

Nov 6
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Penters

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>
219P(69)	1010		Excerpt from the Press Releases issued by the Department of State on 13 June 1940		9658
219P(70)	1011		Excerpt from the Statement of Ambassador Grew to Foreign Minister MATSUOKA, Tokyo, dated 13 September 1940		9659
220 C(2)	1012		Press Release by the Japanese Embassy, dated 15 April 1940		9661
220 C(3)	1013		Excerpt of Press Release by the Department of State, Washington, dated 17 April 1940		9667
220 C(4)	1014		Excerpt from Memorandum by Ambassador Grew in Japan, dated 10 June 1940		9669
1589-A	1015		Telegram No. 3930 from Ambassador SHIGEMITSU in London to Foreign Minister ARITA, dated 13 February 1940		9671

I N D E X

Of

EXHIBITS

(con't)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1589-B	1016		Telegram from Ambassador SHIGEMITSU in London to Foreign Minister ARITA dated 23 March 1940		9674
1589-C	1017		Telegram from SHIGEMITSU to ARITA dated 13 May 1940		9683
1589-D	1018		Telegram from SHIGEMITSU to ARITA dated 25 May 1940		9687
1589-E	1019		Telegram from Ambassador SHIGEMITSU to Foreign Minister ARITA dated 19 June 1940		9691
1589-F	1020		Telegram from KURUSU in Berlin to Foreign Minis- ter ARITA dated 10 July 1940		9694
1589-G	1021		Telegram from Ambassador KURUSU to Foreign Minis- ter ARITA, dated 10 July 1940		9703
219P(92)	1022		Excerpts from Communication from the Acting Secretary of State to Ambassador Grew in Japan, dated 9 August 1940		9707
1250-A	1023		Telegram from Foreign Minis- ter MATSUOKA to Ambassador SHIGEMITSU, dated 5 August 1940		9712

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>
219P(93)	1024		Excerpts from Communication from Ambassador Grew in Japan to the Japanese Foreign Minister, dated 18 September 1940		9716
220 B(5)	1025		Excerpt from a Telegram from the U. S. Secretary of State to Ambassador Grew, dated 3 September 1940		9718
220 C(7)	1026		Statement from Ambassador Grew to Foreign Minister MATSUOKA dated 19 September 1940		9721
220 C(17)	1027		Excerpt from a Message from the Japanese Embassy to the Department of State dated 7 October 1940		9723
699-A	1028		"A Memorandum Concerning Outstanding Anglo-Japanese Cases in China" dated 24 December 1938		9724
2400-A	1029		"Measures to be taken Towards Natives in East Asia or Burma - the President of the Racial Committee of the National Policy Research Institute, Kokusaku Kenkyu Kai, 20 September 1940	9755	
1603-A	1030		Summary of Proceedings re the Tri-Partite Pact between Germany, Japan and Italy at a Privy Council Meeting 26 September 1940		9756

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>
219P(94)	1031		Excerpt from Ambassador Grew to MATSUOKA dated 11 October 1940		9767
219P(95)	1032		Excerpt from the Statement by Ambassador Grew to MATSUOKA dated 24 October 1940		9769
220 C(8)	1033		Excerpt from Communication by Mr. Grew to MATSUOKA dated 15 November 1940		9771
219P(71)	1034		Excerpt from a Statement by Ambassador Grew to MATSUOKA dated 26 November 1940		9772
1339A(4)	1035		Memorandum of KASE, Secretary to the Foreign Minister, dated 9 December 1940, OTA, Chief of the European Department	9777	
220 C(9)	1036		Excerpt from a Communication from the American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (MATSUOKA) dated 17 December 1940		9778
220 C(10)	1037		Oral Statement of Mr. Grew to Mr. MATSUOKA re the Ambassador's Note to the Foreign Minister dated 17 December 1940		9779

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>
2531A(31)	1038		Newspaper excerpt re Announcement of the New Mobilization Law		9781
1339A(2)	1039		Proposal from Mr. Eden to Mr. SHIGEMITSU, dated 7 February 1941		9782
1131	1040		SHIGEMITSU's reply to Mr. Eden		9789
1132	1041		Telegram from MATSUOKA to SHIGEMITSU (Numbered Secret Code Cable 46) dated 13 February 1941		9794
220 C(11)	1042		Statement from Ambassador Grew to Foreign Minister MATSUOKA dated 13 February 1941		9796
220 C(20)	1043		Excerpt from a Memorandum of Secretary of State Hull, dated 14 February 1941		9798
1339A(1)	1044		Telegram from MATSUOKA to SHIGEMITSU, dated 17 February 1941		9801
1150	1045		Document entitled "Turning Point of the Pacific Tide"		9804

Wednesday, 6 November, 1946

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

- - -

Appearances:

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

For the Prosecution Section, same as before.

For the Defense Section, same as before.

- - -

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

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

3 THE PRESIDENT: All the accused are present
4 except OKAWA, HIRANUMA and MATSUI, who are repre-
5 sented by their respective counsel. I have certifi-
6 cates from the prison surgeon at Sugamo certifying
7 to the continued illness of accused HIRANUMA and
8 accused MATSUI and their inability to attend the
9 trial today. The certificates will be recorded and
10 filed.

11 Mr. Williams.

12 MR. E. WILLIAMS: I continue with the
13 reading of prosecution exhibit No. 1009, beginning
14 at paragraph numbered 4 of page 2:

15 "4. What will America gain by fighting
16 against Japan? Does America desire to conquer
17 Japan and exterminate the YAMATO race? There may
18 be none in America who cherishes such an idea. Even
19 if some may cherish such a dream, it would be abso-
20 lutely impossible to realize it. Even if America
21 could make Japan surrender, and enforce a cruel
22 treaty upon the Japanese people, that might be
23 comparable with the Versailles Treaty, Japan would
24 break off such fetters or bonds within thirty years.
25 The restoration of Germany is an example. The

1 constitution of Japan is not matched by that of
2 any other country. Japan has always overcome all
3 national difficulties, by virtue of the unbounded
4 grace of the Emperor. There is no doubt that the
5 restoration of Japan will be wonderfully rapid
6 compared with Germany. The Emperor is indeed the
7 eternal source of our national strength. Without
8 understanding this unparalleled constitution, the
9 Japanese nation can never be understood after all.
10 In fine, the war between Japan and America would
11 bring not only ruin upon the two countries, which
12 should always be on friendly terms, but also the
13 downfall of world civilization. America will gain
14 nothing from the war, and calmly thinking, nothing
15 is more absurd than the commencement of war.

17 "5. If Japan and America were to fight
18 each other, the Soviets would certainly move, and
19 if Japan were completely defeated, as America
20 desires, the Soviets would certainly sweep all over
21 China and at once bolshevize the greater half of
22 the Asiatic continent by taking advantage of the
23 circumstances. Does America welcome such an event-
24 uality? If Japan should submit to America, the
25 situation in East Asia would indeed be terribly
confused."

1 "6. The diplomacy of our Empire is based
2 upon the great principle of 'the World a Home'
3 /T.N. HAKKO ICHIU/ and what Japan devotes itself
4 to is the establishment of world-peace and the pros-
5 perity, and Japan has never had such an intention as
6 to attack America. And so we cannot understand why
7 America is intent on arming against Japan. Japan
8 and America should never be opposed to each other,
9 but cooperate. But the speeches and moves of the
10 statesmen in America against Japan are not only very
11 stimulating, but also they seem to aim at large arma-
12 ments sufficient to police the world. Such is not
13 only regrettable for peace in the Pacific area, but
14 also not to be recommended for America. I believe
15 that America should not meddle in the 'living sphere'
16 of other powers, but be awakened to her original
17 responsibility or mission towards the peace of the
18 world, and devote herself towards breaking the present
19 world crisis, and should promote the welfare of the
20 people in the spirit of mutual assistance and conces-
21 sion of the world."

23 We now offer in evidence IPS document No.
24 219P (69), which is taken from exhibit for identifi-
25 cation No. 58. This is an excerpt from the press
releases issued by the Department of State on June 13,

1940.

1 THE PRESIDENT: Admitted on the usual
2 terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 219P (69) will receive exhibit No. 1010.

5 (Whereupon, the document above
6 referred to was marked prosecution's exhibit
7 No. 1010 and was received in evidence.)

8 MR. E. WILLIAMS: We read prosecution
9 exhibit No. 1010:
10

11 "Press Release Issued by the Department
12 of State on June 13, 1940 -- Excerpt.

13 "In response to inquiries from corres-
14 pondents in regard to reports of the bombing of
15 Chungking on June 12, the Secretary of State said
16 that according to information which has reached the
17 Department from official and unofficial sources,
18 Chungking has been extensively bombed on each of
19 several recent days and on June 12 was intensively
20 and indiscriminately bombed by more than one hundred
21 Japanese planes; that casualties of June 12 among
22 the civil populace will probably number several
23 hundred; that various buildings of the American
24 Methodist Mission, including a church, were damaged
25 by concussion."

1 We offer in evidence IPS document No.
2 219P (70) from exhibit for identification No. 58,
3 an excerpt from the statement of Ambassador Grew
4 to Foreign Minister MATSUOKA, Tokyo, September 13,
5 1940.

6 THE PRESIDENT: Admitted on the usual
7 terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 219P (70) will receive exhibit No. 1011.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 1011 and was received in evidence.)

13 MR. E. WILLIAMS: I read from prosecution
14 exhibit No. 1011:

15 "The American Ambassador in Japan (Grew)
16 to the Japanese Minister for Foreign Affairs
17 (MATSUOKA).

18 "Tokyo, September 13, 1940.

19 "Excellency: I have the honor to apprise
20 Your Excellency that I have received a report through
21 the American Embassy at Chungking that on August 19,
22 1940, the Lewis Memorial Church of the Methodist
23 Episcopal Mission in that city, an American institu-
24 tion, was completely destroyed by fire resulting from
25 incendiary bombs during the course of a series of

1 raids upon Chungking by Japanese airplanes.

2 "I must add in this connection, lest it
3 be thought that this case of repeated bombing of the
4 same American property in China is unique, that the
5 instance of multiple Japanese bombings of the same
6 American properties in China have been numerous.

7 "I have the honor to enter a most emphatic
8 protest on behalf of my Government against this re-
9 newed attack upon the property of the Methodist
10 Episcopal Mission at Chungking; to request that
11 Your Excellency be good enough to furnish me a
12 prompt report upon this latest flagrant case; to
13 reserve all rights on behalf of the American citizens
14 and property involved; and to point out once more,
15 as I have on many previous occasions to Your Excel-
16 lency's predecessors, the grave risk to the lives
17 of American citizens in Chungking and in other parts
18 of China entailed by these ruthless Japanese air
19 bombings the damage of which to the property of
20 American nationals alone is sufficient evidence of
21 their indiscriminate character."

22
23 MR. BLEWETT: If your Honor please--

24 THE PRESIDENT: Mr. Blewett.

25 MR. BLEWETT: I ask the prosecution to
announce that he has skipped from 1383B (3) down

1 to 219P (69), and announce to the Japanese so that
2 they can locate the proper papers.

3 MR. E. WILLIAMS: It has already been
4 explained to the translators and everybody, your
5 Honor.

6 MR. BLEWETT: May I reiterate that request,
7 sir? The counsel does not seem to think that it is
8 necessary but we knew how to skip it but the Japanese
9 counsel are looking for the papers and they are quite
10 at sea.

11 THE PRESIDENT: Make a brief statement for
12 the benefit of Japanese counsel.

13 MR. E. WILLIAMS: The first document which
14 I offered in evidence this morning was No. 136 on
15 our list and the subsequent documents will follow
16 that number.

17 If it please the Tribunal, we offer in
18 evidence IPS document No. 220C (2) from Volume 2 of
19 exhibit No. 58 for identification. This is a press
20 release by the Japanese Embassy, April 15, 1940.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 220C (2) will receive exhibit No. 1012.
24

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

No. 1012 and was received in evidence.)

MR. E. WILLIAMS: We read prosecution exhibit No. 1012:

"Press Release Issued by the Japanese Embassy on April 15, 1940.

"On being questioned by newspapermen concerning Japan's position with regard to possible involvement of the Netherlands in the European war and its repercussions in the Netherlands East Indies, Foreign Minister ARITA replied as follows:

"With the South Seas regions, especially the Netherlands East Indies, Japan is economically bound by an intimate relationship of mutuality in ministering to one another's needs. Similarly, other countries of East Asia maintain close economic relations with these regions. That is to say, Japan, these countries and these regions together are contributing to the prosperity of East Asia through mutual aid and interdependence.

"Should hostilities in Europe be extended to the Netherlands and produce repercussions, as you say, in the Netherlands East Indies, it would not only interfere with the maintenance and furtherance of the above-mentioned relations of economic interdependence and of co-existence and co-prosperity, but would also

1 give rise to an undesirable situation from the
2 standpoint of the peace and stability of East Asia.
3 In view of these considerations, the Japanese
4 Government cannot but be deeply concerned over any
5 development accompanying an aggravation of the war
6 in Europe that may affect the status quo of the
7 Netherlands East Indies.'"

8 I now offer in evidence IPS document
9 No. 220C (3)--

10 THE PRESIDENT: Mr. Williams, at least
11 one of my colleagues, if not others, is concerned
12 with these jumps from diplomatic documents to
13 bombings. One document, exhibit 1006, is dated
14 January, 1941. The bombings go back to June and
15 September, 1940. Could you give us any explanation
16 of that? It may be simple; I do not know.

17 MR. E. WILLIAMS: Yes, I can explain it.
18 There were a series of some thirty documents, in odd
19 numbers, which through some error got into the wrong
20 place in our order of proof. As soon as we discovered
21 that we skipped down to the proper order.

22 THE PRESIDENT: We expect chronological
23 order, or logical order, or order of subject matter,
24 and we are not getting any.

25 MR. BROOKS: If the Tribunal please, I

1 would like to call attention to the Tribunal,
2 starting with exhibit 967 yesterday to 976, those
3 documents all listed the year as 1938 but the months
4 were not in chronological order. The documents 977
5 to 979 were for the year 1936 -- quite a difference.

6 THE PRESIDENT: We are with you, Captain
7 Brooks, but there is no need to go into details.

8 MR. BROOKS: Throughout that period of
9 continuing documents there is also that interchange
10 of dates and years which is confusing. It puts
11 emphasis, special emphasis, on certain points with-
12 out giving the thought or the chronological theory
13 or development that was taking place in the State
14 Department policy. The defense has been reluctant
15 to bring this to the Court's attention thinking
16 there was some logical explanation, but here is a
17 list of 457 documents arranged in the sequence that
18 we see it there and it has been thus for some time.

19 THE PRESIDENT: We expect an orderly
20 presentation and will insist on getting it.

21 MR. E. WILLIAMS: I may say that Mr. Hardin
22 in arranging these documents -- and this does not
23 apply to that one group of some thirty documents
24 that I spoke of which was an inadvertence -- has
25 tried generally to follow a chronological order but

1 in some places he has deviated from that for the
2 purpose of completing a certain subject matter.

3 THE PRESIDENT: That would be desirable
4 but have you done it?

5 MR. E. WILLIAMS: All I can say is that
6 Mr. Hardin stated that was what he had attempted
7 to do and I think he has done a reasonably good
8 job under the circumstances. It is impossible to
9 attain perfection.

10 THE PRESIDENT: Mr. Smith.

11 MR. SMITH: If your Honor please, immedi-
12 ately before the phases start, we get a list of
13 numbers and in order to keep up with the work, we
14 have our secretary sort these papers in chronological
15 order according to the numbering given us. We have
16 not received any new list of numbering and counsel
17 are required to skip through this bale of paper.
18 We find most of the time the documents have been
19 read before we can even locate the paper, and I
20 submit to your Honor, if the prosecution is going to
21 follow a new order, they ought to give us a new
22 list.
23

24 THE PRESIDENT: Yes, if the order is
25 changed the defense must be notified well in advance.

MR. E. WILLIAMS: If your Honor please,

1 the order has not been changed except as to that
2 particular group of documents.

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1 THE PRESIDENT: Well, the Court is insisting
2 on a change. We want, as I said before, orderly pre-
3 sentation.

4 MR. E. WILLIAMS: We now offer in evidence
5 I. P. S. document No. 220-C(3) from Volume II of exhibit
6 for identification 58, which is an excerpt of press
7 release by the Department of State, Washington, April
8 17, 1940.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 220-C(3) will receive exhibit No. 1013.

12 (Whereupon, the above-mentioned docu-
13 ment was marked prosecution's exhibit No. 1013
14 and received in evidence.)

15 MR. E. WILLIAMS: We read prosecution's ex-
16 hibit No. 1013:

17 "PRESS RELEASE ISSUED BY THE DEPARTMENT OF STATE ON
18 April 17, 1940

19 "Intervention in the domestic affairs of the
20 Netherlands Indies or any alteration of their status quo
21 by other than peaceful processes would be prejudicial to
22 the cause of stability, peace, and security not only in
23 the region of the Netherlands Indies but in the entire
24 Pacific area.

25 "This conclusion, based on a doctrine which has
universal application and for which the United States un-

1 equivocally stands, is embodied in notes exchanged on
2 November 30, 1908, between the United States and Japan
3 in which each of the two Governments stated that its
4 policy was directed to the maintenance of the existing
5 status quo in the region of the Pacific Ocean. It is
6 reaffirmed in the notes which the United States, the
7 British Empire, France, and Japan -- as parties to the
8 treaty signed at Washington on December 13, 1921, re-
9 lating to their insular possessions and their insular
10 dominions in the region of the Pacific Ocean--sent to
11 the Netherlands Government on February 4, 1922, in which
12 each of those Governments declared that 'it is firmly
13 resolved to respect the rights of the Netherlands in
14 relation to their insular possessions in the region
15 of the Pacific Ocean.'"
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1 We now offer I. P. S. document No. 220-C(4)
2 in evidence from Volume II in exhibit for identifica-
3 tion 58, excerpt from memorandum by Ambassador Grew in
4 Japan, dated June 10, 1940.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 220-C(4) will receive exhibit No. 1014.

8 (Whereupon, the above-mentioned docu-
9 ment was marked prosecution's exhibit No. 1014
10 and received in evidence.)

11 MR. E. WILLIAMS: We read prosecution exhibit
12 1014:

13 "MEMORANDUM BY THE AMBASSADOR IN JAPAN (GREW)

14 "(TOKYO,) June 10, 1940

15 "After his opening remark above referred to, the
16 Minister had commented that the bulk of the United States
17 fleet remains in Hawaiian waters. My reply was that
18 Hawaii is American territory and that one of our most
19 important naval ports is that of Pearl Harbor, and I went
20 on to say that the fact that our fleet remains in Hawaiian
21 waters represents no threat whatsoever to Japan. The
22 Minister, however, replied that the continued stay of our
23 fleet in those waters constitutes an implied suspicion of
24 the intentions of Japan vis-a-vis the Netherlands East
25 Indies and the South Seas, and he desired categorically to

1 assert that Japan entertains no territorial ambitions.
2 Quite to the contrary, he added, Japan is exerting her
3 best efforts to promote good relations with her neigh-
4 bors, and he cited as an example that a non-aggression
5 pact is to be signed within a few days with Thailand.
6 The emphasis which the Minister placed upon this matter
7 is an indication of the important effect on Japanese
8 consciousness of the stay of our naval forces in
9 Hawaii."

1 Now, if it please the Tribunal, we have a
2 series -- 1589 series -- series of documents relating
3 to relations between the United Kingdom, the British
4 Empire on the one hand, and Japan on the other. No.
5 1589-A is a telegram No. 3930, from Ambassador SHIGE-
6 MITSU in London to Foreign Minister ARITA, dated
7 February 13, 1940.

8 We offer I. P. S. document No. 1589-A in
9 evidence.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 1589-A will receive exhibit No. 1015.

