Remarks: Exchange of views."

21 THE PRESIDENT: They are all the same, are
22 they not?

23 MR. HARDIN: That is the same thing. I beg
24 your pardon, no. I reread it.

25 May I correct a remark of a while ago? The

1 sheet shows dittos on the two previous ones on the
2 first page instead of no attendance.

3 (Reading) "11:00 a.m. on 20 February.

4 "Attendance: MATSUOKA, TOJO, OIKAWA, HIRA-
5 NUMA, SUGIYAMA, KONDO, MUTO, OKA.

6 "Remarks: Exchange of views on problems
7 concerning latest international affairs.

8 "Date and place: 11:00 a.m. on 23 February.

9 "Attendance: MATSUOKA, TOJO, OIKAWA, HIRA-
10 NUMA, SUGIYAMA, KONDO, MUTO, OKA.

11 "Remarks: Exchange of views on matters of
12 the day.

13 "Date and place: 5:00 - 7:30 p.m. on 2 March
14 at KONOYE's private residence at Ogikubo, Tokyo.

15 "Attendance: KONOYE, TOJO, OIKAWA, MATSUOKA,
16 HIRANUMA, MUTO, TOMIDA, SUGIYAMA, KONDO.

17 "Remarks: Exchange of views.

18 "Date and place: 11:00 - 12:30 a.m. on 6
19 March at the official residence of the Prime Minister.

20 "Attendance: KONOYE, MATSUOKA, TOJO, OIKAWA,
21 HIRANUMA, SUGIYAMA, KONDO, TOMIDA, MUTO.

22 "Remarks: Exchange of views.

23 "Date and place: 5:20 - 7:30 p.m. on 7 March.

24 "Attendance: KONOYE, MATSUOKA, TOJO, OIKAWA,
25 HIRANUMA, SUGIYAMA, KONDO, TOMIDA, MUTO."

1 Same as to remarks.

2 "Date and place: 9:30 - 10:10 a.m. on 11
3 March.

4 "Attendance: KONOYE, MATSUOKA, TOJO, OIKAWA,
5 HIRANUMA, SUGIYAMA, KONDO, TOMIDA, MUTO."

6 Same as to remarks.

7 "Date and place: 4:30 p.m. on 10 April.

8 "Attendance: KONOYE, TOJO, OIKAWA, HIRANUMA,
9 OHASHI (Vice Minister of Foreign Ministry), SUGIYAMA,
10 NAGANO (Chief of Naval General Staff), MUTO, OKA,
11 TOMIDA.

12 "Date and place: In the fore-noon on 17
13 April.

14 "Attendance: KONOYE, TOJO, OIKAWA, HIRANUMA,
15 SUGIYAMA, NAGANO, OHASHI, MUTO, OKA, TOMIDA.

16 "Remarks: Exchange of views on matters of
17 the day.

18 "Date and place: 1:00 p.m. on 3 May at the
19 official residence of the Prime Minister.

20 "Attendance: KONOYE, MATSUOKA, TOJO, OIKAWA,
21 HIRANUMA, SUGIYAMA, NAGANO, MUTO, OKA, TOMIDA.

22 "Remarks: Exchange of views.

23 "Date and place: 11:00 - 12:15 a.m. on
24 8 May.

25 "Attendance: KONOYE, HIRANUMA, MATSUOKA,

1 TOJO, OIKAWA, SUGIYAMA, NAGANO, TOMIDA, MUTO, OKA."

2 Same as to exchange of views.

3 "Date and place: 5:00 - 6:10 p.m. on 12
4 May.

5 "Attendance: KONOYE, MATSUOKA, TOJO, OIKAWA,
6 HIRANUMA, SUGIYAMA, NAGANO, TOMIDA, MUTO, OKA."

7 Same as to remarks.

8 "Date and place: 11:00 a.m. on 15 May.

9 "Attendance: KONOYE, MATSUOKA, TOJO,
10 OIKAWA, HIRANUMA, TOMIDA, MUTO, OKA, SUGIYAMA,
11 NAGANO."

12 Same remarks.

13 "Date and place: 11:00 a.m. - 1:00 p.m.
14 on 22 May.

15 "Attendance: KONOYE, MATSUOKA, TOJO, OIKAWA,
16 TOMIDA, MUTO, OKA, SUGIYAMA, NAGANO."

17 Same as to remarks.

18 "Date and place: 11:00 a.m. - 1:00 p.m.
19 on 29 May.

20 "Attendance: KONOYE, MATSUOKA, TOJO, OIKAWA,
21 HIRANUMA, SUGIYAMA, NAGANO, TOMIDA, MUTO, OKA."

22 Same as to remarks.

23 "Date and place: 9:30 - 10:35 a.m. on
24 6 June.

25 "Attendance: KONOYE, MATSUOKA, HIRANUMA,

1 TOJO, OIKAWA, NAGANO, TSUKADA, MUTO, OKA, TOMIDA.

2 "Remarks: Conference on problems of the
3 day.

4 "Dates and place: 3:00 p.m. on 11 June.

5 "Attendance: KONOYE, HIRANUMA, MATSUOKA,
6 TOJO, OIKAWA, SUGIYAMA, NAGANO, MUTO, OKA, TOMIDA.

7 "Remarks: Exchange of views on important
8 matters of the day.

9 "Dates and place: 11:10 a.m. - 1:55 p.m.
10 on 12 June.

11 "Attendance: KONOYE, HIRANUMA, MATSUOKA,
12 TOJO, OIKAWA, SUGIYAMA, NAGANO, MUTO, OKA, TOMIDA.

13 "Remarks: Exchange of views.

14 "Dates and place: 2:30 p.m. on 16 June.

15 "Attendance: KONOYE, MATSUOKA, TOJO,
16 OIKAWA, HIRANUMA, SUGIYAMA, NAGANO, MUTO, OKA,
17 TOMIDA.

18 "Remarks: Exchange of views on important
19 problems of the day.

20 "Dates and place: 3:00 p.m. on 23 June.

21 "Attendance: KONOYE, MATSUOKA, TOJO,
22 OIKAWA, HIRANUMA, SUGIYAMA, NAGANO, MUTO, OKA,
23 TOMIDA.

24 "Remarks: Conference on matters of the
25 day.

1 "Dates and place: 1:00 p.m. on 25 June.

2 "Attendance: KONOYE, MATSUOKA, HIRANUMA,
3 TOJO, OIKAWA, SUGIYAMA, NAGANO, MUTO, OKA, TOMIDA.

4 "Remarks: Conference on matters of the day.

5 "Dates and place: 10:10 a.m. on 26 June.

6 "Attendance: KONOYE, TOJO, OIKAWA, MATSUOKA,
7 HIRANUMA, OHASHI, SUGIYAMA, TSUKADA, NAGANO, KONDO,
8 MUTO, OKA, TOMIDA.

9 "Remarks: Exchange of views on important
10 problems of the day.

11 "Dates and place: 1:30 p.m. on 27 June.

12 "Attendance: Same persons as yesterday.

13 "Remarks: Continuous conference on the
14 same subject as on previous occasion.

15 "Dates and place: 2:00 p.m. on 28 June.

16 "Attendance: KONOYE, MATSUOKA, HIRANUMA,
17 TOJO, OIKAWA, SAKAMOTO (Director of Euro-Asiatic
18 Bureau of Foreign Ministry), SUGIYAMA, TSUKADA,
19 NAGANO, KONDO, TOMIDA, MUTO, OKA.

20 "Remarks: Exchange of views on the
21 important problems of the day.

22 "Dates and place: 5:00 p.m. on 30 June.

23 "Attendance: Same persons as above.

24 "Remarks: Exchange of views.

25 "Dates and place: 4:00 p.m. on 21 July

1 at the office of the High Command situated at the
2 Imperial Grounds.

3 "Remarks: It was decided that the Prime
4 Minister, accompanied by the Foreign Minister and
5 other Ministers concerned, should attend this place
6 occasionally and exchange views and project national
7 policies with War, Navy ministers and Staffs of the
8 High Command."

9 THE PRESIDENT: Mr. Logan.

10 MR. LOGAN: May we have a direction from
11 the Tribunal that the prosecution furnish the defense
12 with the date that this report was made and the date
13 or dates on which the extracts appeared in the news-
14 paper Asahi?

15 THE PRESIDENT: This exhibit is the document
16 as you found it, I take it. You have not made it up
17 from the newspaper. Well, I do not know why we
18 should direct that you supply the defense with the
19 material from which the Japanese made it up.

20 MR. HARDIN: Yes, sir. We will be happy to
21 do that. Oh!

22 THE PRESIDENT: If you would like to do so,
23 we will not prevent you; but I do not think we will
24 direct you to do it.

25 MR. HARDIN: I did not understand.

1 THE PRESIDENT: We cannot give the direction
2 sought by Mr. Logan.

3 MR. HARDIN: We now offer in evidence IPS
4 document No. 2216 which is an affidavit of former
5 Secretary of State Stimson. We ask that it be marked
6 as an exhibit.

7 THE PRESIDENT: Mr. Logan.

8 MR. LOGAN: The defense objects to testimony
9 of the Honorable Henry L. Stimson by affidavit on
10 the grounds that no reason has been advanced by the
11 prosecution why Mr. Stimson could not be here and
12 testify in person.

13 THE PRESIDENT: He is in America and not
14 in Japan.

15 MR. LOGAN: Secondly, he was, at the time of
16 the events testified to by him, Secretary of State,
17 a high official of the United States Government;
18 and he has set forth certain facts and certain con-
19 clusions in this affidavit in which certain acts are
20 characterized by him as being aggressive. The de-
21 fense should be given an opportunity to cross-
22 examine him on these facts and the conclusions which
23 he has drawn.