13 (Whereupon, the above-mentioned docu-
14 ment was marked prosecution's exhibit No. 1015
15 and received in evidence.)

16 THE PRESIDENT: Mr. Blewett.

17 MR. BLEWETT: If your Honor please, this
18 document now offered and the following one do not have
19 certificates or any source of authenticity. I notice
20 that the balance of the numbers from 1589-C onwards
21 have certificates. I should like to inquire of the
22 prosecution regarding the source of these two docu-
23 ments.

24 MR. E. WILLIAMS: The documents on their face
25 show that they come from the Foreign Office of the

1 Japanese Government. They were provided by Mr. Comyns
2 Carr, representing the United Kingdom, and if it is
3 necessary to have any additional certificate, they
4 will be provided in due course.

5 THE PRESIDENT: There should be a certificate
6 showing where it came from.

7 MR. E. WILLIAMS: May it be received condi-
8 tionally?

9 THE PRESIDENT: Admitted conditionally and
10 otherwise on the usual terms.

11 Read it, please.

12 Are you not going to read it?

13 MR. E. WILLIAMS: You have not given it a
14 number yet.

15 CLERK OF THE COURT: It has been.

16 THE PRESIDENT: It has been numbered.

17 CLERK OF THE COURT: 1015.

18 MR. FURNESS: If the Court please, I believe
19 we received these documents yesterday afternoon.

20 MR. E. WILLIAMS: We read prosecution's exhibit
21 No. 1015:

22 "COPY OF TELEGRAM No. 3930. From Ambassador SHIGEMITSU
23 in London to Foreign Minister ARITA. Dispatched from
24 London February 13, p.m., 1940. Received at this
25 Ministry February 14, a.m., 1940.

"Section in Charge

"No. 221 (Secret Code)"

1 "(Top Secret, per Embassy long-distance /T.N. 'Kan-cho'/
Code).

2 "In the interview with Vice-Minister BUTLER on the 8th,
3 he told SHIGEMITSU that Foreign Minister HALIFAX had
4 said that 30th was the memorial day of signature of
5 Anglo-Japanese Alliance. It was not by mere chance.
6 Foreign Minister HALIFAX who assumed the office just
7 like Lord LANSLOWNE, from the viceroy of India, always
8 studied the details of conclusion of Anglo-Japanese
9 Alliance and was influenced by Lord LANSLOWNE. The
10 Vice-Minister told me that Foreign Minister believed
11 in the possibility of solving practically all inter-
12 national questions through negotiation, Lord LANSLOWNE
13 had proposed to open a negotiation with GERMANY in
14 1917 when the former great war was in the climax which
15 Foreign Minister already studied and also that al-
16 though it might be impossible to take into considera-
17 tion of negotiation in the present condition of the
18 war, it was interesting to find common facts between
19 both cases. I hope it will furnish you with some in-
20 formation."

1 We tender in evidence I. P. S. document
2 1589-B, another telegram from Ambassador SHIGEMITSU
3 in London to Foreign Minister ARITA, dated March 23,
4 1940, being telegram No. 7657.

5 THE PRESIDENT: Mr. Blewett.

6 MR. BLEWETT: May I remind the Court that
7 we interpose the same objection to this document, please.

8 THE PRESIDENT: Admitted on the same terms as
9 the previous document.

10 CLERK OF THE COURT: Prosecution's document
11 No. 1589-B will receive exhibit No. 1016.

12 (Whereupon, the above-mentioned docu-
13 ment was marked prosecution's exhibit No. 1016
14 and received in evidence.)

15 MR. E. WILLIAMS: We read prosecution's ex-
16 hibit 1016:

17 "TELEGRAM No. 7657. From Ambassador SHIGEMITSU
18 to Foreign Minister ARITA. Code cypher. Dispatched P.M.
19 23 March 1940. Received P.M. 24 March 1940.

20 "No. 459 (Embassy Long Distance Code).

21 "The solution of FINLAND question gave a re-
22 markable blow to the political conditions of both GREAT
23 BRITAIN and FRANCE, consequently general policies of both
24 countries, especially that for SOVIET UNION will be dis-
25 cussed thoroughly. In the coming Easter holidays, as

1 they are just after the political change in FRANCE,
2 the British Government authorities are presumed to
3 contemplate British foreign policies, so I took it
4 advantageous for disposal of China Affairs from the
5 point of view of our international relations to explain
6 fully beforehand the establishment of WANG's government
7 now in progress and our attitude for it to British side,
8 therefore, in the evening of 21st, I visited Vice-Minis-
9 ter BUTLER in the Foreign Office and had the following
10 private talk:-

11 "1. First of all, I explained fully the devel-
12 opment of new state of things in CHINA based upon the
13 news brought by 'Domei' recently, for reference of
14 Foreign Minister;-

15 "(a) As the previous activity of WANG Ching-
16 wei, I explained KONOYE's three principles which consti-
17 tute fundamental relations between JAPAN and CHINA,
18 next as Chinese side, the relation between Peiking
19 and Nanking governments as well as measures for in-
20 ternal relation of Kuomintang.

21 "(b) Next I explained in detail the organiza-
22 tion and decisions of the whole national assembly held
23 after WANG's entry into Nanking on 17th and that the
24 new central government would be established on March
25 30th by the Chinese for CHINA and the Chinese; (omis-

1 sion) and its administrative policies are cooperation
2 for peace at home and abroad as well as anti-commun-
3 ism; and further, I

4 "(c) explained that the Japanese policy for
5 it was to do the purport so often explained thoroughly,
6 that is, to establish peace and order as well as co-
7 operation in CHINA, not to exclude any other than com-
8 munistic and Bolshevik elements who plot confusion and
9 conflicts, and to offer cooperation and friendship for
10 that purpose; this policy will be warmly received by
11 both Chinese and foreign nationals, therefore, it must
12 be a matter for congratulation if some compromise would
13 be found between the new central government and Chung-
14 king government based upon the above-mentioned purport;
15 in short, it was a pivotal point to exclude the Bol-
16 shevism as a source of confusion and to recover the
17 peace and order; and I told him that British government
18 would understand the Japanese attitude, as the former
19 had the most economic interest in CHINA.

20 "2. BUTLER said that British Government could
21 not immediately change her policy of having recognized
22 Chungking Government as the formal Chinese government,
23 but he understood my explanation and hoped the new
24 government would be successful; as for Tientsin prob-
25 lem, he further issued an instruction today (he ex-

plained the contents of the instruction) which would
1 prove of service for the settlement of the problem;
2 the settlement of Tientsin problem just at the time of
3 the establishment of WANG's Government is a 'gesture'
4 on the part of Britain expressing her desire to be of
5 any service. (I told BUTLER that, according to news-
6 paper information, recently Ambassador CRAIGIE pro-
7 posed to our Foreign Minister ARITA the strong attitude
8 of BRITAIN for the execution of the war; for this BUTLER
9 said that, according to the dispatch from the Amba-
10 sador he seemed to have explained Premier CHURCHILL's
11 speech in detail, it was not by their specific instruc-
12 tion.)

13 "3. I asked BUTLER about the expulsion of
14 Brit from Labor Party and SOVIET UNION's problem, for
15 which BUTLER explained as follows:-

16 "I am a contact man with the Labor Party in
17 reference to diplomatic problems. The Labor Party
18 wishes to avoid to open hostilities against SOVIET
19 UNION, but this opinion is getting in the direction
20 of becoming stronger. The communistic elements as
21 Brit who are under the direction of MOSCOW are being
22 boycotted; consequently the public opinion of BRITAIN,
23 to say nothing of the Government itself, is getting
24 stronger against SOVIET UNION within the limits of
25

1 avoiding war. The causes may be found in (1) firm
2 attitude of FRANCE against SOVIET UNION, (2) advance-
3 ment of understanding and realization of dangerous
4 propaganda at home and abroad or destructive activi-
5 ties of SOVIET UNION.

6 "(3) Necessity of beating SOVIET UNION (by
7 the blockade or other means) in the execution of the
8 war against GERMANY. The anti-SOVIET feeling of
9 Scandinavian countries was getting heightened, and
10 anti-Bolshevik sentiments of NORTH and SOUTH AMERICA
11 are observed to be very strong. WELLES also seemed to
12 be aware of danger of SOVIET-UNION."

1 THE PRESIDENT: The Members of the Tribunal
2 find it difficult to see much value in all this
3 material that you are reading. Has any judgment been
4 exercised in making selections? One of my colleagues
5 fails to see any link between the last three documents.
6 It certainly is not easy to see one.

7 MR. E. WILLIAMS: These particular documents
8 were selected by Mr. Comyns Carr, who unquestionably
9 had in mind the definite object that he had in view
10 in reference to the diplomatic relations between Japan
11 and the United Kingdom.

12 THE PRESIDENT: The objection is not so much
13 to the selection of the documents, but to the selection
14 of the readings from them.

15 MR. E. WILLIAMS: I think the balance of
16 the document will probably answer your Honor's objection.

17 (Reading continued): "4. I told him that
18 there seemed to be many reasons why JAPAN and BRITAIN
19 may go further with the understandings in future taking
20 a wide view of things of Anglo-Japanese relations from
21 the point of view of national policy of JAPAN toward
22 CHINA as well as general situations of the world. If
23 my view is not mistaken, the authorities of both coun-
24 tries should strive to take measures to bring about
25 this collaboration and it is also necessary to conquer

1 every difficulty. Vice-Minister BUTLER replied that
2 he had felt the outline of my talk was felt as if a large
3 picture had been painted with reference to international
4 relations of the world and he was of the same opinion.

5 "5. Furthermore, I discussed concrete prob-
6 lems. (1) I called his attention based on concrete
7 examples. First of all I asked him how he thought of
8 recent propagandistic activities of left elements in
9 spite of the necessity of striving for not to deteriorate
10 the relations of both countries, especially if there
11 might be any means to guide the attitudes of Reuter
12 and BBC (Radio Broadcast) as the development organs
13 of public opinion; it is hard to understand that BBC
14 broadcast the speech of Lord CECIL who attacked
15 GERMANY and JAPAN as invaders; furthermore, it was said
16 that the Information Ministry had offices not only in
17 Tokyo but also in Hongkong and Shanghai; the communi-
18 cations of these reporters should have been guided to
19 go along the line of national policy, without being
20 imposed upon by propaganda.

21 "BUTLER replied that as for BBC, various
22 conditions at the time of its establishment often
23 embarrassed them but by the proper means they would
24 call its attention to this matter; for Reuter the same
25 means would be taken. Times must already have been

1 improved; CECIL had no social influence nowadays and
2 it was quite imprudent to act in such a way; Reuter's
3 actions in Tientsin was also wrong.

4 "In short, he said that he would take into
5 consideration what I had said. (2) Next, as concrete
6 problems of negotiations, I /SHIGEMITSU/ proposed
7 matters of trading and shipping of German goods and
8 I also explained that JAPAN would continue to hold
9 firm insistence on her neutral right; various obstacles
10 for trade had excited both Japanese Government and
11 people and its counter-measures would also affect the
12 general situations. So I expressed my earnest hope
13 to remove such obstacles. Individual problems shall
14 be negotiated by Councillor OKAMOTO but I expressed my
15 earnest hope that the British side would also make her
16 best exertions. Furthermore I have demanded their
17 considerations about the questions of obstacles for
18 trade and shipping of goods.

19 "BUTLER asked me that Japanese side would
20 understand likewise the standpoint of BRITAIN and also
21 pay attention to the same requirements of British side
22 and he promised that British side had no objection to
23 make her best exertions in this matter.

24 "Finally BUTLER said that he would report
25 today's interview to Foreign Minister tonight. After

1 the interview I met the Foreign Minister myself but
2 asked him that he would hear about the interview from
3 BUTLER."

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1 MR. E. WILLIAMS: We offer in evidence
2 I. P. S. document No. 1589-C, being telegram
3 No. 12998 from SHIGEMITSU to ARITA dated May
4 13, 1940.

5 THE PRESIDENT: Admitted on the usual
6 terms.

7 CLERK OF THE COURT: Prosecution's
8 document No. 1589-C will receive exhibit No.
9 1017.

10 (Whereupon, the above-mentioned
11 document was marked prosecution's exhibit
12 No. 1017 and received in evidence.)

13 MR. E. WILLIAMS: We read prosecution
14 exhibit No. 1017:

15 "Copy of Telegram. General Number 12998.
16 'Cipher Code.' From Ambassador SHIGEMITSU to
17 Foreign Minister ARITA. Dispatched from London
18 May 13, p.m., 1940. Received at this Ministry
19 May 14, p.m., 1940.

20 "No. 771 (Ambassador's Code)

21 "1. The invasion of German army into
22 HOLLAND and BELGIUM has caused the direct conflict
23 with British and French armies and it is evident that
24 HITLER made up his mind to stake all on this under-
25 taking as seen from the declaration of the expedition."

1 "After occupation of coast lines of HOLLAND and
2 BELGIUM, the German army may be hard to foresee
3 if they settle in positional warfare for a time,
4 but judging from the public opinion of ITALY,
5 although HITLER's present enterprise has been
6 aroused by the positive policy of BRITAIN and
7 FRANCE, the scale may be far larger than that
8 generally supposed. If he will succeed, he will
9 not leave his army only in occupation of HOLLAND
10 and BELGIUM. Therefore, it is of course necessary
11 for us to make arrangements taking into consideration
12 every possibility.

13 "2. Our national policy for South Seas
14 may be determined based upon that already adopted
15 for Dutch East Indian problems and we may make
16 headway on three points, viz., (a) JAPAN has no
17 intention of changing the status quo on the whole,
18 (b) neither belligerent nor neutral country shall
19 interfere with the status quo. (c) Interests of the
20 natives should firstly be considered (of course these
21 three points may be expressed in proper order and
22 circumstances) (Refer telegram No. 1593 of last
23 year).

24 "3. From the above mentioned standpoints,
25 if we investigate the relations with the UNITED STATES

1 or SOVIET UNION or belligerent countries in general,
2 it is the urgent need to take measures to make con-
3 ciliation of JAPAN and CHINA as Oriental people in
4 order to establish firmly our leading position in
5 EAST ASIA. As we are leading Chinese people in most
6 of the things nowadays, the conciliation of WANG
7 and CHIANG or that of CHIANG and JAPAN may be advan-
8 tageous to us regardless of its conditions. Unless
9 we shall have promptly settled Chinese questions, we
10 shall be placed in a disadvantageous situation, ir-
11 respective of the development of situation.

12 "Even if HITLER's success on land may be
13 decisive, Naval Powers of BRITAIN and FRANCE may remain
14 strong enough. Or even if FRANCE may be overwhelmed,
15 the war will not be ended. GERMANY is in the internal
16 condition to meet the needs of continuing victories,
17 while BRITAIN and FRANCE have special characteristics
18 to solidify the national union by the defeat. This is
19 an important matter not to be overlooked. If HITLER's
20 success on land will be kept in check, the powers of
21 BRITAIN and FRANCE will remarkably rally. In any case,
22 the change of situation hereafter is getting more and
23 more important, and by the backing of SOVIET UNION
24 the situation will be more and more complex. Taking
25 into consideration of the superiority of GERMANY on

1 land and that of BRITAIN and FRANCE at sea, we have
2 to apply our national policies for CHINA and SOUTH
3 SEAS, in accordance with the policy to make our
4 situation in the EAST ASIA firm and stable. The
5 most part of this cable may be the repetition of
6 my former one, but I dare to send in view of the
7 present situation.

8 "Cabled to AMERICA, FRANCE, TURKEY, GERMANY
9 and ITALY.

10 "ASK ITALY to cable to GERMANY."

11 THE PRESIDENT: Probably the only part of
12 that worth reading was paragraph two and the last
13 sentence of paragraph three.

14 MR. E. WILLIAMS: Exhibits 1015 and 1016 --
15 if the Court please, may I say in reference to exhibits
16 1015 and 1016 that the original certificates are
17 attached to the original documents which were filed
18 with the Court. Apparently there has been -- I am
19 afraid there has been a failure to serve copies on the
20 defense. That will be remedied.

21 We offer in evidence I. P. S. document No.
22 1589-D, being telegram No. 14597 from SHIGEMITSU to
23 ARITA dated May 25, 1940.

24 THE PRESIDENT: Captain Brooks.

25 MR. BROOKS: If the Court please, defense

1 finds the certificates proper on the other two
2 documents that were admitted conditionally.

3 THE PRESIDENT: Then the condition has been
4 met in each case. The document last tendered is
5 admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 1589-D will receive exhibit No. 1018.

8 (Whereupon, the above-mentioned docu-
9 ment was marked prosecution's exhibit No. 1018
10 and received in evidence.)
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1 MR. E. WILLIAMS: We read prosecution's
2 exhibit 1018:

3 "COPY OF
4 TELEGRAM. No. 14597. From Ambassador SHIGEMITSU
5 to Foreign Minister ARITA. Despatched
6 from London, May 25, p.m., 1940.
7 Received at this Ministry, May 26, p.m.,
8 1940. Code Cipher.
9 No. 868 (Ambassador's Code)

10 "1. In spite of desperate efforts of British
11 and French armies, the general trend of the land action
12 on the Belgium-French border line has already been made
13 clear. Although the battle will be further continued
14 under the firm resolution of both BRITAIN and FRANCE,
15 it is needless to say that we are required to cope with
16 whatever change in the international situation may
17 occur. As for JAPAN, as the result of present war,
18 she should shoulder willy-nilly the responsibility for
19 the stability of EAST ASIA, which occupies one third
20 of the world, so I think it may be advantageous to
21 strengthen our position there even a little in order
22 to take an active part in the future international
23 arena. I think this measure will be of service to
24 secure the foundation to cope with international situ-
25 ations after the war regardless of the issue of

1 belligerent powers.

2 "2. From the above-said point of view, as I
3 have already proposed, as far as JAPAN takes the lead
4 of general situations in CHINA, it is necessary to
5 take measures to conciliate with various parts or
6 powers with reference to CHINA problems, but if we
7 leave the China-Japanese relations in the great dispute,
8 EUROPE and AMERICA will take advantage of this
9 chance and our international position will be restricted
10 after the war and our future diplomacy will suffer
11 difficulties.

12 "3. In this case, in order to prevent the
13 war to spread into the EAST ASIA, we had better take
14 measure once again.

15 "(a) JAPAN will inform her intention
16 to various powers formally and at
17 the same time take measure to realize her desire of the withdrawal
18 of the troops of the belligerent
19 powers from CHINA, as expressed by
20 us at the beginning of the war.

22 "(b) JAPAN must reconsider the declaration of 'Three hundred-miles Principle' (Act of warfare cannot be
23 permitted tacitly in the area three
24
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1 hundred miles off the coast of
2 JAPAN, MANCHURIA and CHINA. This
3 does not involve the territorial
4 waters of JAPAN) after the fashion
5 of both North and South American
6 countries (according to the explan-
7 ation of Brazilian Ambassador in
8 this country, 'Three hundred-miles
9 principle' will be proposed by
10 NORTH and SOUTH AMERICA after the
11 war to be adopted as an international
12 agreement.)

13 "Of course, it is more effective to take these
14 measures by diplomatic procedure, rather than under the
15 pressure of military side nor of public opinion.

16 "I proposed these opinions from the point of
17 view of strengthening our diplomatic foundation in the
18 case of completion of the war.

19 "Cabled the same to America, Italy and France.

20 "Asked Italy to cable to Germany."
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1 Now we offer IPS document No. 1589-E, tele-
2 gram No. 17,724, from SHIGEMITSU to ARITA, dated
3 June 19, 1940.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 1589-E will receive exhibit No. 1019.

7 (Whereupon, the document above
8 mentioned was marked prosecution's exhibit
9 No. 1019 and received in evidence.)