24 THE PRESIDENT: We have decided --

25 MR. LOGAN: And by his absence we have been

1 deprived of the fundamental right, as we all know it,
2 of cross-examination of this witness. Furthermore,
3 it is a method adopted by the prosecution of proving
4 a case by ex parte evidence which we do not believe
5 should be permitted with a witness of Mr. Stimson's
6 caliber.

7 I understand, although he is in his seven-
8 ties, that Mr. Stimson is in good health; and, in
9 the event that this affidavit is admitted, we ask
10 that a subpoena be issued by the Tribunal for him to
11 appear here and testify.

12 THE PRESIDENT: Captain Brooks.

13 MR. BROOKS: If the Tribunal please, I want
14 to request that, due to the importance of this wit-
15 ness, if the affidavit be accepted that it be done
16 conditioned upon the production of the witness by
17 the prosecution for cross-examination.

18 MR. HARDIN: Mr. President, our highest
19 hope was to have --

20 (Whereupon, a discussion off the
21 record was had by the Members of the
22 Tribunal.)

23 MR. HARDIN: Our highest hope was to have
24 Mr. Stimson here. My information was that due to
25 his age he was unable to undertake the travel across

1 the ocean to get here.

2 THE PRESIDENT: We have decided to receive
3 the affidavit and, therefore, to overrule the ob-
4 jection to its admission. If further examination of
5 Mr. Stimson is desired by the defense, it could be
6 done on commission in America, or by way of interroga-
7 tories. We can see no need for his attendance here.
8 He is a statesman in the highest category; and no
9 such statesmen were called in Germany, at all events.
10 That is not conclusive, of course.

11 Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document
13 No. 2216 will receive exhibit No. 1104.

14 (Whereupon, the document above re-
15 ferred to was marked prosecution's exhibit
16 No. 1104 and received in evidence.)
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1 MR. HARDIN: We read prosecution's ex-
2 hibit 1104:

3 "INTERNATIONAL MILITARY TRIBUNAL FOR THE
4 FAR EAST.

5 "The UNITED STATES OF AMERICA, THE REPUBLIC OF
6 CHINA, THE UNITED KINGDOM OF GREAT BRITAIN AND
7 NORTHERN IRELAND" --

8 THE PRESIDENT: Don't read that. You can
9 say "United States and others against ARAKI and
10 others."

11 MR. HARDIN: All right, sir. (Reading)
12 "United States of America, Against IRAKI, and others.
13 "COUNTY OF SUFFOLK, STATE OF NEW YORK, UNITED STATES
14 OF AMERICA.

15 "I, Henry L. Stimson, being duly sworn, on oath
16 depose and say:

17 "I was Secretary of State of the United States
18 of America from March 5, 1929, to March 4, 1933.
19 Prior to that time, in 1928, I was appointed
20 Governor-General of the Philippine Islands, which
21 office I held until I was named Secretary of State.

22 "On the basis of my personal observation and
23 contacts, as well as on the information coming to me
24 in the course of my official duties, I verily be-
25 lieve the following statements to be true:

1 "When I took office as Secretary of State,
2 Japan, together with the United States and various
3 other nations, was a party to the following treaties,
4 pacts, and agreements, and others, or had sub-
5 scribed to the principles therein announced:

6 "(1) The Convention for the Pacific Settle-
7 ment of International Disputes, signed at The Hague
8 29 July 1899;

9 "(2) The Convention for the Pacific Settlement
10 of International Disputes, signed at The Hague 18
11 October 1907;

12 "(3) The Hague Convention No. III relative to
13 the Opening of Hostilities signed 18 October 1907;

14 "(4) Agreement effected by exchange of notes
15 between the United States and Japan, signed 30
16 November 1908, declaring their policy in the Far
17 East;

18 "(5) Treaty between the British Commonwealth of
19 Nations, France, Japan, and the United States re-
20 lating to their Insular possessions and Insular
21 Dominions in the Pacific Ocean, 13 December 1921;

22 "(6) The Treaty between the United States of
23 America, the British Commonwealth of Nations, Bel-
24 gium, China, France, Italy, Japan, the Netherlands,
25 and Portugal, concluded and signed at Washington

1 6 February 1922, known as the Nine-Power Treaty;

2 "(7) The Treaty concluded and signed at Paris
3 27 August 1928, known as the Kellogg-Briand Pact
4 and as the Pact of Paris;

5 "(8) Convention respecting the Rights and
6 Duties of Neutral Powers and Persons in War on land,
7 signed at The Hague 18 October 1907.

8 "As a party to the above listed treaties, pacts,
9 and agreements, and others, or as a subscriber to the
10 principles therein announced, Japan had agreed, inter
11 alia:

12 "To use its best efforts to insure the Pacific
13 settlement of international differences; in
14 case of serious disagreement or conflict,
15 before an appeal to arms, to have recourse, as far
16 as circumstances allow, to the good offices or
17 mediation of one or more friendly Powers; not to
18 commence hostilities without previous and explicit
19 warning; to maintain the existing status quo in the
20 region of the Pacific Ocean and to defend the prin-
21 ciple of equal opportunity for commerce and in-
22 dustry in China and to support the independence
23 and integrity of China; in event of controversy in any
24 Pacific questions to invite other Parties to a joint
25 Conference; to respect the sovereignty, independence,

1 and the territorial administrative integrity of China;
2 to use its influence to effectually establish and
3 maintain the principle of equal opportunity for the
4 commerce and industry of all nations throughout the
5 territory of China; to refrain from seeking special
6 or monopolistic privileges in China detrimental to
7 the rights or interests of other foreign powers or
8 their nationals; to condemn recourse to war for the
9 solution of international controversies and to re-
10 nounce war as an instrument of national policy; not
11 to move troops or convoys across the territory of a
12 neutral Power.

13 "In 1931 Manchuria was actually and legally part
14 of China. Japan claimed some exceptional rights in
15 Manchuria, and many of these rights, while always
16 asserted with emphasis, were not attested by documentary
17 evidence which was unchallenged. Some of the treaties
18 upon which Japanese claims rested were asserted by
19 China to be either unauthentic or to have been
20 executed under duress. Under cover of these
21 treaties, however, Japan exercised powers of the ad-
22 ministration and police throughout a zone which
23 bordered the South Manchuria Railway, based upon the
24 armed forces she was permitted to maintain. These
25 areas included towns and portions of cities like

1 Mukden and Changchun.

2 "While there was no cleavage in Japanese feel-
3 ings as to the existence and importance of special
4 interests in Manchuria, there was a very fundamental
5 difference in political thought in Japan as to the
6 method by which that interest should be supported and
7 enforced. This difference in general corresponded
8 with the alignment between those leaders who were
9 following the ideals of popular government on the
10 one hand, and the conservative and military leaders
11 on the other. The policy of the latter group rested
12 ultimately upon military force, and assumed that
13 Japan's rights were political and sovereign.

14 "On the night of September 18, 1931, armed hos-
15 tilities broke out in Manchuria, and Japanese forces
16 occupied not only the city of Mukden, but other cities
17 in South Manchuria. The incident which was claimed
18 by the Japanese to have caused their action, namely
19 an alleged act of sabotage by the Chinese on the
20 South Manchurian Railway, diminished to such small
21 proportions as strongly to suggest its actual non-
22 existence. Meanwhile the Japanese army was found to
23 have acted with such promptness as to make it evi-
24 dent that they were moving under a previously ar-
25 ranged strategic plan. By the afternoon of September

1 19, 1931, cities like Antung, Changchun, and New-
2 chwang, several hundred miles from one another, had
3 been occupied by the Japanese forces, who at once
4 assumed the place of the civil authorities in those
5 cities. Within forty-eight hours the whole of
6 southern Manchuria, not only along the Japanese
7 South Manchuria Railway, but also along some of the
8 railroads built by the Chinese had thus been ef-
9 fectively occupied. The evidence pointed to a de-
10 liberate action planned and authorized by the
11 highest Japanese authorities in Manchuria and possibly
12 with direction from the high military command in
13 Tokyo.

14 "On September 25, 1931, the Japanese Ambassador
15 in Washington left with the Under Secretary of State
16 a Statement issued after an extraordinary meeting of
17 the Japanese Cabinet on September 24, 1931. This
18 Statement contained an assurance that while on
19 September 21 a detachment was despatched from Chang-
20 chun to Kirin it was not with a view to military
21 occupation but only for the purpose of removing the
22 menace to the South Manchuria Railway on flank and
23 that as soon as that object had been attained it
24 would be withdrawn. The Statement contained a firm
25 assurance that the Japanese Government harbored no

1 territorial designs in Manchuria. As early as October
2 8, following this firm assurance on the part of Japan,
3 I was informed by the American Charge in Tokyo that
4 the Japanese General Staff had issued an information
5 bulletin to foreign military attaches stating that
6 Japan found it impossible to withdraw the Japanese
7 Army to their original stations or even to the con-
8 tiguous territory.

9 "After the capture of Mukden by the Japanese on
10 September 19, 1931, the headquarters of the Chinese
11 Government and forces had been removed to Chinchow.
12 Soon after September 30, General Honjo, the Japanese
13 Commander-in-Chief in Manchuria, publicly announced
14 that the Government of Marshal Hsueh-liang would no
15 longer receive Japanese recognition. Other state-
16 ments followed to the effect that Japanese forces
17 would not cease their activities until Marshal Chang
18 and his government were driven entirely out of Man-
19 churia. Not only were these statements left without
20 reprimand from the Tokyo government, but Japanese
21 military planes began to enforce this policy in a
22 most drastic manner. On October 8, 1931, a squadron
23 of eleven Japanese planes dropped thirty or forty
24 bombs upon the unarmed and unwarned city of Chinchow,
25 killing and wounding a number of the inhabitants."