10 MR. E. WILLIAMS: (Reading)

11 "COPY OF TELEGRAM No. 17724

12 "From Ambassador SHIGEMITSU
13 To Foreign Minister ARITA

14 "Despatched from London, p.m., June 19, 1940

15 "Received at this Ministry, p.m., June 20, 1940

16 "No. 1040 (Embassy Long Distance Code)

17 "It is needless to say that it is quite advan-
18 tageous to make use of European War to strengthen the
19 position of Japan in the East Asia. For that purpose
20 I cable following items regarding Outgoing Telegram
21 No. 922, which I have noticed:

22 "1. It is quite important to watch the atti-
23 tude of the United States to say nothing of paying
24 attention to the condition of France, in the case of
25 taking positive policy for French Indo-China and others."

1 It may be difficult for the United States to enter
2 the war before the election, but no one can fore-
3 tell that Japanese activity will not excite here.
4 (Full investigation must be ~~done~~ concerning finan-
5 cial and economical matters of both Britain and the
6 United States, to say nothing of their naval powers.
7 If the surrender of France will be realized, her
8 plantations in South Pacific Ocean will be probably
9 interfered with by Australia and in that case Japan
10 may grasp the opportunity to take positive activity;
11 but as for our activity, neither discussion of press
12 will be allowed nor news will be published except
13 those intended by the Government.

14 "2. But it is most important for our for-
15 eign policy to state that Japan is gravely concerned
16 with the stability of East Asia (including South Seas),
17 and is resolved that the spread of European war must
18 be prevented, and is taking policy to exclude the con-
19 ditions destructive to the said stability and also
20 to prevent those which may be destructive, especially
21 to make clear that Japan will not tolerate to leave
22 Orientals and East Asia districts as the plantation
23 and object of trade to be exploited by capitalism of
24 Europe and I think it is the best chance to elucidate
25 our fundamental policy relating to East Asia and

1 Orientals today (which will yield good results in
2 Chinese problems); and it is most important as the
3 background of our foreign policies.

4 "3. If the districts of East Asia and South
5 Seas, which is so-called living area ('Lebensraum'),
6 should be owned by a certain great power, Japan would
7 be driven to dare the risk of war with that country
8 and the stability of East Asia would be deteriorated.
9 Therefore, I think it is of necessity to take courage
10 to prevent it today. I believe that Germany and
11 Italy will fully understand this matter.

12 "4. British Empire has elucidated that she
13 will continue the war to the end even if France would
14 surrender and stated her confidence even if the Ger-
15 man army should invade England. But, anyhow, it is
16 clear that the topographically Great Britain will
17 not be so simply invaded as France and attention
18 must be paid to the future development. As it is
19 evident that the influence of Europe to Orient will
20 be remarkable reduced after the war, Japan had better,
21 I presume, take advantage of this opportunity to est-
22 ablish our position in East Asia firmly.

23 "Cabled to Britain, Germany and Italy."
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1 THE PRESIDENT: Major Furness.

2 MR. FURNESS: If the Court please, we re-
3 ceived these documents yesterday with a great many
4 other documents. I have not had time to have the
5 translation checked and wish to reserve my right to
6 question it if the check which I will later make shows
7 it should be questioned. I am referring to exhibits
8 1015 to 1019.

9 THE PRESIDENT: Yes.

10 MR. E. WILLIAMS: We tender in evidence
11 IPS document No. 1589-F, telegram No. 20,394, from
12 KURUSU in Berlin to Minister ARITA, dated July 10,
13 1940.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 1589-F will receive exhibit No. 1020.

17 (Whereupon, the document above
18 mentioned was marked prosecution's exhibit
19 No. 1020 and received in evidence.)

20 MR. E. WILLIAMS: We read prosecution's
21 exhibit No. 1020:

22 "TELEGRAM No. 20,394. From Am-
23 bassador KURUSU in Berlin to Foreign
24 Minister ARITA on July 10, 1940.
25 No. 870-1 (Chief Code)

1 "Concerning your telegram No. 427.

2 "From Ambassador SATO:-

3 "After long absence of Foreign Minister
4 RIBBENTROP, we could see him at last in Berlin on
5 8th of this month. I interviewed him for about an
6 hour and twenty minutes accompanied by Ambassador
7 KURUSU and Minister KAWAI and exchanged views with
8 him which may be summarized as follows:-

9 "1. To begin with I tendered Japanese
10 Government's congratulation to GERMANY's steady
11 progress towards the establishment of new order in
12 EUROPE and especially great success achieved in
13 FRANCE. I expressed that at this opportunity of
14 passing Berlin, I should like to convey the opinions
15 of the Japanese Government by the order of the same
16 and as I shall soon be back home, I should like to
17 carry the opinion of the German Government to JAPAN,
18 and explained items listed in the telegram stated
19 above. Further I stated that taking for granted
20 RIBBENTROP already knew the views of Japanese Govern-
21 ment on problems of DUTCH EAST INDIES and FRENCH
22 INDO-CHINA through the successive explanations of
23 Ambassador KURUSU to Foreign Vice-Minister, so I
24 expressed my hope to hear the opinions of RIBBENTROP
25 on the same matter. RIBBENTROP, always paying

1 attention to me, replied that it was great pleasure
2 for GERMANY to know that Japanese Government desired
3 to cooperate with German Government on various prob-
4 lems and it was also a well-known fact that in the
5 past she had endeavored to reach full understanding
6 by close cooperation with JAPAN. However, although
7 he himself knows well what GERMANY wants to do, he
8 is regretful that he does not possess any definite
9 knowledge regarding whereabouts of the Japanese
10 intention, so he was eager to know in concrete form
11 what JAPAN really hopes, regarding as I do that
12 cooperation of both countries is quite necessary.
13 He further said that JAPAN's actions in the FAR EAST
14 had given considerable effect on EUROPE by which
15 GERMANY gained great facilities as I explained and
16 also that it was a real fact that JAPAN obtained
17 various interests concerning CHINA problems by the
18 aid of friendly attitude of GERMANY and if she had
19 not assumed such amicable attitude, the great war
20 successes that JAPAN had obtained in CHINA till now
21 might not be expected.

22
23 "2. Accordingly, I /SATO/ explained my view
24 on the fundamental policy of seceding from Nine-
25 Power Treaty system with the same principle as ex-
plained to the Italian authorities the other day

1 pointing that it is true that former Japanese diplo-
2 matic policy might have been apparently difficult to
3 grasp its pivotal points; really it might have been
4 caused by the great change of former policy by
5 reason of change of situations as the result of
6 various diplomatic difficulties and obstacles which
7 JAPAN encountered as long as nine years, since the
8 outbreak of MANCHURIAN Incident, during which JAPAN
9 was obliged to admit of inviting outward suspicions
10 caused by the change of policies, but the pivotal
11 point for which JAPAN pushed these nine years, es-
12 pecially those three years was the establishment of
13 new order in CHINA, that is to say, building up of
14 new CHINA seceded from Washington Treaty system and
15 in friendly relation with JAPAN and consequently she
16 has been struggling with such great powers as
17 BRITAIN, the UNITED STATES and FRANCE."

18 THE PRESIDENT: The heading suggests this
19 comes from KURUSU, but actually it is from SATO.

20 MR. E. WILLIAMS: Apparently it represents
21 a combined conference of KURUSU and SATO with SATO
22 making it.

23 THE PRESIDENT: We will recess for fifteen
24 minutes.
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(Whereupon, at 1045, a recess was

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1 taken until 1100, after which the proceed-
2 ings were resumed as follows:)

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

5 THE PRESIDENT: Mr. Hardin.

6 MR. HARDIN: (Reading)

7 "3. Next RIBBENTROP asked me if the said
8 problem of establishment of new order was the only one
9 which made the understanding between JAPAN and AMERICA
10 difficult among the problems pending between the two
11 countries or besides if the problem of equality of
12 naval power between JAPAN and AMERICA, might not en-
13 danger the diplomatic relations of both countries.
14 Thereupon I replied that surely CHINA problem was the
15 greatest cause of the disputes between JAPAN and the
16 UNITED STATES; as Americans professed to be a protector
17 of CHINA for right or wrong, they were not pleased of
18 the advocacy of establishing of new order by JAPAN and
19 further it was always the case with the UNITED STATES
20 to harbor desire to maintain predominance of her naval
21 power in the Atlantic Ocean and thereby to secure the
22 police power in the Pacific Ocean; therefore, in so far
23 as the matter concerns CHINA problems, the advocacies
24 of both countries would remain contradictory to each other.
25 To this RIBBENTROP said that as the result of saturation

1 of both capital and production in the UNITED
2 STATES, she would be hard up for markets for her
3 commodities after the war, so she would rather seek
4 for arrival of favorable turn of JAPAN-U.S. relation
5 by supplying abundance of raw materials and products
6 voluntarily. He further went on to say that when the
7 political power of any nation becomes stronger, the
8 various economical problems may be settled of them-
9 selves in the desired form. For example in GERMANY,
10 recently with the strengthening of her political
11 power, such problems as raw materials and export of
12 manufactured products are being settled in such a
13 manner as satisfactory to GERMANY, in which he im-
14 plicitly boasted the economical development of GERMANY
15 after her great victory. He continued to say that
16 although the UNITED STATES had come to possess nearly
17 ninety per cent of the gold of the world, gold was
18 no more the medium of exchange for material, so even
19 after the war, GERMANY would construct economy ab-
20 solutely independent of gold at home with the excep-
21 tion of international trade settlement where a small
22 amount of gold might be used. As the result of having
23 excessive gold and the expansion of productive power
24 in the UNITED STATES, the merchandise would overflow
25 and she would have to concentrate her soul and mind

1 upon acquisition of foreign markets, thus the
2 UNITED STATES would be so pressed with canvassing for
3 selling the goods and she would not be feared as a
4 great nation, he hinted.

5 "4. Therefore, I told him that, as I had stated
6 before, the alienation between JAPAN and the UNITED
7 STATES originated in CHINA problem and since then,
8 as the result of having neither profit nor loss in
9 CHINA, the UNITED STATES had always been adhered to
10 problems of principle, so the understanding between
11 the two countries had been exceedingly difficult.
12 Therefore, if JAPAN would act in a devious way beyond
13 a certain extent, the UNITED STATES' public opinion
14 would burst out and there is a possibility of imposing
15 economical pressure on JAPAN. The JAPAN-UNITED STATES
16 commercial treaty had already been abrogated, never-
17 theless the economical dependence of JAPAN upon the
18 UNITED STATES at present is far reaching and the
19 result of economical severance would be a matter of
20 great concern to JAPAN. If there would happen the
21 cessation of supply of oil, JAPAN would be obliged
22 to turn her eyes on South Seas as her life and death
23 problem and in such a case we cannot say that there
24 would be no danger of JAPAN-US. war. And if once this
25 war would break out, it would give great effect upon

1 EUROPE. I told so far to RIBBENTROP who nodded in
2 affirmative and looked to have been exceedingly im-
3 pressed.

4 "5. Furthermore RIBBENTROP stated that after the
5 Versailles Treaty, GERMANY was the one who experienced
6 the suffering of blockade most, but now she had over-
7 turned her position with BRITAIN. GERMANY believed
8 firmly that, as in the operation against FRANCE, she
9 could also obtain complete war results in an extremely
10 short period in British operation. Consequently,
11 when general trend of the world was viewed from econo-
12 mical standpoint, EUROPE and AFRICA would belong to
13 GERMANY and ITALY, EAST ASIA to JAPAN, the remaining
14 Asiatic region to SOVIET UNION, each of which builds
15 up an economic block, in addition to this an American
16 block would be constituted under the UNITED STATES; then
17 the leading countries of each block would carry out
18 trade with surplus materials left over after con-
19 sumption in each block.

20 "6. Next RIBBENTROP referred to CHINA problems
21 and as he questioned whether there was any expecta-
22 tion of rapid settlement of the Incident, I replied
23 that there was no expectation which might be termed
24 as rapid settlement, but anyhow, a new government of
25 WANG Chao-ming had been established and JAPAN was in

1 the midst of negotiation to conclude an amicable
2 agreement with it. Therefore, in the event of its
3 formation, the new government would likely to carry
4 out just and appropriate politics at home and abroad.
5 It would greatly contribute to the safety of EAST ASIA
6 and also give favorable effect to the UNITED STATES to
7 induce her to revise her recognition of the new
8 situation in EAST ASIA and consequently this might be
9 the good chance of adjusting JAPAN-U.S. relations.

10 "7. Further RIBBENTROP expressed that since
11 Russo-German agreement, the boundary between both
12 countries had been settled and made it the eternal
13 one; and also his satisfaction that JAPAN was en-
14 deavoring during these several months, as he previously
15 hoped, to recover friendly relations with SOVIET
16 UNION by solving pending problems between two countries
17 as GERMANY had done.

18 "8. Finally I questioned RIBBENTROP on his view
19 as to the measures to be taken to recover peace in
20 EUROPE after the conclusion of military operation
21 against BRITAIN, for which he replied that at present
22 the nerves of the whole GERMANY were being concentrated
23 into the military operation against BRITAIN and there
24 was no scope to take into consideration of program or
25 procedure of recovering peace; thus he kept himself

1 off going too deep into the subject. As the interview
2 extended more than an hour, I told RIBBENTROP again
3 that he must have understood fully various problems
4 which JAPAN had great concern and had been explained
5 by Ambassador KURUSU and myself for which I hoped that
6 the German Government would pay consideration. Thus
7 the interview was ended.

8 "9. As you will understand from what I report
9 with this cable, I could not find any definite attitude
10 on German side as shown by Italian premier regarding
11 DUTCH EAST INDIES and FRENCH INDO-CHINA. It is also
12 a great regret that I could not get any promises or
13 pledges and on the contrary it was observed that German
14 side rather avoided to give definite previous promises
15 to these problems. As there was a wish from the Ger-
16 man side, I hope you would pay attention not to have
17 the contents of this telegram be leaked outside.

18 "Cabled the same to Italy, the United States,
19 Soviet Union and Britain."

20 We tender in evidence IPS document 1589-G,
21 being telegram from Ambassador KURUSU to Foreign Minis-
22 ter ARITA, dated July 10, 1940.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 1589-G will receive exhibit No. 1021.

1 (Whereupon, the document above referred to
2 was marked prosecution's exhibit No. 1021 and
3 received in evidence.)

4 MR. HARDIN: We read prosecution's exhibit
5 1021:

6 "TELEGRAM NO. 20382 Cipher Code - From Ambassador
7 KURUSU in Berlin to Foreign Minister ARITA. Dispatched
8 from Berlin July 10, A.M., 1940. Received at the
9 Ministry July 10, P.M., 1940. (No. 871 - Chief Code -
10 Urgent.

11 "1. As I could understand the general outline
12 of the policy of the Imperial Government concerning
13 JAPAN-GERMAN cooperation by the aid of your telegram
14 No. 427, by taking advantage of the opportunity of
15 interview of Ambassador SATO with RIBBENTROP as re-
16 ported in my telegram No. 870 /No. 20394/, I shall
17 proceed with the talk myself at appropriate time.

18 "2. But I am under the impression now that re-
19 cently in Japan there are some who are too eager and
20 worried about every smile or frown of Germany; it may
21 be needless to say that it is very disadvantageous for
22 our diplomatic policy to show such attitude for Germans
23 who are inclined to urge everything to us as well as
24 in high spirits as the result of glorious victory and
25 I cannot expect good result of the cooperation concluded

1 under such unequal conditions.

2 "3. When Ambassador SATO was going to leave
3 after the above interview, based upon above mentioned
4 consideration, I showed my appreciation to RIBBENTROP
5 to the effect that by the aid of today's interview I
6 came to find Germany's desire of JAPAN-GERMAN coopera-
7 tion, and also stated that recently there were some
8 who reported me the cool attitude of GERMANY for JAPAN
9 and unfortunately if it were true, I, who hoped for
10 the JAPAN-GERMAN rapprochement, thought there would be
11 no other way than to consider some best policy under
12 the above new situation. At this RIBBENTROP was very
13 much astonished and denied it. Therefore, I said to
14 him that for such method of cooperation as desired by
15 JAPAN which RIBBENTROP questioned Ambassador SATO,
16 a solution would be found in so far as both sides
17 had intention of cooperation, and for that purpose I
18 should exchange views hereafter if he wanted to do so.

19 "4. That night at the dinner party, I had an op-
20 portunity to talk with STAHRER who was present at the
21 above-mentioned interview. He confidentially told me
22 that RIBBENTROP, taking into consideration the situa-
23 tion after war, is thinking of cooperating with JAPAN
24 and that although it appears that he wants to have it
25 extend over the fields of both diplomacy and economy,

1it seems that he is hoping for its earliest realiza-
2tion in view of the surrounding circumstances. Cabled
3the same to Britain, the United States, Italy and the
4Soviet Union."

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1 MR. HARDIN: We offer in evidence IPS document
2 No. 219P (92), from exhibit for identification 58,
3 which is excerpts from communication from the Acting
4 Secretary of State to Ambassador Grew in Japan, dated
5 August 9, 1940.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 219P (92) will receive exhibit No. 1022.

9 (Whereupon, the document above referred
10 to was marked prosecution's exhibit No. 1022 and
11 received in evidence.)

12 MR. HARDIN: We read prosecution's exhibit
13 1022:

14 "The Acting Secretary of State to the Ambassador
15 in Japan (Grew).

16 "Excerpts.

17 "297 Washington, August 9, 1940 -- 8 p.m.

18 " At the end of June and during July of this
19 year Japanese-sponsored authorities introduced in
20 portions of China new economic measures and restrictions
21 detrimental to American interests, and there occurred
22 a series of incidents involving Japanese and American
23 nationals. During this period there has been carried
24 on intermittently agitation directed against American
25 interest which has taken the form of mass meetings and

1 demonstrations by Japanese residents and an inflammatory
2 press campaign in the Japanese-controlled press. There
3 were also developments in Japan which have raised ques-
4 tions as to the welfare and security of American nation-
5 als residing in that country.

6 "Developments at Shanghai have been of an
7 especially serious character.

8 "At that place, acts of terrorism have been
9 committed against reputable American citizens and
10 established American interests, as well as against
11 other nationals and other interests, and a judge of one
12 of the courts established by international agreement,
13 to which the Government of the United States is a party,
14 has been assassinated. Newspapers subject to Japanese
15 control have been conducting an anti-American and anti-
16 foreign campaign, the inflammatory character of which
17 could not but affect prejudicially peace and order.

18 "The Government of the United States has made
19 due note of and is taking due account of those acts and
20 developments which affect adversely interests of the
21 United States and its nationals.

22 "An illustrative list of recent restrictions
23 and incidents is appended.

24 "The summary of recent illustrative develop-
25 ments and incidents affecting adversely interests of

1 the United States and of its nationals, which I also
2 handed to him, included the following:

3 "Establishment in North China on June 28 of
4 full import exchange control.