1 "On its face this was an indefensible act of aggression.
2 In the latter part of October, the Japanese high com-
3 mand in Manchuria sent a military expedition to
4 Tsitsihar in northern Manchuria. This was several
5 hundred miles north of any portion of the South Man-
6 churia Railway and far outside the zone of any of the
7 treaty rights which Japan claimed. This expedition
8 defeated and destroyed the forces of Chinese General
9 Ma Chan-shan and thus destroyed all the organized
10 forces of Marshal Chang in North Manchuria.

11 "The capture of Tsitsihar left the Chinchow Dis-
12 trict as the only fragment of Manchuria in which
13 Marshal Chang's authority remained intact, and to-
14 wards the latter part of November the Japanese forces
15 began to move towards Chinchow. On behalf of the
16 United States I made vigorous representations through
17 diplomatic channels, and the Japanese forces were
18 withdrawn to Mukden on November 28, 1931. On November
19 24, 1931, the Japanese Foreign Minister stated to the
20 American Ambassador that 'the Premier, the Secretary
21 of War, the Chief of Staff and he are agreed that
22 towards Chinchow there shall be no hostile operations
23 and orders have been issued to that effect.' After
24 December 11, 1931, however, the movement towards
25 Chinchow was resumed and that city was seized by the

1 Japanese army on January 3, 1932. This completed the
2 destruction of the organized forces of Marshal Chang
3 and left the control of all Manchuria in the hands of
4 the Japanese.

5 "On October 26, 1931, the Japanese Government
6 made public fundamental points upon which normal re-
7 lations between China and Japan should be based, and
8 it appeared then that they included the settlement of
9 the entire question of the disputed treaty rights of
10 Japan in Manchuria. While Japanese representatives
11 disclaimed her intention to use military force to
12 achieve her national objectives, it seemed clear that
13 she was bent on doing just that very thing. Her army
14 was not withdrawing; it was actually pushing forward
15 and the Japanese government was declining to in-
16 terfere until all these fundamental questions of
17 national policy between the two nations should be
18 settled.

19 "On December 22, 1931, I received from the
20 American Ambassador in Tokyo a telegram in which the
21 Ambassador stated that the Prime Minister of Japan had
22 called at the American Embassy and assured him that
23 Japan would never allow a situation to arise in Man-
24 churia which would be fraught with the danger of war,
25 and that Chinese sovereignty would never be impaired."

1 "The Prime Minister reiterated that Japan merely de-
2 sired the protection of Japanese persons and in-
3 terests. In the same telegram the American Am-
4 bassador reported that active preparations were con-
5 tinuing for further operations in Manchuria where a
6 free hand seemed to have been given to the military."
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1 "On December 22, 1931, I requested the American
2 Ambassador in Japan to inform the Foreign Minister of
3 my apprehension of Japanese forces taking action against
4 Chinese regulars south of Chinchow. I requested the
5 Ambassador to inform the Foreign Minister that a new
6 attack by Japanese forces on Chinese regulars would be
7 regarded as unwarranted and would be interpreted as
8 indicative of indifference to obligations assumed in
9 various treaties to which Japan and China, as well as
10 the United States, were parties. On December 27, 1931,
11 I received a memorandum from the American Ambassador
12 which had been delivered to him by the Vice Minister
13 of Foreign Affairs in which it was stated that the
14 Imperial Government was determined to remain loyal to
15 the League of Nations Covenant, the No War Treaty,
16 other various treaties and the two resolutions adopted
17 by the Council of the League of Nations regarding the
18 Manchurian situation. On December 29, 1931, the American
19 Minister in China informed me that Marshal Chang Hsueh-
20 liang ordered withdrawal of all Chinese forces from
21 Manchuria, stating that he was motivated by a desire
22 to deprive Japanese of any excuse for further aggres-
23 sion in North China.

24 "On January 7, 1932, I sent a note to Japan and
25 China informing them that the United States could not

1 admit the legality of any situation de facto and did
2 not intend to recognize any treaty entered into be-
3 tween those Governments which might impair the treaty
4 rights of the United States or its citizens in China,
5 including those which relate to the sovereignty, the
6 independence, or the territorial and administrative
7 integrity of China, or to the international policy
8 relative to China, commonly known as the open door
9 policy, and that the United States did not intend to
10 recognize any situation, treaty or agreement which
11 might be brought about by means contrary to the
12 obligations of the Pact of Paris of August 27, 1928.
13 On January 16, 1932, the Japanese government replied
14 to our note of January 7. The argument made in that
15 note was to the effect that China was in an 'unsettled
16 and distracted state' and that this fact relieved Japan
17 from the obligation to carry out the covenants of the
18 Nine-Power Treaty and the League of Nations Covenant,
19 which may be fairly said to have become the argument
20 upon which Japan thereafter relied with the greatest
21 assurance, but which was rejected as untrue and un-
22 sound by the unanimous report of the Lytton Commission.

23 In the middle of January, 1932, Japan's aggres-
24 sion in Manchuria seemed to have achieved success. By
25 May 1, 1932, Japan had attempted to extend her

1 aggressive action to the Yangtze River and to break up
2 the efforts of the Chinese at Shanghai to maintain an
3 economic boycott against her business. There Japan
4 received a military set-back in being checked by
5 Chinese soldiers. In the hostilities around Shanghai,
6 on January 28, 1932, the Japanese forces bombed the
7 unwarned and helpless civilian native quarter of Chapei.
8 This was an act of inexcusable cruelty. Not only were
9 bombs dropped upon positions held by Chinese troops,
10 but incendiary bombs were used which soon had the entire
11 quarter in flames. Thereafter, the Japanese barricaded
12 the streets in the International Settlement of Shanghai,
13 disarmed the police, and paralyzed all regular municipal
14 functions. Numerous excesses against the Chinese popu-
15 lation were committed, including many summary execu-
16 tions, and a veritable reign of terror resulted. The
17 Japanese troops even invaded the American sector of
18 defense at Shanghai where they committed acts of
19 violence against Chinese. On February 24, 1932, I sent
20 to Senator Borah, Chairman of the Committee on Foreign
21 Relations of the Senate, a letter in which was outlined
22 the position and policy of the American Government with
23 respect to the situation in China in relation to the
24 application of treaties.

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"Almost immediately after its army had

1 overthrown the Chinese Government of Manchuria, Japan
2 commenced to establish political and economic control
3 over that country. This was done by forcible creation
4 of an ostensibly independent but really puppet state
5 controlled by Japan and known as Manchukuo. Thereafter,
6 as soon as other nations had announced their intention
7 not to recognize as valid any fruits of this conquest,
8 the Japanese government proceeded to take further steps
9 designed to make this policy of the rest of the world
10 as difficult and ineffective as possible.

11 "On April 4, 1932, the Japanese Ambassador in
12 Washington called upon me and in the course of discus-
13 sion, admitted that promises made by Japan had been
14 broken but said that chauvinist conditions were so acute
15 in Japan that the Government could not take any other
16 position. On June 23, 1932, I received a telegram from
17 Ambassador Grew in Tokyo that the press had cabled to
18 America a statement by General ARAKI, Minister of War,
19 before the Supreme Military Council to the effect that
20 the resolutions of the League of Nations and statements
21 made by Japan in regard to Manchuria before the estab-
22 lishment of Manchukuo could no longer be considered
23 as binding on Japan.

24 "On January 5, 1933, the Japanese Ambassador
25 in Washington called upon me and stated that in any

1 event Japan had no territorial ambition south of the
2 Great Wall. He stated that his information as to the
3 affair in Shanhaikwan was that it was a local incident,
4 provoked by a minor outbreak of Chinese against
5 Japanese there. On February 23, 1933, the Japanese
6 Ambassador came to tell me on the instruction of his
7 Government that the State of Manchukuo was determined
8 to suppress irregular forces in the Province of Jehol,
9 and that under the treaty between Manchukuo and Japan,
10 Japan was obliged to support Manchukuo and, therefore,
11 the Japanese forces were co-operating in this movement
12 in Jehol. On February 27, 1933, I reminded the Japanese
13 Ambassador that when the Manchurian outbreak occurred
14 in September, 1931, I had not attributed it to the
15 Government of Japan or to the statesmen whom I used to
16 know or to the people of Japan but to the efforts of
17 a small group of persons of militaristic ambitions and
18 desires. The Ambassador said that he knew this very
19 well. I pointed out the importance of the treaties
20 as instruments to preserve peace and the Ambassador
21 said that he recognized this. He also said that on his
22 part although he had been disappointed many times when
23 he had given me assurances which were afterwards not
24 carried out in Manchuria he still believed in his people
25 and that sooner or later the moderate elements would

1 not disappoint us. I told him at that time that I
2 joined in his hope that this would be so.

3 "I retired as Secretary of State on March 4,
4 1933, and was succeeded by the Honorable Cordell Hull
5 who then assumed the burden of office in connection
6 with Japanese-American relations."

7 (Signed) "Henry L. Stimson."

8 "Subscribed and sworn to."

9 We now offer in evidence IPS document No. 239.
10 This is an affidavit of former Ambassador Joseph C.
11 Grew, and we ask that it be identified as a exhibit
12 in the evidence.

13 THE PRESIDENT: Mr. Smith.

14 MR. SMITH: If your Honor please, we object
15 to the admission of this affidavit unless the prosecu-
16 tion produces the witness here for cross-examination.
17 We make the point that Mr. HIROTA -- Neither Mr. HIROTA
18 or the other defendants in this case can have that fair
19 trial contemplated by the Charter unless the accused
20 are confronted by the witnesses against them. The
21 right of an accused to be confronted by the witnesses
22 against him is found in nearly every constitution in
23 the world, and it is in the new Japanese Constitution
24 which has been promulgated with the approval of the
25 Supreme Commander, and I submit to your Honor that the

1 Supreme Commander could not have had a lesser require-
2 ment in mind when he provided in this Charter for a
3 fair trial. In this affidavit, which consists of
4 about fifteen pages, double spaced, Mr. Grew covers
5 practically ten years in which he was American Amba-
6 sador in Tokyo. This affidavit is written in a terse,
7 sweeping style and many of the statements in it are
8 misleading in their present form and are contradicted
9 by Mr. Grew's own widely published books, "Ten Years
10 in Japan" and "Report from Tokyo."

11 Your Honor, we have no funds to take any
12 depositions and if your Honor adheres to the ruling
13 made in connection with the Affidavit of Mr. Stimson
14 we would like to have the Court advise Mr. Grew that
15 we will take his deposition and make some provision
16 to pay for the expenses of taking it.

17 Mr. Grew lives in Washington, D.C. He is in
18 good health and I understand he is about 72 years of
19 age. Counsel just raised a controversey as to how
20 I know Mr. Stimson is in good health.

21 THE PRESIDENT: Mr. Grew.

22 MR. SMITH: I mean Mr. Grew. I was born in
23 Washington, D.C., and I lived there nearly all my life
24 until I came to Tokyo. I saw Mr. Stimson quite often.

25 THE PRESIDENT: Mr. Grew.

1 MR. SMITH: I mean, Mr. Grew. Before he came
2 to Toky and after he returned from Tokyo. And just a
3 fewweeks ago I got out here a copy of the New York
4 Times which showed Mr. Grew attending a social function
5 which, as I remember, was in New York City. He appeared
6 to be in very good health and spirits.

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1 MR. LEVIN: I don't want to add anything to
2 what has already been mentioned both by Mr. Smith,
3 in relation to this affidavit, and by Mr. Logan in
4 relation to Mr. Stimson's affidavit.

5 There are two things which I would like to
6 suggest: (1) That this affidavit was made on May
7 28, 1946. Had the prosecution notified the defense
8 that this affidavit had been taken it would have been
9 possible for us to have cross-examined him either by
10 commission or interrogatories, in view of the fact
11 that a number of defense counsel have been in Wash-
12 ington since that affidavit was made.

13 I believe, Mr. President, there is greater
14 validity in requiring Mr. Grew to be present than Mr.
15 Stimson, because Mr. Grew, I understand, is still
16 presently connected with the State Department.

17 I am advised by my colleagues that Mr. Grew
18 has been recently retired, although he was connected
19 with the State Department for quite some time.

20 It does seem to us that a witness of this
21 calibre, having made the affidavit that he did May
22 28th, should have been examined. That is, the defense
23 should have had an opportunity to examine him orally,
24 and I believe that opportunity should still be given
25 him.

1 I should like to add that Major -- that it
2 is contemplated that Major Furness will go to the
3 United States very shortly, and when he does he could
4 cross-examine him at that time.

5 MR. HARDIN: Mr. President, it is pleasing
6 information that the gentleman is able to find Mr.
7 Grew in good spirits from his picture. It is my
8 information that Mr. Grew has been in not good health,
9 a bad state of hearing -- his hearing almost gone --
10 and that he has been retired from service in the
11 State Department for quite a while -- just how long
12 I don't know.

13 MR. FURNESS: If the Court please, the
14 health of Mr. Grew can be checked very readily, in
15 short order. Colonel Warren has just come back from
16 the States and I can telephone him and, I think,
17 find out just what his state of health is.

18 I think it is a well known fact that Mr.
19 Grew has been almost totally deaf for many years.
20 He makes that statement in his book. But it didn't
21 prevent him from leading a most active life.

22 MR. LOGAN: If the Tribunal please, I would
23 just like to add that a witness of the stature of
24 Mr. Grew, whose name has predominantly appeared
25 throughout this trial, should be produced by the

1 prosecution to give us a first-hand story of the
2 situation as he saw it and the facts as he knew them.
3 He knew, perhaps, all of these accused, talked to
4 many of them, and a great deal more, I believe,
5 could be acquired by the Tribunal from information
6 obtained from him from the witness' box, and seeing
7 him and listening to him, than what can be obtained
8 from reading a cold affidavit.

9 MR. HARDIN: Mr. President, what I have
10 said is not to oppose the interrogatories or even a
11 deposition from Mr. Grew. I do not believe he could
12 come here.

13 THE PRESIDENT: Neither the new Japanese
14 Constitution nor General MacArthur's attitude towards
15 it has any bearing on the question of a fair trial.

16 No matter what may be the state of health of
17 Mr. Grew at present, we see no immediate need, at all
18 events, to bring him here. We have decided to admit
19 his affidavit and to overrule the objection to its
20 admission.

21 An application can be made to me in Chambers
22 to have Mr. Grew examined on commission or by way
23 of interrogatories in the United States. The ques-
24 tion of expense can be dealt with before me in
25 Chambers. If a commission is decided upon it will be,

1 of course, a great convenience to have it taken
2 while Major Furness is in America.

3 The affidavit is admitted on the usual
4 terms.

5 CLERK OF THE COURT: Prosecution's docu-
6 ment No. 239 will receive exhibit No. 1105.

7 (Whereupon, the document above
8 referred to was marked prosecution's
9 exhibit No. 1105 and received in evidence.)

10 THE PRESIDENT: I think this is a con-
11 venient break. This is a long affidavit and it will
12 take most of the afternoon. We will recess for
13 fifteen minutes.

14 (Whereupon, at 1445, a recess was
15 taken until 1500, after which the proceed-
16 ings were resumed as follows:)

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

3 THE PRESIDENT: Mr. Hardin.

4 MR. HARDIN: (Reading)

5 "The United States of America," and others,
6 "Against ARAKI, Sadao," and others.

7 "City of Washington, District of Columbia,
8 United States of America.

9 "I, Joseph Clark Grew, being duly sworn,
10 on oath depose and say:

11 "I served as United States Ambassador to
12 Japan, at Tokyo, from June 1932 until the Japanese
13 attack on Pearl Harbor, December 7, 1941. Diplomacy
14 has been my life work since 1904. Prior to World
15 War I, I served in the United States Foreign Service
16 in Egypt, Mexico, Russia, Austria-Hungary and Germany.
17 I was counselor at the American Embassy in Berlin
18 during World War I. In 1918 I became acting head
19 of the Western European Division of the United
20 States State Department. I took part in the peace
21 negotiations at Paris and also represented the
22 United States during the negotiations with Turkey,
23 at Lausanne, in 1922. I also served as Minister to
24 Denmark and to Switzerland, as Under Secretary of
25 State, and, just prior to my appointment to Tokyo,

1 as Ambassador to Turkey.

2 "The statements hereinafter set forth
3 relate to matters which arose from time to time
4 in connection with the carrying out of my duties
5 at Tokyo as diplomatic representative of the
6 American Government in Japan, and I vouch for the
7 truth thereof.

8 "At the time I became Ambassador to Japan,
9 as aforesaid, Japan, along with the United States
10 and other nations, was a party to the following
11 treaties, pacts and agreements, and others, or had
12 subscribed to the principles therein announced:

13 "(1) The Convention for the Pacific
14 Settlement of International Disputes, signed at
15 the Hague 29 July 1899;

16 "(2) The Convention for the Pacific
17 Settlement of International Disputes, signed at
18 the Hague 18 October 1907;

19 "(3) The Hague Convention No. III rela-
20 tive to the Opening of Hostilities, signed 18
21 October 1907;

22 "(4) The agreement, signed 30 November
23 1908, effected by exchange of notes between the
24 United States and Japan, declaring their policy in
25 the Far East. "

1 "(5) The Treaty between the British
2 Commonwealth of Nations, France, Japan and the
3 United States relating to their Insular possessions
4 and Insular Dominions in the Pacific Ocean, 13
5 December 1921;

6 "(6) The so-called 'Nine-Power Treaty'
7 concluded and signed at Washington 6 February 1922;

8 "(7) The so-called 'Kellogg-Briand Pact'
9 concluded and signed at Paris 27 August 1928;

10 "(8) The Convention respecting the Rights
11 and Duties of Neutral Powers and Persons in Wars on
12 Land, signed at the Hague, 18 October 1907.

13 "As a party to the above-listed treaties,
14 pacts and agreements, and others, or as a subscriber
15 to the principles therein announced, Japan had
16 agreed, inter alia:

17 "to avoid the use of force in the settle-
18 ment of international differences; in case of serious
19 disagreement or conflict to have recourse to the
20 good offices or mediation of one or more friendly
21 power; not to open hostilities without a declaration
22 of war; to submit international disputes to arbitra-
23 tion; to respect and support the sovereignty, in-
24 dependence and territorial administrative integrity
25 of China; to use its influence to effectually

1 establish and maintain the principle of equal
2 opportunity for the commerce and industry of all
3 nations throughout the territory of China; to re-
4 frain from seeking special or monopolistic privileges
5 in China detrimental to the rights or interests of
6 other foreign powers or their nationals; to renounce
7 war as an instrument of national policy; not to
8 violate the territory of neutral powers.

9 "At the time I became Ambassador as
10 aforesaid Japan had gained military control of
11 Manchuria and had established there the Japanese
12 controlled puppet state of Manchukuo. The official
13 records of the United States Department of State
14 with respect to the Manchurian affair, with which I
15 had familiarized myself, indicated that Japan had
16 pursued its course of action in Manchuria despite
17 frequent protests by the United States and other
18 nations that its aggressive action was in contraven-
19 tion of Japan's treaty obligations. The Department's
20 official records further indicated that Japan had
21 consistently defended its aggressive action as a
22 purely defensive measure for the protection of
23 Japanese nationals, and had repeatedly assured the
24 United States Government that Japan had no territorial
25 ambitions or intentions of disturbing the rights and

interests of third parties, in China.