5 "Assault on July 4 at Chafoo on members of
6 the American Presbyterian Mission by Japanese armed
7 soldiers;

8 "July 7 incident at Shanghai involving American
9 Marines and Japanese gendarmes, including reference to
10 restraint and good will shown by American authorities
11 in attempting to effect reasonable adjustment and to
12 the intemperate tone and language of communications
13 from the concerned Japanese authorities;

14 "The refusal since about July 8 of Japanese
15 military authorities of Shanghai to issue permits for
16 shipments by American firms to the hinterland and Yangtze
17 Valley;

18 "Mass meeting on July 10 in Hongkow in connec-
19 tion with the July 7 incident, reported intemperate
20 statements by the commander of the Japanese naval
21 landing party, and sensational and inciting articles
22 published in Japanese-controlled newspapers;

23 "The demand of the Nanking regime for the
24 deportation from Shanghai of six Americans and one
25 British subject, the throwing of bombs at a Chinese

1 language newspaper in which an American claims an
2 interest, and the assassination of Samuel Chang;

3 "Tang Liang-li's reputed letter in the North
4 China Daily News of July 16 and a foreign newspaper
5 commentator's interpretation thereof as a threat to
6 kidnap if not to murder the Americans and Briton con-
7 cerned;

8 "A report of July 19 from Shanghai that an
9 American missionary woman at Soochow had been searched
10 in a humiliating and insulting manner by a Japanese
11 sentry;

12 "And anti-American demonstration on July 19
13 at Hangchow by Japanese in uniform riding in Japanese
14 military trucks;

15 "Attack on July 20 at Shanghai on Hallett
16 Abend;

17 "The appeal on July 20 of the Chairman of the
18 Shanghai Municipal Council to the Consular Body, the
19 public criticism of the appeal by the Japanese Consul-
20 General, and the attempt of the Japanese Consul-General
21 to cause the Consular Body to indicate in a resolution
22 that 'Chungking elements' were responsible for all
23 terrorism in Shanghai;

24 "The receipt on July 23 by the American Consul
25 at Shanghai of a telegram from Amagasaki demanding

1 apologies and withdrawal of American forces from China;

2 "The demand of the Nanking regime, reported
3 July 23, for the arrest of a large number of Chinese
4 in the Settlement, deportation of certain foreigners,
5 and closing down of foreign newspapers published in
6 the Settlement and newspaper threats that the regime
7 will take over Settlement police rights;

8 "The arrest on July 27 in Tokyo of a number
9 of British subjects, the death of Cox, the arrest and
10 detention of Morin, and the subsequent press warning
11 to foreign correspondents;

12 "The assassination of Judge Chien on July 29
13 in Shanghai;

14 "A report of July 31 that instructions had
15 been issued to Shanghai representatives of Japanese
16 newspapers to look for stories on which anti-American
17 articles might be based;

18 "The assassination on August 2 of a White
19 Russian employed by an American firm, the kidnapping
20 of a Chinese coal dealer on the same day, and the
21 publication of anti-American articles in a Japanese-
22 controlled paper."

23 Next we offer in evidence IPS document No.
24 1250A, duly authenticated, and ask that it be identified
25 as an exhibit. It is a telegram from Foreign Minister

1 MATSUOKA to Ambassador SHIGEMITSU dated August 5, 1940.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 1250A will receive exhibit No. 1023.

5 (Whereupon, the document above referred
6 to was marked prosecution's exhibit No. 1023 and
7 received in evidence.)

8 MR. HARDIN: We read prosecution's exhibit
9 1023:

10 "Total No.: 23849.

11 "Coded Telegram from London to the Foreign
12 Ministry.

13 "Despatched: Afternoon August 5, 1940

14 "Received: Afternoon August 6, 1940.

15 "To: Foreign Minister MATSUOKA

16 "From: Ambassador SHIGEMITSU.

17 "Telegram 1356 (Code used by Head of Embassy)

18 "Please accept my hearty congratulations for
19 the establishment and enforcement of the Greater East
20 Asia Policy at this time. In this connection, I wish
21 to inform you of the following points which have
22 occurred to me though there may be parts that duplicate
23 what I have already told you:

24 "1. In the present situation, it is better,
25 in regard to our attitude towards Germany and Italy

1 to push forward an independent parallel policy. As to
2 the extent of its application, it seems to me that the
3 way the Soviet Union is carrying out its parallel
4 policy will be of value.

5 "Italy's policy of Alliance was based on
6 geographical necessity, but Italy will generally main-
7 tain a merely subordinate position to Germany in
8 future. As Japan is in a very advantageous geographical
9 position, and as her object is to establish a position
10 in the world, I think it is fundamentally essential
11 to secure independence of policy, Next, in order to
12 establish our position in Greater East Asia, it would
13 be necessary to consider measures for gaining the max-
14 imum benefits at the minimum loss by carrying them out
15 at the direct expense of small nations (for instance --
16 France or Portugal) (although indirectly, it may turn
17 out to be at the expense of Britain and America) and
18 by avoiding conflict with other countries so as not to
19 make many enemies at once but to dispose of them one
20 by one.

21 "2. The Soviet Union, by means of its parallel
22 policy towards Germany occupied the Baltic area and
23 East Europe, compromised (with Germany and Italy) in
24 the Balkans and is supposed to be about to advance
25 towards Iran, Turkey and Iraq, (or perhaps also secure

1 a position in Finland). But she is always standing
2 strongly for neutrality, trying to avoid conflict with
3 the big countries, such as Britain (and France), etc.
4 but extending her power over minor countries which have
5 no connection with the war. Actually, the Soviet Union,
6 is aiming at a thorough shake-up of the British domin-
7 ions but it seems to be exercising all the skill at
8 its command to realize the greatest gains at the least
9 loss, while always leaving room for compromise with
10 Britain.

11 "3. The unavoidable diplomatic retreat of
12 Britain from East Europe and the Black Sea area and
13 the same situation in Asia, namely, the transfer of the
14 center of the British sphere of influence from Shanghai
15 to Honkong some time ago, and then from Hongkong to
16 Singapore, gives some idea of it. Britain is also
17 changing her fundamental policy toward China. Even in
18 the case of America, its strict adherence to the Monroe
19 Doctrine signifies an attitude of retreat from East
20 Asia. And the embargoes on oil and scrap-iron represent
21 not a positive but a negative policy which is defensive
22 (or obstructionist). The policies of Britain and
23 America are not Joint, but Parallel policies but they
24 have not necessarily been completely in accord hither-
25 to as to their purpose and application. That depends

upon our attitude. If we carry out our Greater East
1 Asia policy with a reasonable, fair and square attitude,
2 we may properly expect Anglo-American obstructions
3 to be removed in the natural course of events. As to
4 our attitude toward Britain and America, we need to
5 consider fully the actual benefits, while considering
6 at the same time our principles and position.

7 "4. Here we should be on our guard against
8 the fact that there are active, powerful movements
9 afoot to draw Japan into a conflict with Britain and
10 America in the Pacific Ocean thereby precipitating an
11 uncontrollable situation in the Pacific just as Japan
12 was drawn into the China problem by the Lukowkiao
13 Incident, which they could expand into a world war,
14 so that they could fish in troubled waters. In Britain
15 and America, this movement is represented by the re-
16 inforcement of the existing anti-Japanese movement
17 sponsored by the Leftists. The other one is a move-
18 ment to draw Japan into a conflict by making Japan
19 provoke Britain and America. Both movements have the
20 same direct objective, though they differ in their
21 ultimate objectives.

22 "5. In short, though the main object of our
23 policy is to establish a powerful political and economic
24 position in Greater East Asia, I believe that to show
25 a liberal-minded attitude towards settling the China

1 problem expresses, not weakness, but strength on our
2 part. In view of our present high international posi-
3 tion, it would be improper for us to be victimized by
4 other countries, not to speak of adopting an attitude
5 of supplication or subordination. I believe it to be
6 the cardinal principle of diplomacy to assert what our
7 country requires and believes, and at the same time to
8 prevent untoward losses in complicated diplomatic re-
9 lations and to devise all available means towards every
10 country alike within the limits of their potential
11 utility. Needless to say, it is necessary to sweeten
12 our relations with the Soviet Union and also to proceed
13 with scrupulous consideration and prudence in our re-
14 lations with Britain and America."

15 MR. FURNESS: If the Court please, I question
16 the translation of this document and request that
17 it be referred to the Language Section, in accordance
18 with the usual procedure.

19 THE PRESIDENT: We will refer it to the
20 Language Section.

21 MR. HARDIN: We next offer in evidence IPS
22 document 219P (93) from exhibit for identification 58,
23 which is excerpts from communication from Ambassador
24 Grew in Japan to the Japanese Foreign Minister, dated
25 September 18, 1940.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 219P (93) will receive exhibit No. 1024.

4 (Whereupon, the document above referred
5 to was marked prosecution's exhibit 1024 and
6 received in evidence.)

7 MR. HARDIN: (Reading)

8 "The American Ambassador in Japan (Grew)
9 to the Japanese Minister for Foreign Affairs (MATSUOKA)
10 "Excerpts.

11 "No. 1636 Tokyo, September 18, 1940.

12 "EXCELLENCY: I have the honor to recall to
13 Your Excellency the fact that my Government has fre-
14 quently found it necessary in recent years to make
15 representations to the Japanese Government in regard
16 to interference with American trade in China by Japanese
17 military authorities or by local organizations under
18 their control. Not only have representations been made
19 in connection with general trade and exchange measures
20 enforced by Japanese-controlled authorities in north
21 China, but also in connection with especially destruc-
22 tive interferences with American trade in individual
23 commodities, notably hides and skins, furs, wool,
24 radios, egg products, and embroideries. It is now
25 necessary to bring to the attention of the Japanese

1 Government widespread interference with American trade
2 in petroleum products.

3 "From Kalgan to Canton, in coastal cities
4 and in the interior, American trade in petroleum pro-
5 ducts, chiefly kerosene and candles, continues to be
6 subjected, notwithstanding repeated representations
7 to the local authorities by American diplomatic and
8 consular officers, to arbitrary and unwarranted
9 interferences."

10 Next we offer in evidence IPS document No.
11 220C (5), taken from volume 2 of exhibit 58, and ask
12 that it be identified as an exhibit. This is an excerpt
13 from a telegram from the United States Secretary of
14 State to Ambassador Grew, dated September 3, 1940.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 220C (5) will receive exhibit No. 1025.

18 (Whereupon, the document above referred
19 to was marked prosecution's exhibit No. 1025 and
20 received in evidence.)

21 MR. HARDIN: (Reading)

22 "Telegram.

23 "The Secretary of State to the Ambassador in
24 Japan (Grew)

25 "(Paraphrase)

"Excerpt. Washington, September 3, 1940 --

6 p.m.

"334. At earliest moment possible, unless you perceive objection, please obtain further interview with Minister for Foreign Affairs and take up with him the two matters which follow, as under instruction from this Government:

"(1) Refer to the conversation you had on August 7 with the Minister (your telegram No. 672, August 7, 10 p.m.) and say to him that within the past few days reports from several sources have come to the Department of State to the effect that the Government of Japan has presented an ultimatum to the French authorities in Indo-China on Japan's demands for permission to Japanese armed forces, for purposes of military operations against China, to pass through French territory and to use military bases and other facilities. The Government of the United States is reluctant to believe these reports, and it wishes to point out the unfortunate effect on American public opinion from the point of view of Japanese-American relations if these reports prove to be correct. Especially will this be true in view of statement which the press attributed on June 19 to a representative of the Japanese Foreign Office which said, in effect,

1 that Japan attached importance to maintaining the
2 status quo in French Indo-China."
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1 I note the next article I had has been offered
2 in evidence by another section in the past, 220-C(6).

3 I now offer in evidence IPS document 220-C(7),
4 taken from the second volume of exhibit for identifica-
5 tion 58, which is a statement from Ambassador Grew to
6 Foreign Minister MATSUOKA, September 19, 1940.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 220-C(7) will be given exhibit No. 1026.

10 (Whereupon, the document above
11 mentioned was marked prosecution's exhibit
12 No. 1026, and was received in evidence.)

13 MR. HARDIN: "Statement by the American Amba-
14 sador in Japan (Grew) to the Japanese Minister for
15 Foreign Affairs MATSUOKA.

16 "My Government has instructed me to make the
17 following observations in reply to the oral statement
18 which was handed to me by the Vice-Minister for Foreign
19 Affairs on September 14.

20 "It is the opinion of my Government that the
21 status quo of a third country is seriously affected
22 when one of two countries which is engaged in hostili-
23 ties with another insists, in order to attack the other,
24 upon the right of the use of airdromes and the right of
25 passage for troops through the third country. In the

1 light of the Japanese Government's announced desire
2 that the status quo be maintained in the Pacific area
3 there appears to be an inconsistency in connection with
4 the stipulations of this nature which are being made
5 upon the authorities in Indo-China by the Japanese
6 Government.

7 "The American Government urges upon all govern-
8 ments the employment of peaceful means only in their
9 relations with all other governments and with all
10 other regions. The attitude of my Government toward
11 the unwarranted use of pressure in international rela-
12 tions is global.

13 "September 19, 1940."

14 I now offer IPS document 220-C(17) from exhibit
15 for identification 58, Volume II, which is an excerpt
16 from a message from the Japanese Embassy to the
17 Department of State, dated October 7, 1940.

18 THE MONITOR: We cannot follow you, sir, since
19 you are skipping. Will you give us the order number,
20 please; otherwise we cannot give you simultaneous inter-
21 pretation.

22 MR. HARDIN: Order No. 212.

23 THE MONITOR: Thank you, sir.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document

1 No. 220-C(17) will receive exhibit No. 1027.

2 MR. HARDIN: If it please your Honor, if
3 there is a confusion here it is caused by an effort
4 to readjust in time order. We have not had the time
5 to distribute the list.

6 We now read from exhibit 1027:

7 "The Japanese Embassy to the Department of
8 State. Excerpt. No. 235.

9 "In view of the situation of iron and steel
10 scrap markets, the supply and demand of these materials
11 and the volume shipped to Japan, the Japanese Govern-
12 ment finds it difficult to concede that this measure
13 was motivated solely by the interest of national defense
14 of the United States.

15 "(Washington), October 7, 1940."

16 We now offer IPS document No. 699, order
17 No. 169, with the permission of the Tribunal, in evi-
18 dence. This document was captured from the Japanese
19 Foreign Office, duly authenticated, and entitled
20 "A Memorandum Concerning Outstanding Anglo-Japanese
21 Cases in China," and dated December 24, 1938.

22 Correction: That number is 699-A, if the
23 Court please.

24 MR. BLEWETT: If the Court please, I wish to
25 call attention to the certificate, which refers to

1 63 English pages, whereas the exhibit or the document
2 699-A seems to consist of 55 pages.

3 THE PRESIDENT: Look at the original.

4 MR. BLEWETT: I would like him to explain
5 that so we will have a record of the reason for it.

6 MR. HARDIN: The original document has
7 probably not been copied identically -- I mean, page
8 by page. It is there to show for itself.

9 THE PRESIDENT: I do not see any pages of
10 the original numbered at all. It is just a collection
11 of loose sheets, actually. I suppose that is how
12 they found it and they have left it in that condition.

13 Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 699-A will receive exhibit No. 1028.

16 (Whereupon, the document above
17 mentioned was marked prosecution's exhibit
18 No. 1028, and was received in evidence.)

19 MR. HARDIN: We desire to read from prosecu-
20 tion exhibit 1028, portions, although it all being in
21 evidence, only of the document.

22 "Memorandum.

23 "On the 24th December, 1938, the British
24 Ambassador handed to the then Vice-Minister for Foreign
25 Affairs a memorandum respecting outstanding Anglo-Japanese

1 cases in China.

2 "In continuation of that document Sir Robert
3 Craigie now communicates a further memorandum regarding
4 the present position of the most serious cases still
5 outstanding. It will be observed that some of the
6 cases mentioned were included in the representations
7 made in 1938, and these have been marked with an asterisk
8 for convenience of reference. It is requested that
9 special attention may be given to these cases, which
10 have been outstanding for more than two years, and in
11 particular to the Yangtze claims, which are perhaps the
12 gravest example. It will be seen that no progress has
13 been made regarding these claims and that no payment
14 whatever has been made in respect of them by the
15 Japanese Government, although the latter's assurance
16 that compensation would be given is now nearly three
17 years old.

18 "The Ministry of Foreign Affairs will under-
19 stand that the list is not intended to be exhaustive.
20 It will further be observed that in no less than
21 twelve of the cases included in the list, the represen-
22 tations made by His Majesty's Embassy have remained
23 without reply.

24 "The British Ambassador would be grateful for
25 an early examination of all these cases, many of which

1 have been dragging on for more than two years.

2 "British Embassy, Tokyo. November 22nd, 1940."

3 THE PRESIDENT: Must you read all these?

4 MR. HARDIN: I do not intend to read all.

5 Page 3 of the reproduction:

6 "SUMMARY OF OUTSTANDING ANGO-JAPANESE

7 CASES IN CHINA

8 "A - GENERAL

9 "SUBJECT -- FIRST REPRESENTATION -- PRESENT SITUATION

10 "1. RAILWAYS.

11 "(a) Peking-Mukden Railway.

12 "(1) Non-payment of Shanghai-Fengchiang
13 Railway mortgage redemption loan 1913."

14 This was presented October 11, 1937.

15 "(2) Non-payment of debt owing to Metro-
16 politan Cammel Carriage Company. ((1) and
17 (2) being largely due to non-payment by
18 the Japanese military for railway services.)

19 "(3) Construction of a parallel railway
20 to Jehol contrary to international agreement.

21 "(4) Unification of North China Railways
22 in complete -- "

23 These various subjects have been mentioned --

24 THE PRESIDENT: (Reading): "In complete
25 disregard of the British interests involved and of

1 international treaties governing them."

2 Then you read "Present Situation."

3 MR. HARDIN: Yes, sir.

4 (Reading): "These various subjects
5 have been mentioned in repeated protests from
6 October 1937 onwards. Though a general assur-
7 ance was given in a letter from Mr. Ishii on
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1 "July 20, 1938, that there was no intention of
2 infringing British rights, no satisfactory explan-
3 ation has been given of the breaches of treaty
4 involved in the actions of the Japanese authorities
5 and no satisfactory action has been taken to respect
6 the British interests which have been disregarded
7 in these different ways by Japanese action. On
8 March 24th, 1939, His Majesty's Ambassador drew
9 attention to reports that the North China Railway
10 systems were to be taken over by a Japanese sponsored
11 concern in contravention of international agreements
12 covering the constitution of the Peking-Mukden Rail-
13 way and requested an assurance that no such pro-
14 cedure was intended. No reply."

15 Referring to page 11 of the reproduction,
16 omitting the caption:

17 "(a) Detention of S.S. 'Sagres', 'Lalita'
18 and 'Dholera'.

19 "British S.S. 'Sagres' was seized by
20 a Japanese destroyer in Chayuan Bay
21 on the 8th April, 1939, British S.S.
22 'Lalita' was seized on 27th April
23 near Foochow by a Japanese warship.
24 British S.S. 'Dholera' also seized
25 and detained by Japanese Navy."

1 "FIRST REPRESENTATION

2 "April 22nd, 1939. (Sagres)

3 "June 30th, 1939. (Lalita)

4 "PRESENT SITUATION

5 "In spite of an offer by the owner of the
6 'Lalita' and 'Dholera' to agree to waive
7 their claim for compensation upon the
8 vessels' release, under certain conditions,
9 and by the owners of the 'Sagres' to reduce
10 their claim to £10,000 on the vessel's
11 release, all three are still detained.

12 After a total of 15 communications from His
13 Majesty's Ambassador on the subject, the
14 Ministry of Foreign Affairs replied on 31st
15 July, 1940, that they would consider the
16 release of the vessels if His Majesty's
17 Government would guarantee not to requisition
18 them without the Japanese Government's
19 consent in the event of their being chartered
20 by Japanese interests."
21

22 Page 13 of the reproduction, omitting the same
23 heading:

24 "2. SHIPPING.

25 "(b) Detention of S.S. 'Sparta'.

 "Greek S.S. 'Sparta' insured by

1 British interests, detained at Keelung.

2 His Majesty's Embassy support Danish
3 Legation's request for release.

4 "First Representations

5 "March 14th, 1938.

6 "PRESENT SITUATION

7 "Japanese authorities refuse to recognize
8 the validity of transfer from Chinese to
9 Greek registry. Periodic enquiry in support
10 of the Danish and subsequently, of the
11 Greek Ministers' representations, has led
12 to no result.