1 "During all of my stay in Tokyo as United
2 States Ambassador I repeatedly called to the atten-
3 tion of the Japanese Minister for Foreign Affairs,
4 and occasionally the Japanese Prime Minister, and
5 other responsible government officials the fact that
6 the American Government considered the Japanese
7 military operations in China as a violation of
8 Japan's obligations, under various treaties and
9 agreements hereinbefore mentioned, to respect the
10 territorial integrity of China, to maintain the
11 principle of the Open Door in China and to refrain
12 from endangering the lives and interests of nationals
13 of the United States and other powers, to refrain
14 from the use of force in settlement of disputes, to
15 submit disputes to arbitration and abide by results
16 thereof. I pointed out that Japan was rapidly losing
17 the good will of the American Government and people
18 and of other peoples of the world by its aggressive
19 policy and by the excesses of its military forces.
20 The excuse given was that the military operations
21 were purely defensive measures against Chinese bandits
22 or Communists whom the Chinese Government was unable
23 to control, or were for the protection of Japanese
24 nationals and interests in China from abuses resulting
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1 from the anti-Japanese feeling deliberately aroused
2 by the irresponsible Chinese Government. I was re-
3 peatedly assured by the officials referred to that
4 Japan had no territorial ambitions in China, that
5 Japan was solicitous of the rights and interests of
6 third parties and was earnestly endeavoring to pro-
7 tect them and preserve the status quo, and, up until
8 the end of 1938, that Japan intended to preserve
9 the principle of the Open Door in China.

10 "I protested repeatedly against the in-
11 discriminate bombing of non-military objectives
12 which endangered the lives and properties of non-
13 combatant Chinese and foreigners. A few of the more
14 flagrant examples were the bombing and sinking of the
15 U.S.S. Panay on the Yangtze, in which two American
16 nationals were killed, and the machine-gunning of the
17 small boat in which the Panay's captain and others
18 were being taken ashore, the deliberate bombing of
19 the U.S.S. Tutuila at Chungking, the reckless and
20 wanton bombing of residential and business districts
21 of Nanking after a totally inadequate warning had
22 been given, the machine-gunning by a Japanese plane
23 of five Americans while horseback riding within the
24 International Settlement at Shanghai, the bombing of
25 American-owned mission property in Tungpeh in which

1 an American national (Phoebe Nyhus) was killed, the
2 destruction by Japanese planes of a commercial
3 passenger plane belonging to the Chinese National
4 Aviation Corporation (in which Pan-American Airways
5 had a large interest) resulting in the loss of lives
6 of a number of noncombatant passengers and the en-
7 dangering of the life of the American pilot, the
8 destruction by five Japanese planes of another
9 properly marked Chinese Aviation Corporation com-
10 mercial passenger plane, which had just landed at
11 Chanyi and in which the American pilot was killed,
12 the bombing and complete destruction of an American
13 church at Chungking after eight previous bombings
14 all of which had been made the subject of separate
15 protests. The number of instances in which churches,
16 schools and other American properties were repeatedly
17 bombed and damaged could not but compel the conclusion
18 that the attacks were intentional. Furthermore, in
19 most cases the Japanese had been furnished beforehand
20 with maps on which had been marked the locations of
21 the properties in question. In virtually all in-
22 stances the Japanese Government disclaimed responsi-
23 bility on one pretext or another, claiming, among
24 other things, that the property was too close to a
25 military objective or was used by Chinese forces

1 (which excuses were not justified by facts brought
2 out by investigations), or that the bomb release
3 mechanism in the plane apparently did not function
4 properly, or merely that a mistake had been made.

5 "In spite of my protests American business
6 men and missionaries were prevented from returning
7 promptly to Nanking even after hostilities in that
8 area had ceased, as, for instance, when the Shanghai
9 University property was evacuated by Japanese troops
10 and the American missionary societies which owned the
11 property were not permitted to immediately reoccupy
12 it, even for the purpose of preventing its further
13 deterioration. In refusing American nationals per-
14 mission in such cases to return and resume business
15 or protect and preserve their property, the excuse
16 given was that peace and order had not been sufficient-
17 ly restored. The lack of any basis for this excuse
18 was usually illustrated by the presence of many
19 Japanese merchants and their families in the areas
20 in question.

22 "On July 7, 1934 I forwarded to the Japanese
23 Ministry for Foreign Affairs an informal memorandum
24 regarding the establishment by the authorities in
25 Manchuria of a discriminatory petroleum selling monop-
oly. Attention was invited to the fact that the

1 cooperation and approbation of the Japanese Govern-
2 ment in the project, which would close the door in
3 Manchuria to sales by American oil companies of
4 their products, would violate the principles of the
5 Open Door, to which Japan was committed, and which it
6 had declared it would uphold, and, further, that the
7 proposed project would contravene the provisions of
8 Article 3 of the Nine-Power Treaty of 1922 and the
9 explicit provisions of the Sino-American Treaty of
10 1884. In a reply thereto dated August 2, 1934, the
11 Japanese Minister for Foreign Affairs stated that
12 since Manchukuo was an independent state the question
13 was one concerning the American and Manchukuo Govern-
14 ments, and denied that contravention of any treaty
15 obligations by Japan was involved. I again addressed
16 an informal memorandum to the Japanese Minister for
17 Foreign Affairs, pointing out that the project planned
18 would unquestionably result in a monopoly prejudicial
19 to the treaty rights of American nationals and counter
20 to the principles of the Open Door, and that since
21 plans therefor were being formulated with the concur-
22 rence and cooperation of Japanese nationals, the
23 participation of quasi-official organizations such as
24 the South Manchuria Railway, and the assent or approval
25 of the Japanese Government, the carrying out of the

1 project would be in contravention of Japan's treaty
2 obligations as well as of her unqualified assurances
3 previously given to the American and other govern-
4 ments.

5 "It was undeniable, of course, that Japan
6 had assured maintenance of the Open Door policies in
7 Manchuria even after the establishment of the so-
8 called independent regime of Manchukuo, for the
9 maintenance of those policies had been promised
10 in the speech of Count UCHIDA (then Minister for
11 Foreign Affairs) before the Diet on August 25, 1932,
12 and in the Japanese Government's public statement of
13 September 15, 1932, issued on the occasion of the
14 recognition of Manchukuo. Moreover, the protocol
15 between Japan and Manchukuo, of September 15, 1932
16 itself was predicated upon observance by Manchukuo
17 of international obligations applying to that ter-
18 ritory, as shown by the second paragraph of the
19 Preamble of the Protocol, reading:
20

21 "Whereas Manchukuo has declared its
22 intention of abiding by all international agreements
23 entered into by China in so far as they are applicable
24 to Manchukuo, * * *

25 Consequently, on November 30, 1934 I delivered another
memorandum to the Minister for Foreign Affairs

1 reiterating my previous protests at establishment of
2 the oil monopoly in Manchuria in violation of treaty
3 obligations and assurances to the contrary. I had a
4 long discussion with Mr. HIROTA on the subject. He
5 remarked that Americans were free to purchase stock
6 in the petroleum company and that, therefore, the
7 door was not being closed to them. The fact was,
8 however, as I informed him, that forty percent of the
9 stock had already been issued to the South Manchuria
10 Railway, a quasi-official Japanese organization,
11 twenty percent to the Government of Manchuria and
12 forty percent to four Japanese companies. Mr. HIROTA
13 said he thought we and the British were taking too
14 legalistic an attitude. The discussion continued
15 for half an hour, but the Minister's arguments were
16 specious, and it was obviously impossible for me to
17 get anywhere.

18 "On April 10, 1935, the Japanese Minister
19 for Foreign Affairs forwarded to me an answer to my
20 note of November 30, 1934, on the Manchurian oil
21 matter, which consisted of a repetition of the prev-
22 ious denials of Japan's responsibility for the
23 actions of the Government of Manchukuo. I communicated
24 the contents thereof to the American Government, and,
25 as instructed by the Secretary of State, advised the

1 Japanese Foreign Minister, by note dated April 15,
2 1935, of the American Government's refusal to recog-
3 nize the contentions advanced by Japan, and of the
4 American view that the ultimate responsibility for
5 injury to American interests would rest upon Japan.
6 I called on the Japanese Minister for Foreign
7 Affairs on April 16, 1935, to point out again the
8 American view that Japan was violating its treaty
9 obligations and also the assurances it had made on
10 prior occasions (identifying them specifically) that
11 the principles of the Open Door would be maintained.
12 His only reply was that these assurances were con-
13 ditioned upon recognition of Manchukuo by the
14 interested powers.

15 "On December 1, 1937 I registered with
16 the Japanese Foreign Minister an objection to the
17 manifesto issued by the Manchurian Government regard-
18 ing extra-territorial rights of foreigners other than
19 Japanese, and to the promulgation of a law under
20 which an American branch bank at Harbin had been
21 advised to prepare to register and to appoint a
22 representative and I called attention to the fact
23 that the extra-territorial rights of United States
24 nationals in Manchuria were governed by treaties be-
25 tween the United States and China and that the law

1 by which the Manchurian Government sought to assert
2 jurisdiction over American nationals was in direct
3 contravention of American treaty rights. The Foreign
4 Minister's reply merely disclaimed any responsibility
5 on Japan's part for the acts of the Government of
6 Manchukuo.

7 "As in the case of the oil monopoly in
8 Manchuria, I protested frequently and strongly against
9 the taking over of the Chinese Customs Administration
10 by the Japanese at Shanghai, Canton, Swatow and other
11 places, and the revision of customs regulations to
12 favor Japanese imports. I protested further in the
13 case of the seizure of the Salt Tax Administration.
14 I pointed out that large American and other foreign
15 loans had been secured against customs revenues and
16 salt tax revenues and that the United States and other
17 nations had vital financial interests in the adminis-
18 trative integrity of the Chinese Maritime Customs and
19 the Salt Administration and were entitled to be con-
20 sulted in connection with any change in regulations
21 or procedure or diversion of revenues. These protests
22 were, like all others, to no avail, the Japanese For-
23 eign Minister and other officials claiming that the
24 steps taken were required by military necessity and by
25 the fact that Chinese officials would not cooperate."