13 "On 11th March, 1940, His Majesty's Amba-
14 sador states that British underwriters had
15 now paid £10,000 on the vessel and that His
16 Majesty's Government viewed her detention
17 with growing concern. On 13th April, 1940,
18 the Ministry of Foreign Affairs were informed
19 that the transfer of the Sparta to Greek
20 nationality was correctly carried out under
21 Greek law. Japanese reply of 29th May,
22 1940, stated that vessel would not be re-
23 leased until suspicion of malicious transfer
24 had been cleared up."
25

Page 15:

1 "SUBJECT

2 "1. Tinkler Case.

3 "On 6th June, 1939, in the course of a
4 disorder at the China Printing and Finish-
5 ing Company's Mill at Pootung, a British
6 subject named Tinkler was fatally wounded
7 by Japanese Marines. Protests strongly
8 against the negligent and obstructive atti-
9 tude of Japanese authorities in the matter
10 and reserves right to claim compensation.

11 "FIRST REPRESENTATION.

12 "June 17th, 1939.

13 "PRESENT SITUATION

14 "Reminder sent on May 6th, 1940, urging the
15 disposal of this long outstanding case in
16 the interests of Anglo-Japanese relations.

17 "No reply."

18 Passing to page 22, omitting the caption:

19 "SUBJECT

20 "3. TSINGTAO. Discrimination against
21 British Shipping and Trade.

22 "In spite of Japanese assurances that Three
23 Power shipping will be given certain facili-
24 ties in the port of Tsingtao, British ships
25 have continued to be subjected to discrimin-

1 ation and delays. Requests speedy relax-
2 ation of the restrictions.

3 "FIRST REPRESENTATION

4 "May 19th, 1939.

5 "PRESENT SITUATION

6 "After further communications, the Ministry
7 of Foreign Affairs replied on January 20th,
8 1940, that steps had recently been taken
9 by the local military authorities to pro-
10 vide further facilities did not, however,
11 in practice become available and, after a
12 reminder on April 15th, His Majesty's Amba-
13 sador made further representations on the
14 6th May regarding the wharf situation and
15 renewed instances of discrimination against
16 British shipping. Still further examples
17 of such discrimination were made the subject
18 of representations on the 13th June.

19 "No reply was received."

20 Page 24, omitting caption:

21 "SUBJECT

22 "4. WUTINGFU. Burning of English Methodist
23 Mission at Chuchia.

24 "English Methodist Mission was burnt by
25 Japanese troops on December 25th in retalia-

1 tion for alleged medical treatment of
2 Chinese guerrilla. Protests energetically,
3 requests immediate investigation and reserved
4 right to claim.

5 "FIRST REPRESENTATION."

6 "January 9th, 1940.

7 "PRESENT SITUATION"

8 "Japanese reply of February 12th states
9 that Mission was found to be centre of anti-
10 Japanese activities. Hospital was therefore
11 burnt in self-protection. His Majesty's
12 Ambassador replied on April 18th that His
13 Majesty's Government consider action of
14 Japanese troops totally unjustified and con-
15 trary to international law, and trust
16 vigorous measures will be taken to prevent
17 a recurrence of the incident."

18 Page 25.

19 THE PRESIDENT: I suppose you are reading
20 these to show that the matters of which the British
21 complained were the same as those of the Americans,
22 or very largely so.

23 MR. HARDIN: As well, Mr. President, as
24 evidence of the facts of the incident and the in-
25 difference of the Japanese in handling these claims.

1 THE PRESIDENT: We understand that you
2 are handicapped in putting a case prepared by another
3 associate prosecutor. Will that other prosecutor be
4 likely to appear shortly?

5 MR. HARDIN: I think that is wholly
6 unlikely.

7 THE PRESIDENT: Well, we will adjourn now
8 until half past one.

9 (Whereupon, at 1200, a recess
10 was taken.)

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AFTERNOON SESSION

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

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

7 THE PRESIDENT: Major Blakeney.

8 MR. BLAKENEY: I have been requested by
9 the Russian prosecution to state that I have no
10 objection to the return of General MATSUMURA,
11 Tomokatsu, to Russia. I point out, however, that
12 his attendance was requested by me and is still
13 desired at the time that his testimony will be
14 needed. I have been requested also to state that
15 I have no objection to the return of the witness
16 SEJIMA, Ruizo, who has already testified and been
17 cross-examined. He was excused by the Tribunal on
18 the usual terms.

19 THE PRESIDENT: Is that the attitude of
20 all the defense counsel as regards both witnesses?

21 MR. BLAKENEY: I haven't been able to
22 consult them all, sir, but I think that one of my
23 clients was the only one interested in General
24 MATSUMURA, and Colonel SEJIMA has been cross-
25 examined so I think we are safe in assuming that.

1 THE PRESIDENT: Those two witnesses are
2 at liberty to leave Japan on the usual terms.

3 Mr. Williams.

4 MR. E. WILLIAMS: Mr. President, during
5 the recess Mr. Hardin has made some additional
6 effort to erase some of the irregularities in
7 chronological order of these documents. A new list
8 is being prepared which will be provided to the
9 Secretariat, the translators and defense as soon as
10 available, but it may cause a little difficulty
11 just during this short session.

12 May I ask the Clerk to give me the
13 number, exhibit number, of the exhibit which Mr.
14 Hardin was reading at the recess?

15 CLERK OF THE COURT: No. 1028.

16 THE PRESIDENT: Page 22.

17 MR. E. WILLIAMS: Beginning at page 22:

18 THE PRESIDENT: No, I think he read 24; I
19 am not sure. Begin at page 25.

20 MR. E. WILLIAMS: Is 25 the next, your Honor?

21 THE PRESIDENT: Yes.

22 MR. E. WILLIAMS: I will begin reading at
23 page 25 from exhibit 1028:
24

25 "SUMMARY OF OUTSTANDING ANGLO-JAPANESE
CASES IN CHINA.

1 "D - CENTRAL CHINA.

2 "SUBJECT: 1. BOMBING INCIDENTS.

3 "(a) Chungking -- In a raid by Japanese
4 aircraft on 4th May, 1939, a bomb killed 2 and
5 wounded 11 in the native staff quarters of His
6 Majesty's Consulate, while considerable damage was
7 done to property of His Majesty's Government. Pro-
8 tests vigorously and requests issue of instructions
9 to stop indiscriminate bombing.

10 "FIRST REPRESENTATION: May 12th, 1939.

11 "PRESENT SITUATION: In spite of these
12 representations renewed damage was done to British
13 property by repeated indiscriminate bombings of
14 Chungking. On the 24th June, 1940, further serious
15 damage was done to His Majesty's Consulate-General,
16 the Consul-General's house being destroyed and 2
17 other houses struck. On August 5th, 1940, His Majesty's
18 Ambassador stated that he must reserve all rights on
19 behalf of His Majesty's Government in the United
20 Kingdom in regard to these attacks, that the Japanese
21 Government must be held fully responsible for any
22 injury to British life and property and that a claim
23 for compensation would be entered in due course.

24 "SUMMARY OF OUTSTANDING ANGLO-JAPANESE
25 CASES IN CHINA.

"D - CENTRAL CHINA.

"SUBJECT: 1. BOMBING INCIDENTS Continued.

"(b) Ichang -- On 6th August, 1939, the Asiatic Petroleum Company's installation and two steamers belonging to Jardine, Matheson and Company were damaged and one British officer and two Chinese sailors on board the latter were wounded in a raid by Japanese aircraft. Reminds Japanese Government of their assurances regarding foreign rights and interests and hopes that stricter orders will be issued in future. Reserves right to claim compensation.

"FIRST REPRESENTATION: August 11, 1939.

"PRESENT SITUATION: No reply.

"BOMBING INCIDENTS Continued.

"(c) Pakhoi -- China Mission School Hospital at Pakhoi was bombed on August 29, 1939, although particulars of the hospital had been communicated to the Japanese Consul-General at Canton by His Majesty's Consul-General in 1938. Requests investigation and steps to prevent repetition.

"FIRST REPRESENTATION: September 20, 1939.

"PRESENT SITUATION: No reply.

"BOMBING INCIDENTS Continued.

"(d) Pinkiang -- In bombing of English

1 Methodist Mission on March 15th, the Reverend A. G.
2 Leigh was killed. Protests, asks measures to ensure
3 nonrepetition and expression of regret and reserves
4 right to claim compensation.

5 "FIRST REPRESENTATION: March 28, 1939.

6 "PRESENT SITUATION: In spite of reminder
7 sent on 10th May, no reply was received.

8 "BOMBING INCIDENTS Continued.

9 "(e) Sian -- Jenkins Robertson Memorial
10 Hospital of the English Baptist Mission, though
11 clearly marked, was bombed by Japanese aircraft on
12 March 8, 1939, in spite of previous representations
13 made in regard to this hospital in Shanghai. The
14 operating theatre was destroyed and other damage
15 done. Requests enquiry, assurances against recur-
16 rence and expression of regret. Reserves right to
17 claim compensation.

18 "FIRST REPRESENTATION: March 13, 1939.

19 "PRESENT SITUATION: In spite of reminder
20 sent on May 10th, no reply was received.

21
22 "2. CENTRAL CHINA BANK -- Reports are
23 current that a new bank of issue may be set up by
24 the Nanking authorities. Such a step would have the
25 most unfortunate effect on trade of Third Powers and
on Anglo-Japanese relations and would be incompatible

1 with Japanese assurances"--

2 THE PRESIDENT: You left out "rumor." Is
3 that worth reading?

4 MR. E. WILLIAMS: (Continuing)

5 "Requests information.

6 "FIRST REPRESENTATION: May 27, 1940.

7 "PRESENT SITUATION: On October 23rd His
8 Majesty's Ambassador drew attention to a statement
9 made by the Minister of Finance of the Nanking
10 Government indicating that a Central bank of issue
11 would start operations in November. Sir Robert
12 Craigie asked that steps be taken to prevent this
13 bank from being established. No reply."

14 Continuing: "SUBJECT.

15 "3. KIUKIANG. Refusal to allow British
16 Subjects to re-occupy their properties.

17 "Representatives of Butterfield and Swire,
18 Jardine, Matheson and Company, Asiatic Petroleum
19 Company and British-American Tobacco Company have
20 been refused permission to return to Kiukiang although
21 the Standard-Vacuum Oil Company's representatives had
22 been allowed to do so. Assumes that Japanese Govern-
23 ment do not propose to countenance discrimination of
24 this description and urges that permission should be
25 given to these firms to return to Kiukiang as soon as

1 possible.

2 "FIRST REPRESENTATION: May 24, 1940.

3 "PRESENT SITUATION: Japanese reply of
4 25th June stated that return of Butterfield and
5 Swire and Asiatic Petroleum Company was impossible
6 owing to military necessity, that permission was
7 being reserved in case of Jardine, Matheson and
8 Company owing to actions by the firm in the in-
9 terests of the enemy, but that permission to return
10 on certain conditions had already been granted to
11 the British American Tobacco Company. There was
12 no intention of deliberate discrimination against
13 British firms."

14 Continuing:

15 "4. YANGTZE DELTA. Restrictions on
16 British Trade.

17 "Draws attention to following Japanese
18 activities in Yangtze Delta:--

19 "(a) Attempts to establish a system of
20 trade permits;

21 "(b) Direct interference with British
22 shipping; and

23 "(c) Discrimination against British
24 shipping by means of the intimidation of Chinese.
25 His Majesty's Government cannot admit the right of

1 Japanese authorities to restrict legitimate British
2 trade. Moreover, the Nanking authorities recently
3 informed the Shanghai Commission of Customs that
4 vessels wishing to clear for certain ports must
5 obtain certificates from the competent authorities
6 additional to Inland Water Certificates. This would
7 be unwarrantable interference with the Customs
8 Administration and with legitimate foreign trade.
9 Requests immediate issue of suitable instructions.

10 "FIRST REPRESENTATION: June 6, 1939.

11 "PRESENT SITUATION: After reminder dated
12 June 21st pressing for issue of appropriate instruc-
13 tions to local authorities, Japanese Government
14 replied on 20th September that the Chinese Customs
15 authorities and the Japanese military authorities were
16 acting within their competence in view of military
17 necessity.

18 "5. YANGTZE NAVIGATION. Discrimination
19 against British Shipping.

20 "(a) Shipments of ordinary goods by
21 Japanese ships are now freely possible.

22 "(b) 80% of the goods so carried cannot
23 be described as cargo for military requirements.

24 "(c) At certain places all imports except
25 Japanese goods are taxed."

1 "FIRST REPRESENTATION: April 10, 1939.

2 "PRESENT SITUATION: On 1st July, 1939,

3 His Majesty's Ambassador pointed out that German
4 and Italian shipping was being favored to the detri-
5 ment of British shipping and that the general situa-
6 tion had deteriorated since April 10th. No reply."

7 THE PRESIDENT: Omit pages 36, 37 and 38.
8 They are not marked to be read.

9 MR. E. WILLIAMS: Continuing on page 39,
10 this has to do with "Summary of Outstanding Anglo-
11 Japanese Cases in China.

12 "E - South China.

13 "SUBJECT: 2. Sharp Peak. Proposed
14 steamship service.

15 "Proposal for foreign passengers, mails,
16 food and medical supplies for foreigners at Foochow
17 to be brought by British steamer to neighborhood
18 of Sharp Peak once or twice a month. Trust Japanese
19 Government will agree on humanitarian grounds.

20 "FIRST REPRESENTATION: August 23, 1940.

21 "PRESENT SITUATION: No reply.

22 "3. SWATOW.

23 "(a) Harbor Restrictions. Port of Swatow
24 has been closed to Third Power shipping except for one
25 vessel a week since shortly after its occupation by

1 Japanese forces. Considerable quantities of goods
2 are now being landed there from Japanese vessels,
3 so argument that closure is due to military neces-
4 sity no longer applies. Requests reopening of port.

5 "FIRST REPRESENTATION: December 11, 1939.

6 "PRESENT SITUATION: Japanese reply of
7 January 17, 1940, states that restrictions must be
8 continued for reasons of strategic necessity but that
9 harbor will be reopened as soon as an improvement is
10 seen. On March 16th His Majesty's Ambassador gave
11 statistics of trading activities by Japanese vessels
12 at Swatow as evidence that closure of port could no
13 longer be justified on grounds of military necessity
14 and requested early steps for its reopening. No reply.

15
16 "3. SWATOW" Continued.

17 "(b) Taxation of Imports and Exports --
18 'Swatow Rehabilitation Commission' has established
19 tax bureau which is levying taxes on imports and
20 exports as well as 'voluntary contributions' on ship-
21 ments of embroideries. Requests cessation of this
22 further infringement of the rights of the Chinese
23 Maritime Customs.

24 "FIRST REPRESENTATION: February 10, 1940.

25 "PRESENT SITUATION: Japanese reply of
23rd February states that an investigation is being

undertaken.

"4. HONG KONG. Infringement of Territorial Waters and Attacks on Junks.

"Attacks by Japanese naval forces on junks registered in Hong Kong or engaged in fishing for the Hong Kong market have been made by Japanese naval forces at frequent intervals from September, 1937. These incidents have often involved violation of Hong Kong territorial waters.

"PRESENT SITUATION: Repeated representations by His Majesty's Ambassador have not been successful in securing a cessation of these attacks, which are still continuing."

THE PRESIDENT: Omit 43 and 44 as not being marked for reading.

MR. E. WILLIAMS: Continuing on page 45:

"SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINA.

"F - Claims.

"SUBJECT: 2. S. S. ASLAN.

"Claim in respect of damage caused by the wrongful detention of the ship by the Japanese navy from February 7th to 20th and theft during detention of articles on board.

"FIRST REPRESENTATION: May 1, 1938."

"PRESENT SITUATION: Japanese Government

1 stated in their reply of June 3rd that there were
2 insufficient documents on board and denied the
3 theft of any articles during the ship's detention a
4 receipt having been furnished by the Captain on
5 departure from Mako.

6 "On September 9th, His Majesty's Ambassador
7 explained the situation with regard to the ship's
8 documents, by the alleged irregularity of which
9 the Minister for Foreign Affairs had endeavored to
10 justify the ship's detention and pointed out that
11 detention could have been avoided by wireless con-
12 sultation of the port authorities. The receipt which
13 the Captain had given was only for private and ship's
14 papers. The Japanese reply of October 4th, claimed
15 that the Japanese could not bear the entire re-
16 sponsibility and that, as the Captain in his receipt
17 had stated everything was in order, there was no
18 room for further discussion on the subject of the
19 alleged thefts.

20
21 "3. Cases involving infringement of
22 Hong Kong territorial waters and attack on junks.

23 "(a) September 22nd, 1937, Fishing junks
24 sunk by Japanese submarine.

25 "FIRST REPRESENTATION: January 5, 1938. "

"PRESENT SITUATION: His Majesty's

Ambassador's Note of August 15th, 1938, stated that Japanese explanation could not be accepted and presented a claim for Hong Kong \$30,469.00. The Japanese reply of September 19th refused to consider the question of responsibility, but offered an ex gratia payment to those fishermen who are British subject and can prove they took no part in aggression against a Japanese warship.

"3. (b) February 11, 1938. Attack on and seizure of four junks by Japanese armed motor trawler.

"FIRST REPRESENTATION: February 26, 1938.

"PRESENT SITUATION: Japanese Government's reply of March 8th, stated that the incidents did not take place within British territorial waters. His Majesty's Note of April 27th, showed that the junks in question were different from those referred to in the Japanese Government's reply. A further Note from His Majesty's Ambassador of the same date submitted a claim for Hong Kong \$12,000.00. No reply.

"3. (c) May 3, 1938. Piracy and murder committed by Japanese sailors on a junk from Hong Kong.

"FIRST REPRESENTATION: June 17, 1938."

1 "PRESENT SITUATION: His Majesty's Amba-
2 sador addressed a second Note to the Minister for
3 Foreign Affairs on July 8th, confirming the details
4 of his previous Note and on October 31st, a claim
5 for Hong Kong \$11,872.50 was submitted. The Japanese
6 Government's reply of December 6th, stated that there
7 had been cases in which Japanese warships had dealt
8 with hostile junks, but that there were no facts
9 corresponding to the statements in His Majesty's
10 Ambassador's Note of July 8th.

11 "4. Damage to His Majesty's Consulate at
12 Pagado Anchorage, Foochow, during an air raid on
13 July 1st.

14 "FIRST REPRESENTATION: July 9, 1938.

15 "PRESENT SITUATION: A claim for £215.7.4
16 was presented by His Majesty's Ambassador on May 3,
17 1939. No reply.

18 "5. Damage to His Majesty's Consulates
19 and British property at Chefoo and Tsingtao in the
20 course of anti-British demonstrations on August 11th
21 and July 10th respectively.

22 "FIRST REPRESENTATION: December 18, 1939.

23 "PRESENT SITUATION: A claim for Chinese
24 National \$1,554.01 and United States \$20.75 was sub-
25 mitted by His Majesty's Embassy on December 18th. On

1 January 23, 1940, the Japanese Ministry of Foreign
2 Affairs replied that the anti-British movement in
3 China had broken out spontaneously, that the Chinese
4 organs were in control, that the matter should be
5 discussed, therefore, between the local British and
6 Chinese authorities and that there was no reason
7 why the Japanese Government should bear the responsi-
8 bility or receive the statement of claim. In their
9 Note of February 12, 1940, His Majesty's Embassy
10 pointed out that His Majesty's Government do not
11 recognize the 'local Chinese authorities,' that
12 Tsingtao and Chefoo were under the effective
13 occupation of the Japanese Army and that the Japanese
14 Government were, therefore, responsible for preventing
15 disorder. The formula of July 22nd was intended to
16 cover such cases. His Majesty's Embassy, therefore,
17 maintained their claim. In their Note of March 20th,
18 His Majesty's Embassy enquired of the Ministry
19 whether a reply might shortly be expected but none
20 has yet been received.