1 "Other specific instances when assurances
2 which were later violated were given to the American
3 Government, through me or in statements issued to the
4 press by the Japanese Government for publication,
5 were the following:

6 "(1) On April 25, 1934 the Japanese Foreign
7 Minister (HIROTA) assured me personally that Japan had
8 no intention whatever of seeking special privileges
9 in China, of encroaching upon the territorial and
10 administrative integrity of China, or of creating
11 difficulties for the bona-fide trade of other countries
12 in China. He further stated that there was no intention
13 or desire on the part of Japan to claim a privileged
14 position in derogation of the rights and responsibilities
15 to which the signatories of the Nine-Power Treaty were
16 entitled, and that the policy of Japan was complete
17 observance and support of the provisions of the Nine-
18 Power Treaty in every respect. I observed to him that
19 the American Government and people would be less impressed
20 by statements of policy than by more concrete evidence.

21 "(2) On September 1, 1937 the Vice-Minister
22 for Foreign Affairs (HORINOUCHI), in a radio broadcast
23 to the United States, defended Japan's actions in China
24 on the ground of China's anti-Japanese acts and asserted
25 that Japan's intentions were peaceful; he stated that

1 the ultimate object of the current hostilities in
2 North China and Shanghai was the realization of a state
3 permitting genuine cooperation between the two countries;
4 and declared that the Japanese forces in China had not
5 been sent there for aggressive purposes and that Japan
6 had no territorial designs. Mr. HORINOUCHE's radio
7 address was similar to speeches subsequently made in
8 the Diet by the Foreign Minister (HIROTA) and the Prime
9 Minister (KONOYE).

10 "(3) On February 17, 1939, in an interview
11 with the Minister for Foreign (ARITA), I reminded him
12 of his government's previous statements to the effect
13 that Japan had no territorial ambitions in China; I
14 called his attention to the recent occupation of Hainan
15 Island by Japanese forces; and I asked for an expression
16 as to the intentions of the Japanese Government in
17 connection with the occupation of the island in view of
18 the fact that there were numerous American residents
19 and substantial American missionary and educational
20 properties on the island. The Minister replied that the
21 purpose of the occupation was to strengthen the blockade
22 of the South China coast and to hasten the suppression
23 of the Chiang Kai-shek regime; he repeated the former
24 statements of the Japanese Government that Japan had no
25 territorial ambitions in China and added that the

1 occupation 'will not go beyond military necessity.'

2 "(4) On April 15, 1940 the Foreign Minister
3 (ARITA), on being questioned by newspapermen concerning
4 Japan's position with regard to the possible involvement
5 of the Netherlands in the European war and its
6 repercussions in the Netherlands East Indies, stated
7 that 'the Japanese Government can not but be deeply
8 concerned over any development accompanying an aggravation
9 of the war in Europe that may affect the status quo of
10 the Netherlands East Indies.'

11 "In July, 1941 the Japanese Foreign Minister
12 assured me that Japan had not so far considered the
13 possibility of joining the hostilities against Russia.
14 During that month I had forwarded to the Japanese
15 Prime Minister a memorandum expressing the hope of the
16 United States Government that there was no truth in the
17 reports that Japan intended to enter upon hostilities
18 against Russia, referring to contemporaneous statements
19 of responsible Japanese officials that Japan desired to
20 maintain and preserve peace in the Pacific area. The
21 reply thereto, which came from the Japanese Foreign
22 Minister, recited that maintenance and preservation of
23 peace in the area of the Pacific had always been the sincere
24 and genuine desire of the Japanese Government which had
25 consistently contributed earnest efforts toward

1 achieving that purpose and that Japan had not so far
2 considered the possibility of joining the hostilities
3 against the Soviet Union.

4 "During 1938 the establishing of a new order
5 in East Asia began to be mentioned. The Prime Minister
6 and the Foreign Minister referred to the extension
7 of the campaign in China from Manchuria to North China
8 and thence into Central and South China and expressed
9 the hope for the emergence of a new regime in China
10 cooperative with Japan, repeating, however, the customary
11 assurances of intention to continue the policies of the
12 Open Door and to protect the rights and interests of
13 third powers. Later the Foreign Minister indicated that
14 the hostilities in China would go on to a finish; that
15 no dealings would be had with General Chiang Kai-shek
16 even if he should sue for peace; and (significantly)
17 that since the main purpose of the campaign was to make
18 possible economic and social cooperation of China and
19 Japan, it was a 'small matter' whether the territory
20 was Chinese or Japanese, and that China should be
21 powerful enough to put itself in order before extra-
22 territoriality and unequal treaties could be abolished
23 in that country. Then, in November, 1938, the Japanese
24 Foreign Office, in announcing the fall of Canton and
25 three Wuhan cities, stated 'all vital areas of China

1 have thus fallen into our hands.' No mention was
2 made of the rights or interests of third parties, the
3 statement merely expressing Japan's confidence that
4 other powers would adapt their attitude to the new condit-
5 ions prevailing in East Asia. The Japanese people were
6 cautioned, however, that these victories would not bring
7 an era of peace but rather that since Japan was entrusted
8 with the task of constructing a new Far East ' the
9 actual fighting has just started.' By the end of 1940
10 the idea of a new order in East Asia had progressed
11 and developed to the point where the Japanese Government
12 openly admitted it was determined to secure for Japan
13 the position in 'greater East Asia including the South
14 Seas' to which it considered itself entitled as a result
15 of its growth as a first-class power in the modern world,
16 and which would remove the territorial and economic
17 restrictions previously hampering it.

18 "In making the representations, protests and
19 objections on behalf of the American Government, as
20 herein set forth, I was always dealing with the Japanese
21 individual or individuals who, as the official records
22 of the Japanese Government will show, were filling the
23 indicated civil office in the Japanese Government at
24 that time. In most cases I took up the matter in
25 question with the Japanese Minister for Foreign Affairs;

1 some were referred to the Vice-Minister for Foreign
2 Affairs, and some to responsible subordinate officials
3 of the Foreign Ministry; and a few cases were referred
4 to the Prime Minister. The matters herein related con-
5 stitute a small, but representative, proportion of all
6 those which occurred during my Ambassadorship. At the
7 end of 1938 over 400 separate protests had been filed
8 by me and the number of instances of depredations
9 against American property, discriminations against
10 American business men, and endangering of American lives
11 by the Japanese in China was steadily increasing and
12 continued to do so until the end of my term as Ambassador."

13
14 /s/"Joseph Clark Grew."
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1 With the permission of the Tribunal, we now
2 wish to offer in evidence I. P. S. document No. 2007B,
3 which is an excerpt from the testimony of former
4 Secretary of State, Cordell Hull, given before the
5 United States Congressional Committee for the in-
6 vestigation of the Pearl Harbor Incident, and we ask
7 that this be identified as an exhibit in the prose-
8 cution's testimony.

9 THE PRESIDENT: Mr. Logan.

10 MR. LOGAN: If the Tribunal please, we
11 are not making any objections to the introduction
12 of this document, but we do wish to point out that
13 the prosecution's excerpts of the prepared statement
14 which Secretary Hull gave before the Committee --
15 that this prepared statement covered a period up to
16 and including December 7, 1941, but that the prosecu-
17 tion is only offering that part of the statement up
18 to June 21, 1941; and it does not include any of the
19 answers which Secretary Hull gave to questions which
20 were asked him before the Committee.

21 THE PRESIDENT: Mr. Smith.

22 MR. SMITH: If your Honor please, I object
23 to the matter which appears on the first page, because
24 it is too remote. It goes back to 1895, 1905, 1910,
25 and 1915, and if we have to answer for the Russian-

1 Japanese War, we will just have to fight that all
2 over again, and this case will never come to an end.

3 MR. HARDIN: Mr. President, as to Mr. Logan's
4 objection, you may recall that request was made --
5 application was made for the right to present ex-
6 cerpts, and the defendants asked for additional,
7 and we have supplied them by due processing with all
8 the additional that they asked for.

9 As to Mr. Smith's objection, that is just
10 briefly some of the background and history which has
11 some effect, however remote, upon the relations be-
12 tween the countries involved in this inquiry.

13 THE PRESIDENT: Of course, we may discover
14 upon considering these various statements that there
15 is much in them that is not properly evidence before
16 us. I would not care to say that what happened in
17 1895 was relevant to any issue. The objection is not
18 overcome by calling it background. However, we are
19 not in a position just now to undertake a revision of
20 these various documents which contain, perhaps,
21 statements which are not proper -- which cannot
22 properly be regarded as evidence.

23
24 In Mr. Stimson's affidavit there are con-
25 clusions there that we are not going to be bound by
simply because he draws them. Well, of course, the

1 Court will pay regard only to such matters as are
2 properly evidence directed to the issues, and will
3 disregard other matters.

4 The statement of Mr. Hull is admitted on
5 the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 2007B will be given exhibit No. 1106.

8 (Whereupon, the document above
9 referred to was given exhibit No. 1106 and
10 received in evidence.)

11 MR. HARDIN: We read prosecution's exhibit
12 No. 1106:

13 "EXCERPTS FROM TESTIMONY OF SECRETARY OF
14 STATE HULL GIVEN BEFORE THE JOINT CONGRESSIONAL
15 COMMITTEE ON THE INVESTIGATION OF THE PEARL HARBOR
16 ATTACK.

17 "pp. 1076 to 1083.