21 "6. Attack on the Imperial Airways air-
22 craft.

23 "'Dardanus' on November 8, 1939, at Waichow
24 Island, South China.

25 "His Majesty's Ambassador protested

1 vigorously against this incident and pointed out
2 how unwarranted such an attack on a civilian air-
3 craft was, wherever it was flying. The identity
4 of the aircraft must have been clear to the Japanese
5 authorities. His Majesty's Government did not admit
6 any right on the part of the Japanese Government to
7 exclude British aircraft from any particular area,
8 as His Majesty's Ambassador had informed the Japan-
9 ese Government on February 27, 1939. His Majesty's
10 Ambassador also took strong exception to the deten-
11 tion of the aircraft's two pilots for five days,
12 reserved the right to claim compensation and re-
13 quested an assurance that instructions against the
14 repetition of such an incident had been sent to the
15 appropriate Japanese authorities.

16 "FIRST REPRESENTATION: November 23, 1939.

17 "PRESENT SITUATION: His Majesty's
18 Ambassador presented a claim for £1,706.8.3 for
19 damage and loss on January 13, 1940. A more de-
20 tailed statement of this claim showing the extensive
21 damage suffered by the aircraft and its unairworthy
22 state when returned to the British authorities, was
23 submitted by His Majesty's Embassy on February 13th.
24 As no reply was received a Note enquiring whether a
25 settlement might soon be expected was sent to the

1 Ministry on March 20th. In their reply of April
2 23rd, the Ministry stated that as regards repairs
3 the Imperial Japanese authorities did not take any
4 measures at the time as a matter of obligation, but
5 especially kind treatment was given. They stated
6 that there was, therefore, no reason for the Japanese
7 Government to bear any responsibility for any sort
8 of damage in this case.
9

10 "7. GENERAL CLAIMS.

11 "Between June 21, 1938, and November 11,
12 1940, fourteen sets of claims in respect of loss
13 suffered by British subjects as a result of the
14 operations of the Japanese armed forces in China
15 have been submitted. In addition, claims by Mr.
16 M. Hayward and by Messrs. Butterfield and Swire
17 (in respect of their Hokai Staff Quarters at Hankow)
18 have been submitted separately.

19 "FIRST REPRESENTATION: June 21, 1938.

20 "PRESENT SITUATION: These claims amount
21 in all to £414,654. 4. 7-1/4. Claims amount to
22 £5,000. 2. 3 only may be regarded as withdrawn,
23 while one claim has been reduced by £29. 17. 2,
24 leaving a balance of £409,624. 5. 2-1/4 outstanding
25 under this head alone."

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1 MR. E. WILLIAMS: We offer in evidence I. P. S.
2 document 2400-A which is taken from the office of the
3 Japanese Foreign Ministry at Tokyo, duly authenticated
4 and is entitled: Measures to be Taken Towards Natives
5 in East Asia or Burma, the President of the Racial
6 Committee of the National Policy Research Institute,
7 Kokusaku Kenkyu Kai, 20 September, 1940.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 2400-A will receive exhibit No. 1029.

11 (Whereupon, the above-mentioned document
12 was marked prosecution's exhibit No. 1029 and
13 received in evidence.)

14 THE PRESIDENT: Mr. Smith.

15 MR. SMITH: If the Court please, we just located
16 this document, exhibit 1029. It does not appear to be
17 a government document and the certificate does not
18 purport to show that it came from the government files.
19 We do not see how it has any connection with any defendant
20 in this case.

21 MR. BROOKS: Mr. President, on the certificate, it
22 is signed by YATSUGI, who was a witness for the pros-
23 ecution in this case and testified at that time that
24 this was a private society, as I believe the record
25 will bear us out. We have had introduced before

1 hypothetical situations and cases by various societies.
2 Now whether this is one or not, I think it is up to
3 the prosecution to prove or show.

4 THE PRESIDENT: Article 13 of the Charters
5 says we shall admit any evidence which we think has
6 probative value including statements which appear to
7 the Tribunal to contain information relating to the
8 charge.

9 MR. SMITH: Well, surely, your Honor --

10 THE PRESIDENT: That we may do it -- allow me
11 to complete what I am saying. You know the red light
12 stops me as it does you. -- but we may require to be
13 convinced or to be satisfied that this has probative
14 value in the circumstances, Mr. Williams. Probative
15 value may readily appear where we have a certificate
16 that the document was found in a war ministry or in a
17 foreign office.

18 MR. E. WILLIAMS: We shall endeavor to provide
19 such additional information as we can obtain to support
20 and add to its probative value, your Honor.

21 MR. SMITH: Well, your Honor, what the pros-
22 ecutor just said amounts to nothing. Certainly the
23 provision of the Charter dealing with what constitutes
24 evidence having a probative value refers basically to
25 evidence related to two or more defendants in this case

1 and that has not been shown that any defendant has any
2 connection with this.

3 THE PRESIDENT: All the counts are not for
4 conspiracy, you know, Mr. Smith. You forget that. It
5 is only one or several out of fifty-five. Although
6 this might well be appropriate to the conspiracy counts.

7 MR. SMITH: Well, your Honor, conspiracy is
8 still an allegation in this case. Nobody is conceding
9 it by any means.

10 THE PRESIDENT: However, Mr. Williams, it is
11 doubtful whether this has probative value at this
12 stage.

13 MR. E. WILLIAMS: Well, your Honor, I realize
14 that there is no need of presenting a document that
15 does not have, in the opinion of the Court, probative
16 value. May I request that the Court indicate whether
17 it would prefer to have the document simply marked for
18 identification at this time or admitted conditionally?

19 THE PRESIDENT: Well, you realize our difficul-
20 ty. We know nothing about this National Policy Research
21 Institute.

22 MR. E. WILLIAMS: I appreciate that, your
23 Honor. I am not insisting.

24 MR. BROOKS: If the Court please, I would like
25 to object to this being admitted conditionally, and would

1 ask that the prosecution's attention be called to the
2 certificate that there be no possibility of showing
3 this coming from an official source because the certi-
4 ficate has already disclosed that by the witness
5 signing there as he has already testified.

6 THE PRESIDENT: Mr. Williams is not intending
7 to tender it for conditional admission, but to mark it
8 for identification only. You cannot object to that.

9 Well, you can have it marked for identification
10 only.

11 CLERK OF THE COURT: Prosecution's document
12 No. 2400-A will be marked exhibit 1029 for identifi-
13 cation only.

14 (Whereupon, the above-mentioned document
15 which had previously been marked exhibit No. 1029
16 in evidence was subsequently marked exhibit No.
17 1029 for identification only.)

18 MR. E. WILLIAMS: With the Tribunal's
19 permission, we now wish to tender in evidence I. P. S.
20 document No. 1603-A. This is a document taken from
21 the Japanese Foreign Office and has been duly authenti-
22 cated. It is a summary of proceedings concerning the
23 Tri-partite Pact between Germany, Japan and Italy at a
24 Privy Council meeting, September 26, 1940; and I may
25 say that in the old list it was No. 162.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 1603-A will receive exhibit No. 1030.

4 (Whereupon, the above-mentioned document
5 was marked prosecution's exhibit No. 1030 and
6 received in evidence.)

7 MR. E. WILLIAMS: We read parts only from
8 prosecution exhibit No. 1030. I read first from page
9 2, the last paragraph.

10 (Reading): "Councillor KAWAI: I consider
11 Article III of the treaty most important. Although I
12 do not believe in a Japanese-American war, I think that,
13 if worst comes to worst, the War and Navy Ministers may
14 have something in readiness to avert defeat, and on
15 this point I beg to have an explanation that will reassure
16 us. Moreover, we cannot say definitely that the U.S.S.R.
17 will not start something against JAPAN. In such a case,
18 what attitude will GERMANY take?

19 "War Minister TOJO: I will give my answer
20 chiefly from the standpoint of the Army. If the worst
21 comes to worst, only a small part of the military strength
22 will be necessary to carry out the operation against the
23 U.S.A. I think that you need not worry on this point.
24 However, an operation against the U.S.A. cannot be said
25 complete unless we consider an operation against the U.S.S.R."

1 "Therefore, adjustment of JAPAN-SOVIET relations is a
2 very important matter. I think that, if we could
3 accomplish this effectively, military preparation
4 would be eased considerably, but when we consider the
5 character of the U.S.S.R., JAPAN cannot neglect her
6 own preparation. As to the CHINA Incident, we intend
7 to bring it to a conclusion by making efficient use
8 of this treaty before we find ourselves in the worst
9 situation.

10 "Navy Minister OIKAWA: Since the war prepared-
11 ness of our present Navy is complete, we will definitely
12 not be beaten by the U.S.A., but in event of a prolonged
13 war, it is necessary that we make sufficient preparations
14 to keep up with the realization of the American plan
15 for repletion of her navy. On this point, the Navy is
16 adopting a policy prudent in every respect.

17 "Councillor KAWAI: I fear nothing so much as
18 the question of our materials. In case of a protracted
19 war, how long will they last?

20 "President of the Planning Board HOSHINO: As
21 I explained yesterday (the President gave a detailed
22 explanation of the material mobilization plan at the
23 regular meeting of the Privy Council on the previous
24 day), our country has for the last few years been making
25 preparations for self-sufficiency as regards materials."

1 'Out of 2,100,000,000 yen in imports, 1,900,000,000 yen
2 is received from ENGLAND and the U.S.A. If, therefore,
3 the economic pressure is strengthened, it is necessary
4 that we act prudently considering the activation of
5 Article III of the treaty. As for iron, this year's
6 output is expected to be 5,200,000 tons, and even at
7 the worst we can expect an output of 4,000,000 tons.
8 At present, 1,500,000 tons are used for armaments and
9 military purposes, and the rest is allotted for the
10 repletion of productive power and for private and
11 governmental use. If we manipulate the repletion of
12 productive power, and restrict private and governmental
13 demands, giving consideration to cases when imports of
14 scrap iron and iron material may be stopped, we shall
15 not find ourselves in so serious a situation. As
16 regards metals other than iron, the case is different,
17 but I think that you need not be seriously concerned,
18 for we are now endeavoring to collect them from all
19 parts of the world. Most important is petroleum. We
20 are at present depending greatly on AMERICA, especially
21 for aviation gasoline, almost all of which we must
22 import from AMERICA. We must try to increase its pro-
23 duction at home and, at the same time, must find means
24 to secure it from places other than AMERICA. Recently,
25 we have accumulated a considerable 'stock' of aviation

1 petroleum. However, in case of a prolonged war with
2 the U.S.A., a self-sufficient supply cannot be obtained
3 solely in JAPAN, MANCHURIA, and CHINA, whereas iron
4 and other metals can be so obtained. Therefore, it
5 is necessary that we speedily secure the right to
6 obtain oil in the DUTCH EAST INDIES or NORTH KARAFUTO.
7 This matter has been touched upon in the recent talk
8 with GERMANY. Furthermore, you must understand that at
9 present negotiations are being carried on for the
10 peaceful acquisition of oil in the DUTCH EAST INDIES.

11 "Councillor KAWAI: In regard to petroleum,
12 at yesterday's talk the military and naval authorities
13 too implied that considerable preparations have been
14 effected. I wish to have some explanation by the
15 War Minister and the Navy Minister.

16 "Navy Minister OIKAWA: As for the Navy, we
17 have made preparations for a considerable length of
18 time. Measures are now being taken regarding synthetic
19 oil.

20 "War Minister TOJO: The Army has prepared so
21 that its materials may last for a considerable period.
22 If an unusually prolonged war should occur, consideration
23 must be given to oil for aircraft and mechanized units."

24 Then I drop down to page 6, the third paragraph
25 from the top of the page.

1 (Reading): "Councillor ARIMA: I agree with
2 the government in its desire to avert an American-Japa-
3 nese war as demonstrated by this treaty, but if JAPAN and
4 the UNITED STATES are destined to fight, I think now is
5 the best time. However, what concerns us most is our lack
6 of petroleum. Although the Navy Minister said that we
7 have made appropriate preparations, it cannot be sup-
8 posed that, if hostilities began between JAPAN and the
9 U.S.A., they would terminate in one or two years. Par-
10 ticularly since we are bound to use great quantities of
11 petroleum in modern wars, we cannot help worrying
12 whether or not synthetic petroleum and such will suffice
13 in critical times. Therefore, I would like to have a
14 reply on this point from the Navy Minister.

15 "Navy Minister OIKAWA: Since we have just
16 started with synthetic petroleum, we cannot say that it
17 will suffice in critical times. Therefore, there is no
18 other way than to acquire it from the DUTCH EAST INDIES
19 or NORTH KARAFUTO through peaceful means, and it is
20 quite likely this will occur. Consequently, when view-
21 ed from this point, I think adjustment of relations
22 with the U.S.S.R. is very important. On the other hand,
23 if the war is prolonged the Navy must consider the
24 economic use of petroleum.

25 "Councillor ARIMA: Would there be a sufficiency

1 of petroleum of high octane rating?

2 "Navy Minister OIKAWA: Yes, in regard to
3 petroleum of high octane rating, the Navy has lately
4 established a special research organ and has been pro-
5 ducing it through methods original with the Navy. More-
6 over, considerable store is on hand."

7 If the Court please, then down to page 15,
8 beginning with the second paragraph, commencing with
9 the words "Councillor FUKAI."

10 "Councillor FUKAI: I think that insertion
11 of sentiments in our foreign relations should be
12 avoided, and that diplomacy must always be practiced
13 realistically. In the preamble of the treaty it says:
14 'let every nation have its rightful place', but
15 since HITLER's words always give us the impression that
16 according to the laws of nature, the weak are the vic-
17 tims of the strong, do you think that GERMANY will be
18 able to understand the true spirit of this preamble?

19 "Foreign Minister MATSUOKA: The mission of
20 our diplomacy lies in the propagation of the 'Imperial
21 Way'. We do not act solely for the purpose of advantages
22 or disadvantages in respect of our interests. I think
23 that such thoughts as 'the weak are the victims of the
24 strong' should be absolutely rejected.

25 "Councillor FUKAI: I can understand that, if a

1 Japanese-American war is inevitable, emphasis in
2 diplomacy must be laid to either GERMANY or the Anglo-
3 Americans at this time, but the result of concluding
4 this treaty may hasten the Japanese-American war.

5 Therefore, I wish to ask the Prime Minister his deter-
6 mination, whether or not he has the confidence to be
7 able to overcome shortages of munitions and general
8 commodities; the demoralization of thoughts, etc.,
9 when he faces them in the most aggravated times.

10 "Prime Minister KONOYE: The basic idea of
11 this pact, of course, lies in the aversion of a Japan-
12 ese-American clash. However, I think that it is nec-
13 essary for us to show a firm attitude, because if we
14 act humbly, it will only make the UNITED STATES presump-
15 tuous. /Translator's Note: May also read '...if we make
16 a blunder, the UNITED STATES will become presumptuous.'/

17 If worst should come to worst, I think that the govern-
18 ment must adopt policies with firm resolutions on both
19 diplomatic and domestic affairs. The other day when I
20 presented myself at the Imperial Palace to report on
21 this matter, I found His Majesty, the Emperor, also to
22 have possessed a very firm resolution which was most
23 impressive. I hope that this treaty will be satisfact-
24 orily executed, even at the risk of my very life.

25 "Councillor FUTAGAMI: Since there has been

1 much discussion from the standpoint of both diplomacy
2 and economics, I would like to ask some questions on
3 some doubtful points on the treaty itself."

4 Then I will skip that down to page 17, the
5 next to the last paragraph on page 17.

6 (Reading): "Councillor OBATA: At this time
7 when JAPAN has not yet solved the Sino-Japanese Inci-
8 dent, if JAPAN is under the obligation to aid GERMANY
9 and ITALY in case the UNITED STATES should participate
10 in the European War, JAPAN will be placed under a very
11 heavy responsibility. On the other hand, I think,
12 the possibility of war breaking out between JAPAN and
13 AMERICA is small. Therefore, will not this treaty be
14 very one-sided?

15 "Foreign Minister MATSUOKA: Whether AMERICA
16 will participate in the European war or not, or whether
17 war between AMERICA and JAPAN will break out or not, I
18 think is a fifty-fifty possibility. Therefore, I do
19 not believe it to be one-sided.

20 "Councillor TAKEGOE: As the result of this
21 treaty being concluded, what kind of support can
22 GERMANY give JAPAN in case worst comes to worst and
23 in case the Japanese Navy aids GERMANY and ITALY,
24 what kind of aid can it give?

25 "Foreign Minister MATSUOKA: Such problems as

1 the kind of help that can be mutually given should be
2 thoroughly investigated at the Joint special committee.

3 "Chief of the Investigation Committee SUZUKI:
4 I think a Japanese-American war is inevitable regardless
5 of whether this treaty is concluded or not. We, there-
6 fore, must carefully observe the expansion of the UNITED
7 STATES Navy and must not neglect our preparations
8 corresponding to this.

9 "Navy Minister OIKAWA: We are confident of
10 victory in a quick, decisive war against AMERICA, but
11 as for the future, we are steadily drawing various ex-
12 pansion plans.

13 "Councillor ISHII: I see what is written in
14 the last of exchange of statements is that the South Sea
15 Islands under our mandate will remain a territory of
16 JAPAN, provided that we pay a compensation for them.
17 According to Minister MATSUOKA's explanation of this,
18 since the VERSAILLES Treaty has already expired, JAPAN
19 is still continuing a military occupation of the South
20 Sea Islands. Therefore, although it is said that it is
21 necessary for JAPAN to pay compensation to GERMANY to
22 obtain transfer of the islands, according to the VER-
23 SAILLES Treaty, the possession of the mandated islands
24 were transferred to the Five Powers, from which powers
25 JAPAN acquired them. I, therefore, think it is proper

1 interpret that the islands are already the possession
2 of JAPAN and, therefore, I cannot agree to the verbal
3 declarations of the German Ambassador. Since I admit
4 that this problem is not a subject for Imperial inquiry,
5 I am just expressing my opinion for your information.

6 "Foreign Minister MATSUOKA: According to the
7 opinion of famous scholars of international law, as
8 Dr. TACHI, a mandate is not a transfer of territory.
9 Therefore, aside from the standpoint of legal theories,
10 and viewing it from the standpoint of practical politics,
11 it has been my opinion for the past three years that
12 it is a better policy to receive these islands from
13 GERMANY through some means. From what I have heard,
14 three years ago, the Japanese Navy had proposed to
15 GERMANY through the naval attache in BERLIN the cession
16 of these islands under certain compensatory terms.

17 "Councillor ISHII: I have exchanged opinions
18 with Dr. TACHI concerning this problem. Dr. TACHI's
19 opinion was only that a mandate is not a cession of
20 territory. In regards to the point that GERMANY trans-
21 ferred them to the Five Powers, I believe there is no
22 dispute. Therefore, I can hardly agree to having JAPAN
23 pay a compensation now to GERMANY for the cession of
24 these islands.

25 "Councillor MITSUCHI: From the questions and

1 answers I have heard throughout this morning, the
2 discussion seems to be chiefly on matters assuming war
3 with AMERICA. However, the moment this treaty is
4 concluded, I think AMERICA's economic sanctions against
5 JAPAN will be greatly increased. In this case, I
6 think the subsistence problem of our people will become
7 serious. Are sufficient preparations made for this?
8 When a treaty of this sort is concluded, the Japanese
9 people are apt to follow GERMANY blindly and there is
10 danger that some may attempt anti-American movements,
11 etc. It is hoped that such acts will be strictly con-
12 trolled.

13 "President of the Planning Board HOSHINO: The
14 government is most concerned over the problems of the
15 people's livelihood and will try to meet the situation
16 most satisfactorily.

17 Prime Minister KONOYE: Since I am in full
18 accord with keeping under control anti-American move-
19 ments, I intend to carry it out very strictly."
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1 THE PRESIDENT: Mr. Levin.