18 "I. BACKGROUND of 1941 CONVERSATIONS.

19 "The Japanese proposal for conversations
20 was directed toward the conclusion of an agreement
21 between Japan and the United States relating to the
22 Far East. It was made early in 1941. Before ac-
23 cepting or rejecting this proposal, the President
24 and I gave the subject thorough consideration against
25 the background of such factors as Japan's record of

1 international aggression, her record of duplicity
2 in international dealings, the sharp divergence
3 between the policies traditionally and currently
4 pursued by Japan and by the United States, and the
5 current situation in the Far East, in Europe, and
6 in the United States.

7 "A. Japan's Record of Aggression:

8 "The President and I had to bear in mind
9 and to take into account Japan's past record of
10 aggression and the trend of contemporary developments
11 in the Far East.

12 "Almost from the outset of Japan's emergence
13 as a modern state she had been pursuing a policy of
14 military aggrandisement. For the most part, except
15 during certain brief periods when forces of modera-
16 tion appeared to be in the ascendancy, the intervals
17 between one aggressive step and the next were but
18 periods of consolidation.

19 "In 1895, following Japan's successful war
20 against China, Japan annexed Formosa and tried unsuc-
21 cessfully to establish a foothold in Manchuria.

22 "In 1905, after the Russo-Japanese war,
23 Japan established herself securely in Manchuria by
24 acquiring a lease of the Kwantung territory and
25 ownership of the South Manchuria Railway. At that

1 time Japan also acquired southern Sakhalin.

2 "In 1910 Japan annexed Korea after years
3 of encroachment by pressure and intrigue.

4 "In 1915 Japan took advantage of the pre-
5 occupation of her European allies with the war
6 against Germany to present to China the notorious
7 Twenty-one Demands.

8 "At the end of the first World War Japan
9 participated in the Washington Conference of 1921-22
10 and became a party to the treaties concluded there.
11 Among those treaties was the Nine-Power Treaty
12 relating to principles and policies concerning China.
13 That treaty envisaged the creation of conditions
14 designed to provide the fullest and most unembarrassed
15 opportunity to China to develop and maintain for her-
16 self an effective and stable government. Japan
17 pledged herself to the policies of self-restraint
18 toward China on which the Nine Power Treaty rested.

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

24 "In 1931 Japan invaded Manchuria and
25 subsequently established there a puppet regime under

1 the name of 'Manchukuo.' By that action, which
2 was a flagrant violation of the Nine-Power Treaty,
3 Japan broke completely away from the policy of
4 cooperation agreed upon in the Washington Con-
5 ference treaties.

6 "I recalled how early in 1934 I welcomed
7 an approach by the Japanese Government in the form
8 of a note (February 21, 1934) by Mr. HIROTA, the
9 Japanese Minister for Foreign Affairs, in which he
10 stated that he firmly believed that no question
11 existed between the United States and Japan 'that
12 is fundamentally incapable of amicable solution.'
13 In my reply (March 3, 1934) I concurred in that
14 view and emphasized our Government's belief in
15 adjustments of questions by pacific processes.

16 "Only a short time after that exchange of
17 notes, however, Japan again unmasked the basic
18 purpose of aggression consistently adhered to by
19 powerful policy-making elements in Japan. On
20 April 17, 1934 the Japanese Foreign Office spokes-
21 man gave out a truculent official statement known
22 as the 'hands off China' statement. In that state-
23 ment Japan made clear a purpose to compel China to
24 follow Japan's dictate and to permit other countries
25 to have relations with China only as Japan allowed."

1 "On December 29, 1934 Japan gave formal
2 notice of its intention to withdraw at the end of
3 1936 from the Naval Limitation Treaty signed at
4 Washington on February 6, 1922. That notice was
5 another clear and significant move in the direction
6 of a course of conquest. Following the giving of
7 that notice, Japan proceeded energetically to in-
8 crease her armaments, preparatory to launching her
9 invasion in China.

10 "About that time Japan entered into con-
11 versations with Nazi Germany which resulted in the
12 conclusion by the two countries, on November 25,
13 1936, of the Anti-Comintern Pact. In 1937 Italy
14 adhered. While the Pact was ostensibly for self-
15 protection against communism, actually it was a
16 preparatory move for subsequent measures of forceful
17 expansion by the bandit nations -- the first step
18 in the creation of the so-called 'Axis.'

19 "In July 1937, Japan deliberately took ad-
20 vantage of a minor incident between Chinese and Ja-
21 panese forces at a point near Peiping and began
22 flagrantly to invade China on a huge scale. She
23 poured into China immense armies which spread fan-
24 line over great areas, including industrial and other
25 key centers. These armies raped, robbed, murdered,

and committed all kinds of lawless acts. Particularly

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1 barbarous were the outrages in Nanking following
2 occupation of that city by Japanese military on
3 December 13, 1937.

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

7 "To gain public support in Japan for its
8 program of military expansion, slogans were used such
9 as 'the new order in Greater East Asia' and 'East
10 Asia Co-Prosperity Sphere.' The United States and
11 other countries were charged with attempting to
12 choke Japan's development.

13 "In August and September 1940 Japan with
14 German assistance extorted an agreement from Vichy
15 France under which Japanese troops moved into
16 northern Indo-China.

17 "In September 1940 Japan entered into the
18 Tripartite Pact with Germany and Italy. That alliance
19 was aimed directly at the United States. It was de-
20 signed to discourage the United States from taking
21 adequate measures of self-defense until both Japan
22 and Germany had completed their programs of conquest
23 in Asia and Europe, when they could turn on the
24 United States then standing alone.

25 "On October 4, 1940 Premier KONOYE

1 was quoted by the press in a statement on the
2 Tripartite Pact as having said in part:

3 "If the United States refuses to under-
4 stand the real intentions of Japan, Germany and
5 Italy and continues persistently its challenging
6 attitude and acts . . . those powers will be
7 forced to go to war. Japan is now endeavoring to
8 adjust Russo-Japanese political and economic
9 relations and will make every effort to reduce
10 friction between Japan and Russia. Japan is now
11 engaged in diplomatic manouvers to induce Russia,
12 Britain and the United States to suspend their
13 operations in assisting the Chiang regime.

14 "B. Japan's Record of Duplicity:

15 "The President and I also gave thought to
16 the fact that Japan had a long record of duplicity
17 in international dealings. This duplicity was due
18 largely to the fact that the Japanese military
19 were a law unto themselves and consistently over-
20 rode commitments which civilian Japanese had given.

21 "In 1904, Japan guaranteed Korea's in-
22 dependence and territorial integrity. In 1910,
23 Japan annexed Korea.
24

25 "In 1908, Japan pledged with the United
States to support the independence and integrity of

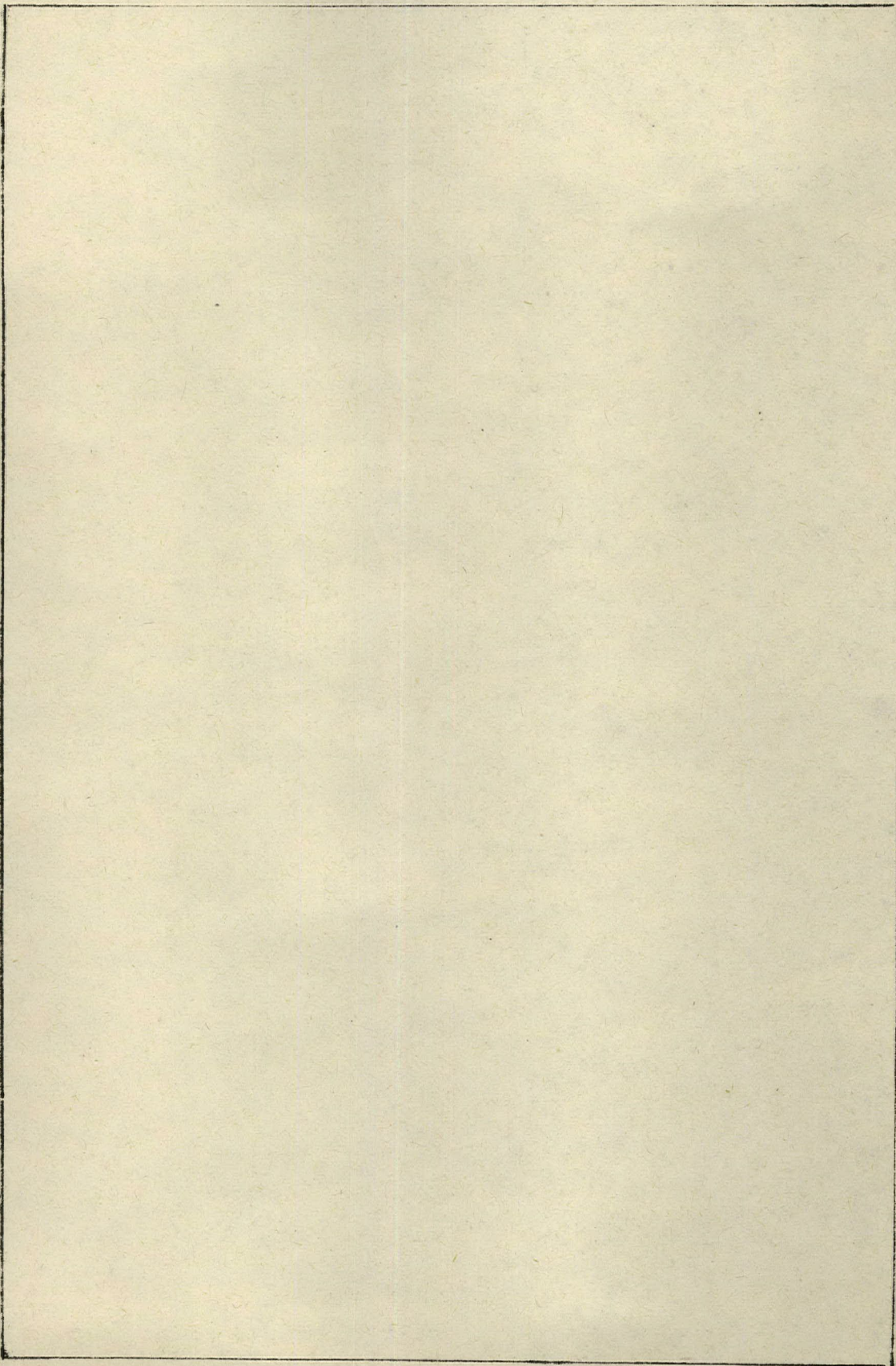
1 China and the principle of equal opportunity there.
2 In 1915, Japan presented to China the notorious
3 'twenty-one demands.'