2 MR. LEVIN: Mr. President, I would like to
3 call attention to the fact that the SUZUKI named in
4 this document is not the accused. There is no given
5 name indicated in this document. It is because of
6 the statement just read by Mr. Williams as having
7 been made by SUZUKI that I call the special attention
8 of the Tribunal to that fact.

9 MR. E. WILLIAMS: I understand that
10 counsel's statement is correct, Mr. President.

11 We tender in evidence IPS document No.
12 219P (94) from Volume I of exhibit 58 for identifi-
13 cation, which is an excerpt from Ambassador Grew to
14 MATSUOKA, dated October 11, 1940.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 219P (94) will receive exhibit No. 1031.

18 (Whereupon, the document above
19 mentioned was marked prosecution's exhibit
20 No. 1031 and received in evidence.)

21 MR. E. WILLIAMS: I read from prosecution's
22 exhibit No. 1031:

23 "THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO THE
24 JAPANESE MINISTER FOR FOREIGN AFFAIRS (MATSUOKA).

25 "Excerpts.

"No. 1653

"TOKYO, October 11, 1940.

1 "By virtue of a widesrread system of exchange
2 and trade controls in North China which culminated
3 on June 28, 1940, in the institution of a complete
4 and discriminatory control of exchange, American
5 trade with that area has come to a virtual halt.

6 "American enterprize having been practically
7 eliminated from Manchuria, and American enterprize
8 and trade in the North China area having been reduced
9 to insignificant proportions, it now appears to be
10 the intent of the military authorities of Japan to
11 force American enterprize and trade out of Shanghai,
12 the most important commercial center in China."
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1 Then we offer in evidence IPS document No.
2 219P (95) from exhibit 58 for identification, which
3 is an excerpt from the statement by Ambassador Grew
4 to MATSUOKA, dated October 24, 1940.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 219P (95) will receive exhibit No. 1032.

8 (Whereupon, the document above
9 mentioned was marked prosecution's exhibit
10 No. 1032 and received in evidence.)

11 MR. E. WILLIAMS: We read prosecution's
12 exhibit No. 1032:

13 "THE AMERICAN AMBASSADOR IN JAPAN (GREW)
14 TO THE JAPANESE MINISTER FOR FOREIGN AFFAIRS (MAT-
15 SUOKA)

16 "Excerpts. No. 1665

17 "TOKYO, October 24, 1940.

18 "EXCELLENCY: I have the honor to inform
19 Your Excellency that my Government has taken note
20 that the Japanese military authorities in North
21 China have since October 1 applied certain so-called
22 regulations governing the control of inspections
23 and shipments of raw materials for light industries
24 in North China.' According to the press the regu-
25 lations are applicable to cotton, hemp, jute, and

1 other vegetable fibers, animal hair, leather, and
2 furs.

3 "Failing an early modification of the at-
4 titude of the military authorities in China, Ameri-
5 can firms, both in the United States and in North
6 China, are destined (1) to suffer large financial
7 losses on account of stocks held for exportation
8 under already existing contracts and on account of
9 large additional unfilled contracts, and (2) to be
10 eliminated from trade in which they have partici-
11 pated for a long period."

1 We offer in evidence IPS document No.
2 220C (8) from exhibit 58 for identification. This
3 is an excerpt from communication by Mr. Grew to
4 MATSUOKA, dated November 15, 1940.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 220C (8) will receive exhibit No. 1033.

8 (Whereupon, the document above
9 mentioned was marked prosecution's exhibit
10 No. 1033 and received in evidence.)

11 MR. E. WILLIAMS: We read prosecution's
12 exhibit 1033:

13 "ORAL STATEMENT BY THE AMERICAN AMBASSADOR
14 (GREW) TO THE JAPANESE MINISTER FOR FOREIGN AFFAIRS
15 (MATSUOKA)."

16 There is a footnote on this:

17 "Notation: 'Left with Mr. Terazaki, Director
18 of the American Bureau of the Japanese Foreign Office,
19 by the American First Secretary, Mr. Crocker, Novem-
20 ber 15, 1940, as from the American Ambassador to the
21 Minister for Foreign Affairs.'

22 "I am informed by our Consul at Hanoi that
23 certain merchandise owned by American interests is
24 being refused re-export permits from Indo-China by
25 the Indo-Chinese authorities chiefly as a result of

1 Japanese pressure brought upon these authorities.

2 "Detailed information regarding such mer-
3 chandise is known to the Indo-China^s authorities, to
4 our Consul, and presumably to the Japanese.

5 "I have been instructed to request that
6 appropriate steps be taken to put an end to this
7 unwarranted interference with the shipments of
8 goods and merchandise owned by Americans."

9 We offer in evidence IPS document No.
10 219P (71) taken from exhibit for identification 58.
11 This is an excerpt from a statement by Ambassador
12 Grew to MATSUOKA, dated November 26, 1940.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 219P (71) will receive exhibit No. 1034.

16 (Whereupon, the document above
17 mentioned was marked prosecution's exhibit
18 No. 1034 and received in evidence.)

19 MR. E. WILLIAMS: I read prosecution's
20 exhibit No. 1034:

21 "THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO THE
22 JAPANESE MINISTER FOR FOREIGN AFFAIRS (MATSUOKA)

23 "Excerpt.

"TOKYO, November 26, 1940

24 "EXCELLENCY: Acting under instructions from
25 my Government, I have the honor formally to protest

1 against the actions of the Japanese military at Hanoi
2 who recently took into custody Mr. Robert W. Rinden,
3 American Vice-Consul, and the United Press corres-
4 pondent, Mr. Melville Jacoby.

5 "My Government considers that the employ-
6 ment of force and the threat of arm against an Am-
7 erican official and the individual accompanying him
8 were especially flagrant. I am constrained to re-
9 call that it has been necessary for my Government
10 to point out to Your Excellency's Government, in con-
11 nection with a deplorably large number of incidents
12 involving American nationals and the Japanese mili-
13 tary in China, that if the Japanese Government were
14 to issue strict and effective instructions that Am-
15 erican citizens should be treated with civility by
16 the Japanese military, incidents of the character
17 described above would not occur.

18 "With reference to the incident which is the
19 subject of the present note, I wish to invite the par-
20 ticular attention of Your Excellency to the fact that
21 Mr. Rinden and his companion were threatened with
22 rifles which were pointed at them, and were kept in
23 custody by Japanese soldiers, and that the Japanese
24 soldiers did not withdraw until the arrival of the
25 French authorities, despite the fact that Mr. Rinden

1 identified himself as an American Vice-Consul to a
2 Japanese officer who spoke and understood English."
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1 We offer in evidence IPS document No.
2 1339A (4) which is a memorandum of KASE, Secretary
3 to the Foreign Minister, dated December 9, 1940, to
4 OTA, Chief of the European Department.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 1339A (4) will receive exhibit No. 1035.

8 (Whereupon, the document above
9 mentioned was marked prosecution's exhibit
10 No. 1035 and received in evidence.)

11 THE PRESIDENT: We will recess for fifteen
12 minutes.

13 (Whereupon, at 1445, a recess was
14 taken until 1100, after which the proceed-
15 ings were resumed as follows:)

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

18 THE PRESIDENT: Major Furness.

19 MR. FURNESS: If the Court please, I wish
20 to object to the introduction of this document unless
21 the statement which is referred to in the first para-
22 graph is also submitted. Without such statement we don't
23 know what they are talking about, and I submit in
24 that case the document has no probative value.

25 THE PRESIDENT: Mr. Hardin.

1 MR. HARDIN: It is presumed that what follows
2 is the memorandum. This is a document that was pre-
3 sented by the Foreign Office to our section. It does
4 say copy attached -- copy herewith. Now, I don't have
5 a certificate saying there is no copy, none was
6 located, but the certificate describes the number of
7 pages, I presume.

8 THE PRESIDENT: Three pages?

9 MR. HARDIN: Yes, sir.

10 MR. FURNESS: It is quite obvious, if the
11 Court please, that the document which is submitted
12 here is not three pages long; furthermore, it refers
13 to a summary, and whether that is in the original
14 document -- whether this is a summary of it, I don't
15 know.

16 THE PRESIDENT: Look at the original.

17 MR. FURNESS: The original, of course, is in
18 Japanese.

19 THE PRESIDENT: How many pages have you?

20 MR. FURNESS: It is three pages, but I sub-
21 mit again that regardless of that, unless -- regard-
22 less of where it comes from, unless we have the state-
23 ment referred to we don't know what is being talked
24 about between Ambassador Craigie and Foreign Minister
25 MATSUOKA, and therefore the summary, or whatever it is,

1 has no probative value.

2 THE PRESIDENT: It does not follow because it
3 isn't all there that it isn't admissible. Its pro-
4 bative value is reduced, and perhaps very seriously so.
5 We should have it if it is available. I suppose you
6 would have produced it had it been available to you?

7 MR. HARDIN: Yes, sir, if it had been avail-
8 able we would have had it.

9 THE PRESIDENT: But you can't say one thing
10 or the other really; you haven't investigated it?

11 MR. HARDIN: No, sir, I haven't personally.

12 THE PRESIDENT: Well, tender it for identi-
13 fication. In the meantime make a search for the balance.

14 MR. HARDIN: I will have the Investigation
15 Section do so as soon as I can get to them.

16 Yes, sir, I tender it for identification.

17 CLERK OF THE COURT: Prosecution's document
18 No. 1339A (4) is given exhibit No. 1035 for identi-
19 fication only.

20 (Whereupon, the document above referred
21 to, previously marked prosecution's exhibit No.
22 1035 in evidence, was marked prosecution's ex-
23 hibit No. 1035 for identification.)

24 MR. HARDIN: We next offer in evidence IPS
25 document No. 220C (9) from exhibit for identification

1 58, Volume 2. This is an excerpt from a communica-
2 tion from The American Ambassador in Japan (Grew)
3 to the Japanese Minister for Foreign Affairs (MATSUOKA),
4 dated December 17, 1940.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 220C (9) will receive exhibit No. 1036.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1036 and was received in evidence.)

11 MR. HARDIN: (Reading)

12 "THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO THE
13 JAPANESE MINISTER FOR FOREIGN AFFAIRS (MATSUOKA).

14 "Excerpt. TOKYO, December 17, 1940.

15 "No. 1714

16 "EXCELLENCY: I have the honor to invite the
17 attention of Your Excellency to the fact that on
18 November 15 an oral statement was left with Mr.
19 TERAZAKI as from the American Ambassador to the
20 Minister for Foreign Affairs stating that, accord-
21 ing to information from the American Consul at
22 Hanoi, certain merchandise owned by American in-
23 terests was being refused re-export permits from
24 Indochina by the Indochinese authorities, chiefly
25 as a result of Japanese pressure brought upon those

1 authorities.

2 "On November 30, in a conversation with
3 Your Excellency, I made further representations in
4 this matter, repeating those made on November 15."

5 We offer in evidence IPS document 220C (10),
6 which is from exhibit for identification 58, Volume
7 2. This is oral statement of Mr. Grew to Mr.
8 MATSUOKA, referring to the Ambassador's note to the
9 Foreign Minister December 17, 1940. May I ask that
10 this be identified as an exhibit in evidence?

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document
13 No. 220C (10) will receive exhibit No. 1037.

14 (Whereupon, the document above re-
15 ferred to was marked prosecution's exhibit
16 No. 1037 and was received in evidence.)

17 MR. HARDIN: We read prosecution's exhibit
18 1037:

19 "ORAL STATEMENT BY THE AMERICAN AMBASSADOR
20 (GREW) TO THE JAPANESE MINISTER FOR FOREIGN AFFAIRS
21 (MATSUOKA).

22 "Referring to the American Ambassador's note to
23 His Excellency the Imperial Minister for Foreign
24 Affairs, No. 1714 dated December 17, 1940, relating
25 to the interference by the Indochinese authorities,

1 chiefly as a result of Japanese pressure brought upon
2 those authorities, with the shipments of American
3 owned goods and merchandise, the American Ambassador
4 is now instructed to express to His Excellency the
5 Minister for Foreign Affairs the opinion that it would
6 not be consistent with humanitarian considerations
7 to interfere with the movement of supplies of the
8 Red Cross at present in Indochina, in addition to
9 being unwarranted on other grounds. At least a
10 part of the Red Cross supplies under reference,
11 incidentally, was made possible by the contributions
12 of American citizens."

13 We now offer in evidence IPS document 2529A
14 (31), which is a newspaper excerpt, duly authenticated,
15 regarding announcement of the new mobilization law.

16 It isn't 2529A (31). 2531A.

17 MR. FURNESS: Referring to exhibit 1037,
18 request that we be furnished with the note referred
19 to, No. 1714, dated December 17, 1940.

20 MR. HARDIN: If it please the Court, this
21 is a publication in a newspaper and it is the whole
22 thing that was published in the paper, the whole
23 document.

24 THE PRESIDENT: I think these applications
25 should be made in Chambers to me if the document is

1 not given by the prosecution on application by the
2 defense. The time of the Court itself should not
3 be spent on matters of this type; that is to say, on
4 applications for documents that are generally dealt
5 with in Chambers.

6 The last document tendered is admitted on
7 the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 2531A will receive exhibit No. 1038.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1038 and was received in evidence.)

13 MR. HARDIN: We will read prosecution's
14 exhibit 1038:

15 "EXTRACT FROM 'THE TOKYO NICHI NICHI' May 3, 1941.

16 "DEFENSE SECURITY LAW

17 "MEASURE TO GO INTO EFFECT ON MAY 10.

18 "The National Defense Security Law will be
19 enforced on May 10, it was decided in the Cabinet
20 Meeting on May 2.

21 "Detailed regulations governing the enforce-
22 ment of the law will be published on May 10."
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25

1 MR. HARDIN: We offer in evidence IPS document
2 1339A (2) which is a proposal from Mr. Eden to Mr.
3 SHIGEMITSU, dated February 7, 1941.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 1339A (2) will receive exhibit No. 1039.

7 (Whereupon, the document above referred
8 to was marked prosecution's exhibit No. 1039
9 and received in evidence.)

10 MR. HARDIN: (Reading)

11 "Proposal from Foreign Minister Eden to
12 Ambassador SHIGEMITSU on 7 February, Showa 16, 1941.

13 "1. At the first interview with the Foreign
14 Minister after the formation of the KONOYE Cabinet,
15 Ambassador Craigie expressed the hope that the new
16 cabinet would collaborate and settle the relations
17 between the two countries by friendly measures as did
18 the preceding Cabinet. To this Foreign Minister
19 MATSUOKA replied that the Cabinet was considering care-
20 fully the general policy for the future, and added at
21 the same time, as his unofficial idea, that a general
22 improvement of the relation between Japan and England
23 could not be hoped for, and a strained situation be-
24 tween Japan and England in the future was inevitable.

25 "Two days after the interview occurred the
arrests of many Englishmen in Japan and Korea, on which

1 a joint statement by the War Minister and Minister of
2 Justice was issued, giving generally the impression of
3 the existence of an English spy ring in Japan. But
4 the result of the trial was that they were punished for
5 trivial matters, and there was nothing about spies.

6 "This was the general situation in July and
7 August. In September Japan concluded the Tripartite
8 Pact and formally joined on the side of Germany and
9 Italy, enemies of Britain. The public speeches of states-
10 men and the tendency of the press were deepening more
11 and more anxiety on the part of England.

12 "2. Foreign Minister MATSUOKA said in his
13 official statement that the Tripartite Pact was a pact
14 of peace, and you also stated that the main policy of
15 Japan was to overcome the difficulties of the China
16 affair and restore order in East Asia. But judging
17 from facts which have happened since then, and consider-
18 ing all the indications that the sphere of influence
19 of Japan is being enlarged to dominate East Asia,
20 frankly the above explanation is hard to understand.

21 "In this connection the British Government
22 wishes to call your attention to the impropriety of
23 the statement of Foreign Minister MATSUOKA concerning
24 Japanese aspirations in Burma. As regards Indo-China
25 and Thailand also, recent situations have not mitigated

1 the strained relation in the Far East at all. Foreign
2 Minister MATSUOKA said that only Japan had the right to
3 mediate in the conflicts in the Far East, but the
4 British Government can not approve of this claim.

5 "If the purpose of the mediation were merely
6 to bring about a settlement of conflicts, Britain would
7 welcome it like all the other countries. But we have
8 received the disquieting information that Japan had
9 brought pressure to bear on Indo-China and Thailand,
10 and we have come to entertain misgivings whether Japan
11 were not using this mediation as a pretext to secure
12 far-reaching political and military concessions from
13 both these countries -- e.g. newspaper information
14 reports that Camran Bay and all the existing Air-fields
15 will be used by Japan.

16 "3. The most important fact is the recent
17 report of Ambassador Craigie, informing us that 'In
18 Japan the prevailing impression is that the crisis in
19 the Far East will occur within these two or three weeks.'

20 "What do these facts mean? Who is challenging
21 whom? Should we believe that a sort of advance planned
22 by Japan will be carried out simultaneously with the
23 German attack on England proper, and if so should Britain
24 assume that her territories in the Far East are in
25 danger of an attack by Japan? It is hard for me to

1 understand the situation. Geographically Japan is in
2 an advantageous position, so that she can remain entire-
3 ly aloof from the calamity of war if she so desires,
4 and moreover she is not being threatened by any one,
5 certainly not by England.

6 "If I may be allowed to speak frankly, it
7 seems to me that Japan has many reasons for not inter-
8 vening in another war after four years of the China
9 Incident. In my opinion, Japan can not but recognize
10 her reason for being on unfriendly terms with Britain
11 and the United States, but as proved by history, it can
12 not be denied that the prosperity of Japan was at its
13 best when she was at friendly relations with Britain
14 and the United States. So it is hard for me to under-
15 stand the reason why Ambassador Craigie reported of the
16 sphere of crisis increasing in Japan. It seems to me
17 that the aim of the Japanese statesmen is to indicate
18 the approach of a huge confusion.

19 "4. You will be able to understand that it
20 is impossible to disregard the above signs and protents,
21 and that it is necessary to tell you clearly our stand-
22 point. England has territories in the Far East, but she
23 has no aggressive intentions; however, she does not
24 intend to sacrifice these territories by orders from
25 any other country. And furthermore, it is impossible

1 to approve of the principle that Japan is the sole
2 country having the right to administer and control the
3 destiny of all the inhabitants (including the English)
4 in the Far East. There is no doubt that Britain will
5 protect her territories in the Far East with the ut-
6 most vigor, if they should be attacked, and defend the
7 security and welfare of the inhabitants.

8 "5. In addition, I wish to mention two points.

9 "The first point is as follows: There is no
10 objection to Japan deciding her own policy, but as an
11 old friend and a former Allied Power, I do not think
12 I will bring down the wrath of Japan upon myself for
13 saying the following thing -- that I hope and pray that
14 the policy about to be taken up by Japan will not lead
15 to a terrible disaster. And moreover I can not but
16 hope that, by cooperating with Germany and Italy, Japan
17 will not depart from her wise caution and good sense
18 with which she built up her great national power and
19 prosperity in the past.

20 "The second point is as follows: It is rumored
21 that concerning the war situation, news advantageous to
22 Britain is being suppressed in Japan, and there is
23 propagated an idea that Britain is a decadent country
24 on the brink of ruin. But as you know, the real
25 spirit of the English people of today is no such thing. "

1 "Not only is there a strong determination of an absolute
2 national unity throughout the whole of the British
3 Empire, but also England possesses vast natural
4 resources and has unlimited assistance from America.
5 Whatever happens it is obvious that the British Empire
6 will not fail in this conflict. Germany is exaggerat-
7 ing that she can conquer this Island Empire, but we
8 are convinced of her failure. We averted the crisis
9 in September last year, and at present England's power
10 on land, on sea, and in the air has increased greatly
11 from that time. The English nation is convinced that
12 Germany will fail in her attempt to conquer England,
13 and be defeated in this war."

14 We wish to offer in evidence prosecution
15 document No. 1131, taken from the Japanese Foreign
16 Office and duly authenticated. This is a series of
17 telegrams, all dated the early part of the year 1941,
18 relating to British-Japanese diplomatic relations.

19 THE PRESIDENT: Major Furness.

20 MR. FURNESS: If the Court please, I believe
21 that the Court will find that the first four pages
22 of this document and the first paragraph on page 5
23 down to No. 79 is a duplicate of the document which
24 the prosecutor has just read.

25 THE PRESIDENT: It contains a lot of what

1 Mr. Eden said but I can't say that it doesn't extend
2 to anything else. However, Mr. Hardin may not intend
3 to read it all. Well, it seems to be confined to the
4 same conversation between the Japanese Ambassador and
5 Mr. Eden. We have the exact words of each and then a
6 summary.

7 MR. HARDIN: I believe I will submit it in
8 evidence and read beginning on page 5, not read down
9 to there because it does appear to be in substance
10 the same as the other.

11 THE PRESIDENT: It does look like a reply
12 by the accused SHIGEMITSU to Mr. Eden, doesn't it?

13 MR. HARDIN: I believe I will withdraw the
14 entire document since the other seems to cover the
15 other part.

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1 THE PRESIDENT: The preceding document showed
2 what Mr. Eden represented, Mr. Eden's appeal. But
3 this shows SHIGEMITSU's answer to Mr. Eden.

4 MR. HARDIN: Yes, sir. I think it is fair
5 to go ahead and read it.

6 THE PRESIDENT: Yes, the conversation.

7 MR. HARDIN: Yes.

8 CLERK OF THE COURT: Prosecution's document
9 1131 will be given exhibit No. 1040.

10 (Whereupon, the document above
11 mentioned was marked prosecution's exhibit
12 No. 1040 and received in evidence.)

13 THE PRESIDENT: Are you going to read it?

14 MR. HARDIN: Yes, sir.

15 I am reading from page 5:

16 "General No. 3341 In ciphers: London to Foreign
17 Ministry
17 "Despatched: 8 February 1941 (SHOWA 16) afternoon
18 "Received: 9 February 1941 (SHOWA 16) evening
18 "Jurisdiction: European Section

19 "To: Foreign Minister MATSUOKA From: Ambassador
20 SHIGEMITSU

"No. 79

21 "Ambassador: Will this representation be made in
22 Tokyo also?

23 "Eden: No, I wish to state it as my unreserved opin-
24 ion through you here.

25 "Ambassador: I do not possess any data to prove that

1 such a critical situation exists. Of course, under
2 the present circumstances, I have no intention of
3 criticizing the report of your Ambassador. However,
4 I would like to be permitted to ask you a few ques-
5 tions from the impression I gained from your 'expose,'
6 though I shall refrain from exchanging views regard-
7 ing the detailed substance of it.

8 "Eden: I shall hear them.

9 "Ambassador: From what you have just said, I have
10 received the impression that you have explained to
11 me to make clear for the last time the standpoint of
12 Great Britain under the premise that Anglo-Japanese
13 relations are fast approaching the last stage. How-
14 ever, it is necessary for us to endeavour to the last,
15 to avert the worst, even if no improvement can be
16 made in the relations between the two countries. It
17 is with this purpose in mind that I have done my best
18 so far. In what you have told me just now, you have
19 stated almost solely the unilateral view of Britain,
20 but failed to show an understanding attitude of Japan's
21 assertions, making only refutations and indicating the
22 intention of disapproval. Moreover, I think that, in
23 discussing this unfortunate aggravation of Anglo-Japan-
24 ese relations, we should commence it from at least ten
25 years ago, if not from 1904. You thoroughly know the

1 on Japan. Do you think that such an explanation will
2 serve to avert the impending crisis?

3 "Eden: My principal aim is to avert the crisis for
4 the sake of the two countries, and nothing more.
5 Having received such a report, I cannot overlook it,
6 but will do everything possible. To your Excellency
7 I have unbosomed myself and frankly informed you of
8 our feelings with the intention of successfully coping
9 with this critical situation. I should be glad to
0 hear further from the Japanese government as to its
1 views on today's conversations.

12 "Ambassador: I, too have spoken to you without re-
13 serve, but I have no intention to give my opinion in
14 detail on the points mentioned by you today. Of
15 course I shall transmit to my government what you
16 have said."

17 "General No. 3338 In Ciphers: London to Foreign
18 Ministry

"Despatched: 8 February 1941 (SHOWA 16) afternoon

19	"Received:	9 February 1941 (SHOWA 16) evening
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20 "To: Foreign Minister MATSUOKA From: Ambassador
SHIGEMITSU

"Jurisdiction: European Section

"Telegram No. 80

24 "In the conference with Foreign Minister
25 Eden, which I mentioned in telegram No. 78, he explained that the report from Craigie pointed out, besides

1 those matters, that Japan's relations with Germany
2 and Italy were becoming 'progressively' intimate, and
3 that the German 'hold' on Japan was growing tighter."
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1 We now offer in evidence IPS document 1132,
2 taken from the Japanese Foreign Office and duly
3 authenticated. It is a telegram from MATSUOKA to
4 SHIGEMITSU numbered Secret Code Cable 46, and dated
5 13 February 1941.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 1132 will be given exhibit No. 1041.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1041, and was received in evidence.)

12 MR. HARDIN: (Reading)

13 "Telegram to Ambassador SHIGEMITSU, London,
14 from MATSUOKA, the Foreign Minister. No. 46

15 "Concerning your telegram No. 77.

16 "Ambassador Craigie also wishes an inter-
17 view with me which will be held within a few days.

18 In the meantime, I want you to hand telegram
19 No. 47 to Foreign Minister Eden, and at the same
20 time explain to the Minister the reason I express
21 so unreserved an opinion is because I feel so close
22 to him, as I was acquainted with Foreign Minister
23 Eden ever since we were in Geneva. Also Ambassador
24 Craigie's report of the approach of a critical
25 point in Far East, etc. is really a ridiculous

1 fantasy. (The Vice Minister also called the
2 Ambassador's attention on this point on the 12th.)
3 Of course it is not only groundless but also there
4 is no intention on our part to make trouble with
5 Britain which I wish you would make a verbal repre-
6 sentation to him.

7 "Further some English newspapers, mis-
8 understanding our real motives, are recently publish-
9 ing stimulative news and editorials as if Japan
10 would try to start military actions at any moment,
11 which would only serve to make the relations of both
12 countries worse and be harmful and there would be
13 nothing to be gained by it. Will you kindly call
14 his attention to this point to stop them?"

15 We offer in evidence IPS document 1339-A(6),
16 which is a cablegram dated February 13, 1941, from
17 MATSUOKA to SHIGEMITSU.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 1339-A(6) will be given exhibit No. 1042.

21 (Whereupon, the document above
22 referred to was marked prosecution's exhibit
23 No. 1042, and was received in evidence.)

24 MR. HARDIN: I read prosecution exhibit 1042.

25 "Telegram No. 4399 despatched 8:00 P.M.,
February 13, 1941, Code No. 46, from Foreign Minister

1 MATSUOKA to Ambassador SHIGEMITSU in England on
2 Delivering Document in English to England.

3 "Regarding your Cable No. 77--"

4 THE PRESIDENT: It is the same telegram, I
5 am told by a colleague. It appears to be No. 77.

6 MR. HARDIN: We withdraw the second.

7 THE PRESIDENT: You have our permission.

8 (Whereupon, prosecution's exhibit
9 No. 1042, heretofore admitted in evidence,
10 was, upon permission of the Tribunal, withdrawn.)

11 MR. HARDIN: We now offer in evidence
12 IPS document 220-C(11) from exhibit for identification
13 No. 58, Volume II, which is a statement from Ambassador
14 Grew to Foreign Minister MATSUOKA, dated February 13,
15 1941.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 220-C(11) will be given exhibit No. 1042.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1042, and was received in evidence.)

22 MR. HARDIN: (Reading)

23 "THE AMERICAN AMBASSADOR IN JAPAN (GREW)
24 TO THE JAPANESE MINISTER FOR FOREIGN
25 AFFAIRS (MATSUOKA)

1 "Excerpt.

2 "No. 1744

TOKYO, February 13, 1941.

3 "According to recent information received
4 by my Government not only do Japanese officials in
5 Indo-China continue to interfere with the granting
6 of permits by appropriate authorities of Indo-
7 China for the re-export of American-owned merchan-
8 dise, but in one instance at least have caused
9 these authorities to revoke a valid permit previous-
10 ly issued for the re-export of petroleum products
11 owned by an American firm, the Standard Vacuum
12 Oil Company."
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1 We now offer in evidence IPS document 220-C(20)
2 from exhibit for identification 58, Volume II, which is
3 an excerpt from a memorandum of Secretary of State Hull,
4 dated February 14, 1941.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 220-C(20) will receive exhibit No. 1043.

8 (Whereupon, the document above
9 referred to was marked prosecution's exhibit
10 No. 1043, and was received in evidence.)

11 MR. HARDIN: (Reading)

12 "MEMORANDUM BY THE SECRETARY OF STATE

13 "(WASHINGTON,) February 14, 1941

14 "Excerpts.

15 "I accompanied the new Japanese Ambassador
16 to the President's office and sat through the confer-
17 ence between the President and the Ambassador....

18 "The President then said that of course it is
19 manifest that the present relations between the two
20 countries are not good; that they are in fact getting
21 worse, or to use a well-known expression, they are
22 'deteriorating' . . . The President affirmed two or
23 three times the view that the American people, while
24 not bitter as yet, are thoroughly and seriously con-
25 cerned and to a more or less increasing extent, at

1 the course of Japan.

2 "He then referred to the movements of Japan
3 southward down to Indo-China and the Spratly Islands
4 and other localities in that area, as having given
5 this country very serious concern. He said that the
6 entry of Japan into the Tripartite agreement is like-
7 wise giving this country the same serious concern,
8 especially from the viewpoint that Japan is supposed
9 to have divested herself of her sovereign authority
10 to deal with the question of peace and war and to leave
11 it to the Tripartite signatories led by Germany. The
12 President went over this the second time with increased
13 emphasis as to the heavy signs of concern it had created
14 among the American people.

15 "He then said that in view of all these
16 serious conditions which are becoming increasingly worse
17 and which seriously call for attention, it occurred to
18 him that the Japanese Ambassador might find it advisable
19 and agreeable as he, the President, does, to sit down
20 with the Secretary of State and other State Department
21 officials and review and reexamine the important phases
22 of the relations between the two countries, at least
23 during the past four or five years, and frankly dis-
24 cuss all of their phases and ascertain just when and
25 how points of divergence developed and their effects,

1 and bring the whole situation in these respects up
2 to date in order to see if our relations could not
3 be improved. The President said there is plenty of
4 room in the Pacific area for everybody, and he repeated
5 this statement with emphasis."
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1 We now offer in evidence IPS document 1330-A(1)
2 taken from the Japanese Foreign Office and duly
3 authenticated, which is a telegram from MATSUOKA to
4 SHIGEMITSU, dated February 17, 1941.

5 THE PRESIDENT: Admitted on the usual terms.

6 Do not start reading until all the judges have
7 their copies.

8 CLERK OF THE COURT: Prosecution's document
9 No. 1339-A(1) will be given exhibit No. 1044.

10 MR. HARLIN: (Reading)

11 "No. 4894. CIPHER TELEGRAM FROM Y. MATSUOKA, MINISTER
12 OF FOREIGN AFFAIRS, TO M. SHIGEMITSU, AMBASSADOR IN
13 ENGLAND.

14 "TELEGRAM NO. 49 (STRICTLY CONFIDENTIAL) SENT ON 14
15 FEB. (SHOWA 16), 1941, 'RE THE BRITISH FOREIGN MINI-
16 STER'S PROPOSAL.'

17 "Concerning your telegram No. 77, the pres-
18 ent proposal by the British Foreign Minister which is
19 based on the report from Ambassador Craigie seems to
20 have been made under the presumption or fear that
21 Japan would acquire military bases etc. in Thailand
22 and French Indo-China by taking advantage of the arb-
23 itration conference between Thailand and French Indo-
24 China, and then commence military action against Eng-
25 land in the South Seas concurrently with Germany's

1 landing strategy against England. It is difficult
2 to understand on what grounds Ambassador Craigie based
3 the above alarming report to his home government.
4 When the Vice-Minister visited him on the 12th he
5 said, in reply to the Vice-Minister's question that
6 he knew well from past experiences that Japan's poli-
7 tics and diplomacy were controlled by the military,
8 and that he had made the present report based on the
9 speech and action of military men of responsibility.
10 So, to make sure, I at once carefully privately in-
11 vestigated in various fields whether such facts ex-
12 isted, but I could find no such facts. On the other
13 hand, in view of the fact that every influential news-
14 paper in England is loudly reporting the crisis be-
15 tween Japan and England, the present proposition
16 seems to be trying to check Japan's advance to the
17 South, if only for the present besides containing the
18 strategic motive of turning America's interest toward
19 Thailand and French Indo-China and cementing the
20 cooperation between England and America in this sphere.
21 Although I think you have noticed this matter already,
22 I am sending you our observation for you to bear in
23 mind.
24 "Wired to the Ambassador in America."
25

1 MR. BLEWETT: If the Court please, this
2 certificate attached to exhibit 1044 refers to four
3 pages dated February 17, 1941. We have here but one
4 page, and the date seems to be 14th of February.

5 MR. HARDIN: There is a discrepancy in the
6 date, but it identifies the same telegram by number,
7 4894.

8 THE PRESIDENT: The original has four pages
9 and it bears the date 14th February. It happens to
10 be in Roman notation and not in Japanese.

11 There was no need for the intervention,
12 Mr. Blewett. You could have looked at the original,
13 as we did.

14 MR. HARDIN: Now, if it please the Tribunal,
15 we wish to offer in evidence IPS document 1150, taken
16 from the Japanese Foreign Office, and it has been duly
17 authenticated. This document is headed "Turning Point
18 of the Pacific Tide." It is a series of cablegrams
19 exchanged between MATSUOKA and various ministers in
20 Britain, U.S.A., Canada, and so forth. We ask that it
21 be identified as an exhibit.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 1150 will be given exhibit No. 1045.

25 (Whereupon, the document above

1 referred to was marked prosecution's exhibit
2 No. 1045, and was received in evidence.)

3 MR. HARDIN: (Reading) "Cipher Telegram.
4 Dated 7 p.m. February 14, Showa 16 /1941/.

5 "Foreign Office Cable #4490, 4492.

6 "Charge of U.S. Affairs Dept.

7 "To Ambassador NOMURA from Foreign Minister
8 MATSUOKA. On Enlightening the Government and People
9 of the United States. No. 68 Strictly Confidential.

10 "During the recent interpellations in the Diet,
11 the present Foreign Minister expressed our attitude and
12 determination in a straightforward way to urge recon-
13 sideration on the part of the United States, and is
14 making efforts to make it clear that our national
15 resources have not been so much used up. On your
16 arrival at your post please make continuous effort to
17 make the President and the leading members in the Govern-
18 ment and among the people know the Japan's real inten-
19 tion thoroughly, explaining to them fully, as you think
20 fit, the following points.

21 "1. It is the inherent mission of both Japan
22 and the U.S.A. to rescue modern civilization from cata-
23 strophe and bring peace and prosperity to the Pacific,
24 and it is our duty to cooperate with each other to
25 accomplish this mission. On the basis of this faith,

1 Japan wishes for the development of diplomatic relations
2 between Japan and the United States. But unfortunately,
3 the American Government and people do not try to under-
4 stand Japan's real intention; instead, they misconstrue
5 Japan's action as a threat towards the United States.
6 This is a grave and very dangerous illusion, indeed.
7 Japan is strongly determined to execute the already-fixed
8 policy at the risk of the nation's destiny. So if
9 America should believe that, on the basis of informa-
10 tion, that there are still some people among the Japanese
11 who are secretly opposed to the Tripartite Pact (of
12 course, there are, but there are such people in any
13 country); or, over-estimating the exhaustion of Japan's
14 natural resources due to the prolongation of the China
15 Incident, a strong attitude on the part of the United
16 States would easily cause a split in the public opi-
17 nion of Japan or make us give in, it would be a ridi-
18 culous misconception and we are afraid that such a
19 belief would bring quite unfathomable results.

20 "2. The consumption of our national resources
21 is true to some extent, but not as bad as is propagated
22 in America. It is our national character to repel
23 strongly any pressure from foreign countries, so if the
24 United States should purposely obstruct our way, the
25 Japanese Government and people will unit more firmly

1 and determine strongly to accomplish the national
2 policy, regardless of sacrifice. Suppose the United
3 States should be in the same situation as Japan, the
4 Americans also would probably see the same result as
5 the Japanese, because in this point the American charac-
6 ter is very similar to that of the Japanese. So the
7 Americans should easily understand such psychology and
8 also the result caused by this psychology. On the
9 other hand, it should be remembered that the Japanese
10 are very grateful to those who are quite sympathetic
11 and have complete understanding towards them and at
12 times will even make concessions or compromises under
13 the circumstances, even if it is not logical. The
14 intelligent public of America should take these charac-
15 teristics into consideration."

16 THE PRESIDENT: Pausing there, several
17 of my colleagues seem to think that this has been read
18 before.

19 MR. HARDIN: I am advised that there has been
20 a document on that. With that in mind--

21 THE PRESIDENT: It may have been a cabinet
22 decision communicated then to Mr. NOMURA, Admiral
23 NOMURA.

24 MR. HARDIN: I submit the whole document in
25 evidence without reading.

1 I now offer IPS document 1133 in evidence,
2 found in the Japanese Foreign Office, which has
3 been duly authenticated, and which is a telegram
4 from MATSUOKA to SHIGEMITSU dated February 17, 1941.

5 THE PRESIDENT: Major Furness.

6 MR. FURNESS: If the Court please, this
7 apparently is a duplicate of exhibit 1044.

8 THE PRESIDENT: It is a long way back,
9 isn't it? That particular one wasn't read.

10 MR. FURNESS: Not the next exhibit -- the
11 one that was just introduced.

12 THE PRESIDENT: Telegram 77 was read once
13 today but it was tendered twice.

14 MR. FURNESS: This is telegram 49, sir.
15 This is a reference to a cablegram, number FF5. I
16 don't know what that means. The substance of the
17 telegram is exactly the same and has reference to
18 the same matter -- merely appears to have been
19 translated by someone else.

20 MR. HARDIN: I submit 1133 in evidence
21 without reading.

22 THE PRESIDENT: If it is the same in sub-
23 stance --
24

25 MR. HARDIN: The same in substance.

THE PRESIDENT: -- Why not withdraw it?

1 MR. FURNESS: It is exactly the same
2 telegram.

3 MR. HARDIN: It is sufficiently alike
4 that I believe I will withdraw it.

5 THE PRESIDENT: You have the Tribunal's
6 permission to do so.

7 MR. HARDIN: We offer in evidence IPS
8 document 1339A(5), which is a reply to Eden
9 dated February 17.

10 THE PRESIDENT: We think we won't accept
11 any more documents today.

12 Will you put on your headphones?

13 We ask you to make a careful revision of
14 your documents, Mr. Hardin, with a view to prevent-
15 ing what has been happening this afternoon, the
16 tendering of the same document twice or even three
17 times.

18 You might examine that document you have
19 just withdrawn. It is possible there is something
20 different in that from the earlier copies of the
21 telegram.

22 We will adjourn now until half past nine
23 tomorrow morning.

24 (Whereupon, at 1600, an adjournment
25 was taken until 0930, Thursday, 7 November, 1946.)