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

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

23 "On November 21, 1932, Mr. MATSUOKA then
24 Japanese delegate to the League of Nations, said:
25 'We want no more territory.' By the end of 1932

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1 Japanese forces had occupied the whole of Manchuria
2 and in subsequent years they moved southward and
3 westward occupying a vast area of China.

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

12 "On October 28, 1937, the Japanese Foreign
13 Office said, 'Japan never looks upon the Chinese peo-
14 ple as an enemy . . . Japan showed its friendly feel-
15 ing for China by bombing Chinese civilian populations,
16 by burning Chinese cities, by making millions of
17 Chinese homeless and destitute, by mistreating and
18 killing civilians, and by acts of horror and
19 cruelty. "
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1 "On April 15, 1940, Mr. ARITA, then Japanese
2 Minister for Foreign Affairs, said the 'Japanese
3 Government cannot but be deeply concerned over any
4 development ... that may affect the status quo of
5 the Netherlands East Indies'. Following the occu-
6 pation of the Netherlands by Germany that spring,
7 Japan sent a Commercial Commission to the Indies
8 which asked concessions so far reaching that, if
9 granted, they would have reduced the Indies practic-
10 ally to a Japanese colony.

11 "After the outbreak of Japan's undeclared
12 war against China in July, 1937, Japanese civilian
13 leaders time and again gave assurances that American
14 rights would be respected. Time and again the
15 Japanese military acted in violation of those assur-
16 ances...

17 "pp. 1084 - to 1088

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

23 "Time and again the Japanese gave assurances
24 that American treaty rights in China would be respected.
25 Unnumbered measures infringing those rights were put

1 into effect in Japanese occupied areas. Trade monop-
2 olies were set up, discriminatory taxes were imposed,
3 American properties were occupied, and so on. In
4 addition, American nationals were assaulted, arbitrarily
5 detained, and subjected to indignities.

6 "C. Divergence between Japanese and
7 American Policies:

8 "The President and I have very much in mind
9 the fact that the United States and Japan had widely
10 different concepts and policies. We went over the
11 successive steps our Government had taken to in-
12 fluence Japan to adopt peaceful policies.

13 "We recalled that Japan's action in 1931
14 in embarking on a course of aggression, expansion
15 by force and of disregard of treaties had ushered in
16 an ever widening conflict between force of aggression
17 and those desirous of maintaining peace. Our Govern-
18 ment's opposition to Japan's course in Manchuria was
19 set forth in a communication addressed by the then
20 Secretary of State, Mr. Stimson, to the Japanese
21 Government on January 7, 1931 --"

22 That is blurred. I can't make it out for
23 sure.

24 "--and in a further communication of
25 February 25, 1935, to the Secretary General of the

1 League of Nations.

2 "On January 17, 1933 the President-elect,
3 Mr. Roosevelt, made clear his support of the
4 principle of sanctity of international treaties by
5 writing out, in reply to a question, a statement as
6 follows:

7 " 'I am ... wholly willing to make it
8 clear that American foreign policies must uphold the
9 sanctity of international treaties. That is the
10 cornerstone on which all relations between nations
11 must rest.'

12 "In his first inaugural address, on March
13 4, 1933, President Roosevelt said that in the field
14 of world policy he would dedicate this nation to
15 the policy of the good neighbor -- 'the neighbor who
16 resolutely respects himself and, because he does so,
17 respects the rights of others -- the neighbor who
18 respects his obligations and respects the sanctity
19 of his agreements in and with a world of neighbors.'

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21 "Thus in 1931-1933, while Japan was carrying
22 forward its program of aggression, the American
23 Government was moving steadily ahead in advocacy of
24 world support of sanctity of treaties and peaceful
25 processes.

"On May 16, 1934 I had a general conversation

1 with Japanese Ambassador SAITO, one of many conversations
2 in which I endeavored to convince the Japanese that
3 their best interests lay in following policies of
4 peace.

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

16 "On June 12, 1936 in a conversation with
17 the Japanese Ambassador to Great Britain, I told
18 the Ambassador that the impression of the American
19 people was that Japan sought the economic domination
20 first of Eastern Asia and then of other areas such as
21 it might select, and that this would ultimately
22 mean political as well as military domination. I
23 urged upon the Ambassador the benefit to Japan from
24 its associating itself in a peaceful and constructive
25 program."

1 "Despite all our pleas and efforts, Japan
2 in July 1937 proceeded to invade China. Therefore,
3 on July 16 the Government of the United States
4 issued a statement of fundamental principles of
5 international policy which was directed at rallying
6 all countries to the support of peaceful processes.

7 "In a further statement of August 23,
8 1937, I applied the principles of the July 16
9 statement expressly to the situation in China. I
10 stated that the issues, in that situation, of
11 concern to the United States went far beyond the
12 immediate question of the protection of American
13 nationals and American interests. Serious hostilities
14 in any part of the world were of concern to all
15 nations. Accordingly, I urged on both the Chinese
16 and Japanese Governments that they refrain from
17 hostilities.

18 "On October 6, 1937 the American Government
19 stated that the action of Japan in China was incon-
20 sistent with the principles which should govern re-
21 lationships between nations and was contrary to
22 the provisions of the Nine-Power Treaty and of the
23 Briand-Kellogg Pact.

24 "In November 1937 the United States partici-
25 pated with eighteen other nations in a conference

1 held at Brussels to 'study peaceable means of
2 hastening the end of the regrettable conflict which
3 prevails' in the Far East. The conference was held
4 in accordance with a provision of the Nine-Power
5 Treaty of 1922. The repeated refusals of the
6 Japanese Government to participate in the conference
7 effectively prevented efforts to bring about an
8 end to the conflict by mediation and conciliation.
9 On November 24 the conference suspended its sittings.

10 "pp. 1089

11 "On April 15, 1940 the Japanese Foreign
12 Minister issued a statement disclosing an underlying
13 purpose to extend Japanese control to the South
14 Seas regions, especially the Netherlands East Indies.
15 On April 17 I took cognizance of that statement. I
16 pointed out the importance of the Netherlands Indies
17 in international relationships. I said that inter-
18 vention in the domestic affairs of the Netherlands
19 Indies or any alteration of their status quo by
20 other than peaceful processes would be prejudicial
21 to the cause of stability, peace, and security, not
22 only in the region of the Netherlands Indies but
23 in the entire Pacific area. I urged that peaceful
24 principles be applied not only in every part of the
25 Pacific area but in every part of the world."

1 "p. 1090

2 "During the winter of 1940 and the spring
3 of 1941 I had clearly in mind -- and I was explaining
4 to members of Congress and other Americans with whom
5 I came in contact -- that it was apparent that the
6 Japanese military leaders were starting on a mission
7 of conquest of the entire Pacific area west of a few
8 hundred miles of Hawaii and extending to the South
9 Seas and to India. The Japanese were out with
10 force in collaboration with Hitler to establish a
11 new world order, and they thought they had the power
12 to compel all peaceful nations to come in under that
13 new order in the half of the world they had arrogated
14 to themselves.

15 "I was saying to those Americans that
16 beginning in 1933 I had commenced a systematic and
17 consistently earnest effort to work out our relations
18 with Japan. I had been trying to see whether it
19 was humanly possible to find any way to approach
20 the Japanese and prevail on them to abandon this
21 movement of conquest. We had been urging the
22 Japanese to consider their own future from the
23 standpoint of political, economic, and social aspects.

24 "p. 1092

25 "The President had an eye to the situation

1 in the Far East when on January 6, 1941 in his
2 address to Congress he declared that 'at no previous
3 time has American security been as seriously
4 threatened from without as it is today'. The
5 President said that the whole pattern of democratic
6 life had been blotted out in an appalling number of
7 independent nations and that the assailants were
8 still on the march threatening other nations, great
9 and small.

10 "p. 1093.

11 "On January 15, 1941, in a statement in
12 support of the Lend-Lease Act before the Committee
13 on Foreign Affairs in the House of Representatives,
14 I said:

15 " 'It has been clear throughout that Japan
16 has been actuated from the start by broad and
17 ambitious plans for establishing herself in a
18 dominant position in the entire region of the Western
19 Pacific. Her leaders have openly declared their
20 determination to achieve and maintain that position
21 by force of arms and thus to make themselves master
22 of an area containing almost one-half of the entire
23 population of the world. As a consequence, they
24 would have arbitrary control of the sea and trade
25 routes in that region.' "

1 "I pointed out that mankind was face to
2 face with an organized, ruthless and implacable
3 movement of steadily expanding conquests, and
4 that control of the high seas by law-abiding nations
5 'is the key to the security of the Western Hemisphere".

6 THE PRESIDENT: Well, you have just
7 finished part I. We will hear part II on Tuesday
8 morning. We will adjourn until half-past nine on
9 Tuesday morning.

10 (Whereupon, at 1600, an adjournment
11 was taken until Tuesday, 12 November, 1946, at
12 0930.)

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